

Question by a Journalist

15/08/2021

Question - Mr.Sumanthiran, M.P. has started negotiating on behalf of the Tamils with the Government. How do you look upon it?

Response by Justice C.V.Wigneswaran, M.P.

International pressure is building up against the Government. So there is an urgent need for the Government to show that they have started the process of reconciliation with the Tamils. If the Government wants to start the reconciliation process it is good news and we welcome such reconciliatory moves. But taking past experience into account it is futile to start any negotiations with the Government until and unless the Government agrees to give up the Unitary Constitution that they obtained deceitfully, usurping the political rights of the Tamils. In fact Lord Soulbury regretted in the presence of B.H.Farmer years later after Independence, for giving a Unitary Constitution to Ceylon.

We are convinced that no satisfactory settlement can be reached so long as an Unitary Constitution is in place in Sri Lanka and as long as the Executive Presidency is in place. Only a Confederal Constitution can ensure the safety of the Tamils in this country. If the Government is willing to concede a Confederal Constitution the details to safeguard the numerically weak Tamils can be worked out by the Tamil leaders with the Government

If any Tamil political leader starts any discussions with the Government without obtaining an assurance that the Unitary Constitution will be given up, then it will amount to cheating the Tamil people and the International Community and such leader will be considered a traitor to the Tamil people by the Tamil people. Any attempt at reconciliation or settlement must have the long term safety of the Tamils in mind. We Tamils are the injured and the victims of Sinhala hegemony. Any political settlement must solve the basic problems of the Tamils which include their personal security, continuance of their individuality including their language and preservation of their traditional homelands.

In any event Mr.Sumanthiran and his party are not the only representatives of the Tamils. Worse still, Mr.Sumanthiran does not seem to have taken into confidence

even the leaders of other parties in his Alliance. Mr.Sumanthiran must not attempt to portray himself as the sole representative of the Tamils. He has not discussed openly what his intentions are and those of the Government is. Under the circumstances his bona fides become suspicious. It is not what he thinks is best for the Tamils that matters but what the Tamil people think is the best for them despite Mr.Sumanthiran.

Even during the last period of good governance, Mr. Sumanthiran acted arbitrarily according to his personal whims and fancies and caused massive setbacks to the Tamil people. Following his personal preferences, he acted in favour of the then government in the Human Rights Council and sabotaged justice for the Tamil people. Similarly, he seems to be playing with the future of the Tamil people following his personal preferences. If Mr. Sumanthiran was interested in the welfare and interests of the Tamil people, he would have at least consulted his own party members and other parties. I hope Mr.Sumanthiran does not drag the Tamil people further into muddled waters.

It would be relevant to remind ourselves of certain paragraphs of the UNHRC resolutions passed regarding Sri Lanka. Let me quote some of them- Resolution 19/2 of 2012 *Calls upon the Government of Sri Lanka to implement the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission and to take all necessary additional steps to fulfil its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans;*

It also requested the Government of Sri Lanka to present, as expeditiously as possible, a comprehensive action plan detailing the steps that the Government has taken and will take to implement the recommendations made in the Commission's report, and also to address alleged violations of international law.

It would be seen that as far back as 2012 there was an obligation cast on the Sri Lankan Government. LLRC was a creature of the Government. But even what was stated in that Report was not given effect to. No plan regarding the steps taken nor steps intended to be taken was presented by the Sri Lankan Government.

Thus the intentions of successive Sri Lankan Governments could be guessed. No Sri Lankan Government wants to solve the problems of the Tamils reasonably.

They are intending to hold on to the Unitary Constitution and keep the Tamils under their yoke and control. The Military continues to be in the North and East 12 years after the War.

Then again the latest Resolution 46/1 has this to say -

Requests the Office of the High Commissioner to enhance its monitoring and reporting on the situation of human rights in Sri Lanka, including on progress in reconciliation and accountability, and to present an oral update to the Human Rights Council at its forty-eighth session, and a written update at its forty-ninth session and a comprehensive report that includes further options for advancing accountability at its fifty-first session, both to be discussed in the context of an interactive dialogue.

The UN had acceded that the human rights situation in Sri Lanka needed enhancement of monitoring and reporting. The Human Rights Council' meeting comes up in September. At this time it is essential we do not fall prey to the machinations of the Sri Lankan Government but stand firm in our request for a Confederal Constitution details of which could be worked out by experts in collaboration with Politicians.

Justice C.V.Wigneswaran, M.P.