View the LLRC report as a catalyst in constructively engageing Sri Lanka - Ambassador Aryasinha

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Ambassador Ravinatha Aryasinha has expressed the hope "that all those who wish Sri Lanka well, would view the LLRC report as a catalyst and continue to engage with Sri Lanka in a constructive manner, giving the Government the time and space needed to carry out what has been recommended by the LLRC". The Ambassador made this observation in the course of his response to interventions made at a ‘Sri Lanka Briefing’ convened by the ‘Friends of Sri Lanka’ of the European Parliament held on 25 January 2012 at the European Parliament. Full Text of the statement is follows:

Statement by H.E. Ravinatha Aryasinha, Ambassador of Sri Lanka to Belgium, Luxembourg and the EU at the ‘Sri Lanka Briefing’ convened by the ‘Friends of Sri Lanka’ group of the European Parliament and held on 25 January 2012 at the European Parliament At the outset, I wish to thank Geoffrey and the ‘Friends of Sri Lanka’ for this timely initiative of convening this ‘Sri Lanka Briefing’, and for all those who have taken time out on a busy afternoon to be present here today. I particularly value this opportunity of engaging with you, as most of the MEPs who have spoken in this forum have had the benefit of visiting Sri Lanka over the past year and have experienced first hand the change that is underway in Sri Lanka. I am also aware that many others in this room – officials of the European Parliament, the EEAS, the European Commission – from ECHO, DEVCO, TRADE, as well as from the Belgian Government, have similarly travelled to Sri Lanka in recent times and/or have followed developments in my country over an even longer period of time. As a result, the Government of Sri Lanka takes your assessments made here as informed views, and whatever concerns you express, with respect, as we are embark on the process of operationalizing the valuable recommendations of the Lessons Learnt and Reconciliation Commission (LLRC). 1. At the outset, in discussing the LLRC Report, it must not be forgotten that this Commission carried out their duties against the backdrop of much skepticism, with the eminence and independence of its members questioned in some quarters, and as the Chair of the South Asia Delegation of the European Parliament Jean Lambert was to remind me last week in Strasbourg, some even doubted whether this report would ever see the light of day. In such context, the forthrightness of the Report produced, and the decision of the Government of President Mahinda Rajapaksa to release this 325 page report and its 375 pages of annextures in full, is a fitting reply to their critics. Besides the Sri Lanka specific matters which is its main focus, its assessments on a host of generic issues – relating to the effectiveness of ceasefire agreements, No Fire Zones and application of International Humanitarian Law in dealing with terrorists, the nexus between internal conflict and expatriate communities, the role of International Organizations(IOs) and Non Governmental Oraganizations (NGOs), and modalities to ensure good governance and national integration, will provide insights to a much wider audience of practitioners and students of both international and domestic politics. 2. The second observation I wish to make is that, having heard your reaction to the LLRC Report, I find considerable convergence in the issue areas, as well as the emphasis, laid in the LLRC Report, and those emphasized here by the MEPs, as well as contained in the reports that have been produced following their visits to Sri Lanka – the South Asia Delegation in Feb 2011, the Chair of the ‘Friends of Sri Lanka’ group’s visit in November 2011 and the views shared with me by the S&D delegation which visited Sri Lanka only a month a ago. This is true, - on matters pertaining to the IDPs and their resettlement, - on ex-LTTE combatants and their re-integration, - on bringing about a total end to the possession of unauthorized weapons, - on deployment of the security forces, - on land issues, - on the cluster of issues with regard to restitution, - on the implementation of a tri-lingual policy, - on the achievement of a national consensus in respect of constitutional changes to fulfill minority aspirations, - and on the need to eschew adversarial politics and have consensual decision making on national issues. Not only have detailed recommendations been made pertaining to each of these areas in the LLRC Report, it is significant that all these issues have been acknowledged by the Government, whose initial response to the report was made clear in the statement made by Hon. Nimal Siripala de Silva, Leader of the House, when he on 16 December 2011 tabled the LLRC Report in the Sri Lankan Parliament. 3. The suggestion made in some quarters, that the LLRC Report does not address accountability issues in the last phase of the conflict is without basis. What those who make this charge seem to expose, is simply that the authors of the LLRC Report have not come to the conclusions those elements who obsessively wish to see Sri Lanka being put in the dock, had wanted. On the contrary, the LLRC Report offers us detailed observations and recommendations on International Humanitarian Law issues relating to the final phase of the conflict. - It clearly accepts the position that protection of civilian life was a key factor in the formulation of policy for carrying out military operations and that the deliberate targeting of civilians formed no part of this policy. - The Report notes that military operations were conducted professionally, but if there is evidence of transgression by individuals, this of course should be examined. - On the basis of evidence placed before them, the Commission also points to several specific episodes which, in their view, warrant further investigation. These episodes are referred to in the Report, in a variety of settings. As the Leader of the House Hon. Nimal Siripala de Silva was to observe in tabling the LLRC report in Parliament, “ It is a matter of the greatest importance to the government to have the truth relating to each of these matters established in a manner that puts controversy to rest for all time. The government has asserted clearly on many occasions that, if reliable evidence is available in respect of any contravention of the law, the law of the land will be set in motion. The Report now sets out some specific situations where examination of the circumstances from this perspective is appropriate. The government is firmly of opinion that these situations require through investigation in the first instance, and punitive action in terms of the law if wrong doing is established. In these circumstances the proper course of action is to set up a mechanism for gathering and assessing factual evidence relating to the episodes indicated, buttressed by a strong investigative arm. The findings arrived at in this process will

form the basis of a decision whether criminal proceedings can be instituted. The material yielded by this investigation will be placed before the Attorney-General for a decision in respect of institution of criminal proceedings, where warranted”. The Leader of the House was also to note that “the government, of its own accord, has already carried out a series of measures including a comprehensive census in the Northern Province, which will enable firm and verifiable conclusions to be arrived at on issues involving accountability, without any element of conjecture or speculation”. 4. As to the emphasis laid by speakers who preceded me, of the importance of effectively implementing the recommendations of the LLRC, I can assure you that one month since the report was made public, the Government of Sri Lanka is working on its operationalizational aspects in earnest. Sound prioritization no doubt is an essential aspect of a practical strategy for implementation of these recommendations, where it is important to distinguish between measures addressing humanitarian needs as a matter of urgency, and longer term initiatives. To those who have doubts about the sincerity of purpose the Government of Sri Lanka brings to this task of implementation, I can only refer them back to the government’s performance in recent years on several matters, where the ‘prophets of doom’ mis-judged both Sri Lanka’s will and capacity.
There are those who said the Government was not interested in de-mining and that the conflict affected areas will remain unused forever. - The fact is that at present de-mining of the conflict affected areas have been carried out at a pace that is comparable with the best efforts anywhere in the world. We have at present de-mined 1,412 sqr. kms out of 2,046 sqr. Kms., which amounts to 69% of the area that was contaminated with LTTE landmines. While we gratefully acknowledge the role played by international partners including the EU and NGOs which helped in this task, I must emphasize that around 80% of the successful demining operations were carried out by the Sri Lanka Army. Similarly, some likened the Sri Lankan IDP welfare centres to “concentration camps” and said the IDPs would be “incarcerated” there indefinitely. - The fact is that as we speak only 6,647 of the 290,000 original IDPs remain in the welfare centres – some due to compulsion as their areas are yet to be de-mined, and the rest by choice, as they seem more comfortable as they are for the moment.. Some also questioned the Government’s intent regards the 11,600 ex-LTTE combatants who surrendered or were identified from among those leaving the conflict areas claiming that their lives were in danger. - The fact is that today only 750 of them remain in the Government rehabilitation centers, while the rest, including 595 LTTE child combatants, have been rehabilitated and reintegrated with their families. Therefore, my appeal is not to make pre-judgments regards the implementation of the LLRC Report as well. 5. Whatever the contents of the LLRC Report, it is clear that it will not satisfy some whose minds are fixed on vilifying Sri Lanka and nothing will change their opinion. Those who continue to insist on an independent international investigation, disregard the comprehensiveness of the LLRC Report and its equally detailed annexures, which following over 1000 oral submissions and 5000 written submissions, transparently place before us clear evidence as to the basis on which the Commissioner’s arrived at their conclusion. These remain both substantive and verifiable. It bears no comparison to the Darusman Report compiled by the panel appointed by the UN Secretary General to advise him – which presents a sequence of events in the form of a narrative while not vouching for the accuracy of the information, which depended on sources which are shrouded in secrecy, and where the evidence and the identity of the witnesses cannot be disclosed for 20 years due to a confidentiality clause in the report. 6. We must not forget that the prime objective of the appointment of the LLRC was to ensure reconciliation and moving forward in a spirit of inclusivity. However, it is clear that while the average Sri Lankan – whether Sinhalese, Tamil, Muslim or Burger, yearns for this goal, there unfortunately are some, particularly the rump elements of the LTTE living abroad and their sympathizers, as well as political forces within Sri Lanka influenced or dependent on them, who would prefer to see Sri Lanka locked in the past. It is they who today are the greatest obstacle to sustained peace and reconciliation in Sri Lanka. It is in such context, that I urge you to ponder as to who speaks for the Sri Lanka Tamil community? Whether it is the self-seeking vociferous minority living in greener pastures overseas who continue to advocate mono-ethnic separatism in Sri Lanka while espousing the ideology of the LTTE, using its resources and being manipulated by its surviving military leaders; or whether it is the Tamil community living in the North and the East and other parts of Sri Lanka who together with the enlightened sections of the Sri Lankan Tamil expatriates, are keen to rebuild their own future and that of their children in a peaceful Sri Lanka, in the spirit of reconciliation, advocated by the LLRC Report. The answer would seem obvious to all those present here. 7. Finally, I hope that all those who wish Sri Lanka well, would view the LLRC report as a catalyst and continue to engage with Sri Lanka in a constructive manner, giving the Government the time and space needed to carry out what has been recommended by the LLRC.