

Launch on Consultations on Reconciliation Mechanisms

Foreign Minister Mangala Samaraweera MP

On January 8th President Maithripala Sirisena was elected on mandate for true national unity, reconciliation and accountability. In fact, point 93 of President Sirisena's 100 day work programme says,

“Since Sri Lanka is not a signatory to the Rome Statute regarding international jurisdiction with regard to war crimes, ensuring justice with regard to such matters will be the business of national independent judicial mechanisms.”

Later, after the new Government was elected, on behalf of the new Government, I requested the UN High Commissioner for Human Rights to defer the publication of the OISL Report as the government needed to deliberate on and design the framework for truth seeking, accountability, reparations and non-recurrence.

In September, after having formed a government comprising of the two main political parties for the first time in history, I outlined this framework for reconciliation and accountability at the UN Human Rights Council in Geneva based on the four pillars of truth seeking, accountability, reparations and non-recurrence. Later Sri Lanka and all the other countries of the world represented on the UN Human Rights Council co-sponsored a resolution based on the contours of that speech. The Government of Sri Lanka, the President and the Prime Minister have over the last year repeatedly emphasized our commitment to reconciliation and accountability; and our unwavering commitment to the implementation of the Resolution.

On Independence Day last year, President Sirisena, in a dramatic departure from the insensitivity, short-sightedness and orgy of triumphalism in the recent past, said

“The time and peace required for healing and building sustainable peace and security for all, is upon us. It is now for us to seize this opportunity to ensure the fruits of democracy and citizenship can be equitably enjoyed by all.

A few months later on Remeberance Day, the 19th of May, President Sirisena observed that

“With the ending of the war on May 18 and 19 of 2009, we witnessed a period of peace. We have to ask ourselves with intelligence, experience, knowledge and wisdom; whether we have fulfilled the tasks we should have performed during the post-conflict period.

I think we did not fulfil that responsibility. Prominence was given to the development of physical resources, and there was no importance given to the process of reconciliation among communities.”

Now Independence Day this year, he expressed his commitment in greater detail,

“It is now time for us to seize the current opportunity that is before us to implement the provisions of the Resolution, not because of international pressure, but because, as a nation, we must implement these provisions for the sake of restoring the dignity of our nation, our people, and our military, in order for Sri Lanka to regain her due position as a strong democracy among the community of nations.”

Even if there are many options available in the precise way by which reconciliation and accountability are to be achieved, there is widespread consensus throughout the Island that reconciliation and accountability are non-negotiable goals. In a two day debate in Parliament the two main political parties – the UNP and SLFP - the parties representing the minority communities and other political parties all emphasized the need for reconciliation and accountability.

In fact, Prime Minister Ranil Wickremasinghe recently said that “our whole approach is reconciliation and accountability. We are not talking about accountability without reconciliation or reconciliation without accountability.”

This is because all Sri Lankans across the island, both in the North and the South, have suffered at the hands of those who have abused the power of the gun. I was recently told the story of a mother still living in an IDP camp here in Jaffna. Her story could be a metaphor for the immense suffering our country has endured during the last several decades.

This mother's husband, who was not rich or educated but motivated by deprivation, discrimination and indignity took up arms with the LTTE to fight for what he considered freedom and was killed in battle.

The mother's eldest son then took up arms in an attempt to avenge his father's death. With this double loss, the mother's heart was broken and she suffered in silence for many years, struggling to provide for her two remaining sons.

As the war drew to a close, the LTTE forcibly recruited both those sons – both under 15. One of them was summarily executed by the LTTE for disobeying orders. No one knows what happened to the remaining son. There are many similar stories too in the South, of deprivation, discrimination and indignity leading to violence and suffering. In fact, this was one of the reasons for me entering politics in the late 1980s when I was convenor of the Mother's Front Movement - representing the thousands of mothers whose children had been killed or disappeared. Even today, there are many mothers of soldiers who are still looking for their children or trying to find out when, where and how they died.

In the last year, the government has taken significant steps to address these grievances. For example, for the first time in over six decades, the national anthem was sung in Sri Lanka's two national languages as they are found in the Constitution. Over 3,300 acres of land in the North and East have been released. After a careful and systematic review by the relevant authorities, the Government de-proscribed 8 diaspora organisations and 269 individuals. Sri Lanka also signed the Convention on Enforced Disappearances which will help Sri Lanka's 'white van culture' from ever re-emerging. 39 prisoners held without charge have been released, and we plan to release or charge the remaining prisoners very soon. And in order to expedite the process of releasing those again whom there are no charged or pressing charges the Cabinet has already approved the creation of a special court.

We have re-instated civilian administration in the North and East and the military has reverted to their peacetime professional duties. In addition, as the independence of the judiciary and the rule of law is restored those responsible for the atrocities at Viswamadu and Mirusuvil have been brought to book. In fact, by weeding out the undisciplined few, the good name and professional reputation of the security forces, which was tarnished over the years, can be restored. Protecting the good name of the armed forces as a whole by punishing the wrong doers is not a new

concept to us. We remember the Manamperi incident in Kataragama and the Krishanthi Kumaraswamy murder in the 90's, when the Government of the day protected the good name of the army by punishing the few miscreants.

We are starting this process of reconciliation not to appease international pressure or to keep the UN High Commissioner for Human Rights, Prince Zeid happy as some may think. We are embarking on this difficult journey because we owe it to the people of our nation to forge a new future where all citizens will be treated with equal dignity and respect so that the country can be truly united and move forward. In order for all Sri Lankans to move forward together, we must come to terms with the shortcomings of the past, we must all commit ourselves to ensure that the horrors and tragedies of the past is never again allowed to happen and the politics of extremism is not allowed to raise its ugly head ever again neither in the North nor in the South.

But the short-term *ad hoc* measures outlined above are insufficient. So the government is also laying the ground for long term stability, reconciliation and peace through the development and adoption of a new constitution and the four reconciliation mechanisms namely the Office of Missing Persons, the Truth, Justice, Reconciliation and Non-Recurrence Commission, the Judicial Mechanism and the Office of Reparations.

The government wants to design mechanisms in a way that truly reflects the needs and aspirations of our citizens and especially the victims of the senseless war. We want these mechanism to last until they fulfil the purpose for which they were created.

The consultations for the new constitution have already begun. And today, I am very pleased to announce that we are starting the process of consultations on the design of the four reconciliation mechanisms.

We have appointed eleven independent eminent citizens to the Consultation Task Force to lead the consultations process that will happen both through written consultations and in face-to-face meetings in all 25 districts.

The Consultation Task Force will review and analyse the people's input from across the island and will present the Government with a report that will also be made public, which will be used to make the final decision on the shape and form of the reconciliation mechanisms.

So on behalf of the Government of Sri Lanka, I urge victims on both sides of the divide, religious leaders whose guidance is always appreciated, members of the public, the security forces, civil society, the public service, business-people, professionals to participate and contribute their ideas and experiences into the design of these mechanisms so that we can build a Sri Lanka that is truly reconciled and at peace and a Sri Lanka where equality, justice and freedom are a reality for all citizens.

I am aware that there are many here today who still have fears and doubts. But I can assure you that the National Unity Government of President Sirisena and Prime Minister Wickremasinghe is committed to ensuring the successful completion on this process. While President Sirisena is leading the All Party Committee on Constitutional Reform to get the ideas and input of all political parties, I have met the Defence Secretary, the Chief of Defence Staff, (both of whom are here today) the Tri Service Commanders and the IGP, the heads of intelligence agencies, the commanders of the security forces and the police DIGs in charge of the North and some of those responsible for security in the East. I have also met the Governors of the North and East. They have all assured me of their fullest cooperation in ensuring that there are no hindrances in ensuring this consultation process takes place and that the security of all those participating will be ensured.

I cannot emphasize enough the importance of dealing with the past in order to move forward and build a united, peaceful and prosperous Sri Lanka. We cannot forget the tears of mothers still grieving for their missing sons thirty years later in Point Dondra and nor can we forget the mother in Point Pedro who is grieving for her LTTE combatant son killed in a senseless and brutal war.

But these mothers and wives are not only crying for their lost loved ones, they are also crying for our country and the many opportunities we have lost. At Independence in 1948, we were set to become the brightest and the best in Asia. Instead, what was for many centuries known as the pearl of the Indian Ocean became known as its teardrop.

Last year, a historic year for Sri Lanka, saw two major elections which were both victories for moderates, in the North and in the South, and which gave the country hope that it could once again become that pearl. Today bankrupt politicians, as well as the ghosts of extremism, are again trying to stir up the people's passions resorting, as all scoundrels do, to

whipping up racism. At this critical juncture, all moderates must unite so that Sri Lanka can at last have the future it truly deserves as a multi-religious, multi-ethnic, multi-lingual and multi-cultural country with peace and prosperity. Allow me to conclude by quoting from my speech to the UN Human Rights Council in Geneva last September,

“Therefore, I say to the sceptics: don’t judge us by the broken promises, experiences and u-turns of the past. Let us design, define and create our future by our hopes and aspirations, and not be held back by the fears and prejudices of the past. Let us not be afraid to dream. Let us not be afraid to engage in meaningful dialogue aimed at finding solutions to problems as opposed to pointing fingers, heaping blame and scoring political points at the expense of future generations.”