

Sri Lanka's watershed moment

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In the coming days, a United States-led core group at the United Nations Human Rights Council will put forward its resolution on accountability and reconciliation in Sri Lanka, responding in part to the OISL (Office of the High Commissioner for Human Rights Investigation into Sri Lanka) report released on Sept. 16.

The resolution, which is likely to be adopted by the council, will have a considerable bearing on the process of accountability in Sri Lanka. The UN report lays bare patterns of grave violations committed by the Sri Lankan armed forces and the rebel Tigers they were fighting. The abuses, ranging from unlawful killings, enforced disappearances and torture to sexual violence, abduction and forced recruitment of children are horrific by any standard. Six years after the war ended, victims continue to tirelessly chase truth and justice, which are all too evasive.

The report is significant, particularly in its timing. Sri Lanka has witnessed two historic elections this year. The presidential election in January saw the decisive defeat of authoritarian leader Mahinda Rajapaksa. In the more recent parliamentary polls, Sri Lankan voters rejected the divisive politics of Rajapaksa, who threatened to make a political comeback. The new government, with President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe at the helm, offers promise and a new opening. One that could help all Sri Lankans look at the country's past with honesty and its future with hope. But the future course is not all that simple.

Domestic versus internationalized

The UN report's recommendation that a hybrid special court be set up to probe what could potentially amount to war crimes sparked a fierce debate in Sri Lanka on a domestic versus a domestic-plus-international process. The Sri Lankan government has yet to indicate if it will allow international experts to assist in the process but has said a "credible, domestic mechanism" will be established within 18 months to probe the allegations. "Whoever is responsible, if proved, we will punish them without considering their rank or position," Sri Lankan Foreign Minister Mangala Samaraweera has said.

Sri Lankans are divided on the matter. While some of them invoke sovereignty to keep international actors out, others remain deeply skeptical of a domestic process, given Sri Lanka's past failures in truth-seeking and justice. It is hard to believe that an independent or credible domestic inquiry is possible when many of the alleged perpetrators are state actors, including those in the armed forces. However, international participation comes with its own set of complications.

Rajapaksa lost the elections, but is not politically irrelevant. He still enjoys considerable support among the Sinhala majority, thanks to his masterfully constructed political image of "war-victor" and

a force standing against “evil imperialist forces targeting the country.” So, any sign of the current government accommodating international actors will come at a huge political cost.

If it were to strategically allow international actors, the government would be compelled to adopt a hard line locally to strike a balance. The disparate positions will aid forces that divide the country on ethnic lines for political gains.

A majority of the Sinhalese population do not favor international involvement, while many Tamils prefer an entirely international mechanism and even a referral to the International Criminal Court, according to Sri Lankan human rights activist Ruki Fernando. “In such a context, a hybrid court is the middle path, taking into consideration that domestic mechanisms have proved to be incapable of ensuring accountability,” he told the Boston Globe via e-mail.

Even as the debate on a domestic versus internationally assisted process grows shrill as the final resolution draws near, it is likely that the resolution on the report is more sympathetic to the Sri Lankan government than the original report. The politics of the Human Rights Council and the reality of geopolitics are, after all, not mutually exclusive.

Departing from its earlier Sri Lanka policy, the United States now appears more inclined to back the country’s proposed domestic inquiry. After meeting with Sri Lankan leaders in Colombo last month, US Assistant Secretary of State Nisha Biswal told reporters: “We support efforts to create a credible domestic process for accountability and reconciliation.” India’s known support to Sri Lanka at the council will also work in the island nation’s favor. It would not be surprising if the resolution limits international assistance to technical support.

Historic opportunity

Nevertheless, the report presents a unique, historic opportunity for Sri Lanka to address some of the most troubling chapters of its past. The nature and extent of crime committed by the armed forces and the LTTE (Liberation Tigers for Tamil Eelam) evidenced in the patterns of violations, are hard to brush under the carpet. This is perhaps the moment to acknowledge that.

In a significant shift in its position, the TNA (Tamil National Alliance) — the main Tamil party of Sri Lanka known to have supported LTTE — said in a statement following the report that it would lead the Tamil people in reflecting on the past, and use this moment as “a moment of introspection into our own community’s failures and the unspeakable crimes committed in our name.” This could not have been easy, given that the party’s support base includes many who remain sympathetic to the cause of the LTTE.

The Sri Lankan government must respond with similar courage and honesty. It will take enormous political will on the part of President Sirisena and Prime Minister Wickremesinghe to lead the Sinhalese people in a process of introspection and self-criticism. If the leaders are serious about moving forward, they will have to carry their people along in this journey of truth and reconciliation, paving way for mutual understanding, sensitivity, and sympathy.

Speaking to The Globe, Nirupama Subramanian, South Asia specialist and a senior editor of The Indian Express, said: “It is not going to be easy but if it is not done now, Sri Lanka will be stuck in the same rut. If Sri Lanka seizes the moment, it can write one of the most progressive chapters in South Asia’s history.”

Political solution is key

The process of accountability in Sri Lanka has to be accompanied by domestic pursuit of a lasting political solution. They are interdependent. Sri Lanka will not be able to look ahead without looking back. Likewise, unless leaders show tangible efforts towards a political solution, a shared future founded on equality and dignity will continue to evade the country.

Ahilan Kadirgamar, an activist and researcher based in the northern city of Jaffna, said: "The accountability process and the process to find a political solution will be a test for Sri Lanka's divided polity to work together and move forward at this opportune moment."

The current draft of the US-sponsored resolution, by some reports, has a passing reference to a "political settlement" among other conciliatory efforts.

"The resolution must speak of a political solution," said TNA leader and Sri Lanka's Leader of Opposition R. Sampanthan, in a telephone interview. "If there has to be an assurance of non-occurrence, there is a need for a comprehensive resolution of the Tamil question," he said. "If that is to be assured, it is not feasible without a political solution," he said.

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*<https://www.bostonglobe.com/opinion/editorials/2015/09/22/sri-lanka-watershed-moment/9MnFGYD2PEh4c227gqkhGK/story.html>