

INTERVIEW | M.A. SUMANTHIRAN

# 'Tamils are disappointed as the govt. gave hope and then failed to deliver'

Jaffna district MP and Tamil National Alliance spokesman on the national unity government's performance, the 13th Amendment, and India's relations with Sri Lanka

MEERA SRINIVASAN

In Sri Lanka's presidential poll in 2015, the Tamil National Alliance (TNA), representing Tamils of the north and east, led its constituency in a crucial protest vote against then President Mahinda Rajapaksa. As the country gears up for the next presidential election, scheduled before the end of this year, Jaffna district MP M. A. Sumanthiran, who is also TNA's spokesman and a senior lawyer, weighs the options before the Alliance, amid mounting discontent among Tamils over the incumbent government's performance. He also reflects on broader political questions and international dimensions in an interview at his Colombo residence. Excerpts:

In the 2015 polls, the TNA backed the Maithripala Sirisena-Ranil Wickremesinghe combine that, among other things, promised a constitutional political settlement to the Tamil question. Though the process took off, the constitutional reform process is now stalled. Why couldn't it succeed?

At a certain point during the process, the coalition government wasn't as strongly knitted together as it was in the beginning. Fissures started emerging and deepened with time, particularly ahead of the local government elections [in February 2018]. The two parties began seeing each other as rivals again. As a result, they were not willing to own even those matters that had been agreed upon after discussion. They started backing out. That happened primarily with the President's party [Sri Lanka Freedom Party]. Subsequently, when it became clear to the others that they were not going to sail with the consensus of everyone, nobody seemed to want to carry the can by themselves. They also began to back out.

By that you mean the Prime Minister's party [United National Party/UNP] as well?

Yes, now looking back, I can say that at a certain point when they realised that their coalition partner was not going to share the responsibility

of taking this through, they themselves started backing out. Of course, neither party said it in as many words. They resorted to blaming each other for the protraction of the constitutional reform process.

For the upcoming presidential election, the Rajapaksa camp has named Gotabaya Rajapaksa as candidate, Janatha Vimukthi Peramuna (JVP)'s leader Anura Kumara Dissanayake is running, and the UNP is yet to name its candidate. The government you backed in 2015 has not delivered on its promises. How do you view your options now?

We backed a candidate in 2015 based on certain promises. Apart from the promise to solve the Tamil national issue, the primary promise given was that the executive presidency would be abolished. We sincerely believed that with the two main parties coming together, coupled with the fact that since 1994 the people of this country have clearly given a verdict to abolish executive presidency, it would be done this time. But that hasn't happened, and we are in a situation where we have to support one candidate or another for the post of executive presidency that they promised to abolish. We are not amused by this turn of events. We will wait for all the parties to name their candidates and put out their manifestos. We will hold dis-



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cussions with the candidates and take a decision. We are not in a hurry.

The prospect of a political solution was one of the reasons for the TNA to back the coalition in 2015. Leaders from different parties who subsequently voted for a new Constitution are now backsliding to the existing 13th Amendment [an outcome of the Indo-Lanka Accord of 1987]. Is it a situation of one step forward and two steps back?

The 13th Amendment is a watershed: it was the first time that the governance structure was radically altered by the creation of provincial councils which had a measure of legislative power and some executive power through the governor.

When the 13th Amendment was enacted, the Tamil side substantially rejected it saying it was not a meaningful devolution. There are good reasons for that. So, the promise by the southern leadership has been that not only would the 13th Amendment be implemented, but that they would go beyond that and make devolution meaningful. But there was no attempt to implement the 13th Amendment in full,

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even after the war ended. On the contrary, President Rajapaksa tried to take back powers that came with it.

It was in that context that the 2015 change came, and a promise given to us that leaving aside the 13th Amendment, there would be a solution found to the Tamil national question based on previous negotiations which, at times, crossed over to a federal arrangement as well. Now, to say that we will consider implementing the 13th Amendment is to go back on all those promises.

But this keeps happening all the time. After telling their southern constituencies election after election that devolution will lead to a division of the country, these leaders find it impossible to commit to anything more. While they want to keep the chunk of the majority vote, it also becomes necessary to get a substantial minority vote. So, they resort to this 'full implementation of the 13th Amendment' rhetoric — that way the southern consti-

tuency doesn't feel insecure, and they are still promising the Tamil voter something.

When you look at the specific challenges of the Tamils in the north and east, how do you view their situation today with regard to accountability and reconstruction?

During the first five years after 2009, the Rajapaksa regime treated the war victory as a licence to totally subjugate the Tamil people. It paid lip service to a political settlement. It implemented big infrastructure projects. But in the absence of any attempt to alleviate the sufferings of the people, the mega projects were totally alien to the war-affected community.

Now, in the last five years, it is far more complex. The government began addressing people's long-pending concerns. Military-held lands were returned substantially, if not fully. On accountability, there were measures such as the setting up of the Office on Missing Persons — it was an important one even though the progress on investigations is far from satisfactory. Some political prisoners were released.

On reviving the economy of the Tamil people, nothing

has really materialised. Unemployment is increasing. But the last five years saw an expansion of democratic space — the northern people took to the streets to protest. That was impossible under the Rajapaksa rule.

The Rajapaksa had made it clear to the Tamils that they ought not to expect much in terms of rights. This government gave reason for hope and then failed to deliver. Our people are bitterly disappointed.

You referred to efforts towards de-militarisation. How do you view the recent appointment of Major General Shavendra Silva as army commander by the President, given the allegations of war crimes against him?

As disagreements within the coalition began growing, the President began resorting to some drastic measures. That came to a head in October 2018, when he sacked Prime Minister Wickremesinghe and appointed Mahinda Rajapaksa in his place. The appointment of Shavendra Silva must also be seen in that light.

The President's trajectory is very different to what it was when he was elected in 2015. It was he who led the way by example towards reconciliation in a very constructive way — by not celebrating the [war] victory day, by having the national anthem sung in Tamil on National Day, by making a case for ethnic reconciliation, a new Constitution, etc. Now, regrettably, he has gone back on all of that. We are very disappointed because we know that the President is not given to racism; his actual views are very liberal towards power sharing. But now he is behaving out of character, compelled perhaps by electoral and other political reasons.

But it is also significant that the coalition partner [UNP] has not commented on the appointment.

How do you look at the role of the international community now?

The international community and their moves in the UN Human Rights Council (HRC) have been significant for us. The good thing about the UN resolutions is that although they are non-binding, they have a very persuasive effect. A lot of the changes on the ground here I think are due to the resolutions that were passed in the HRC, including ones co-sponsored by Sri Lanka after regime change.

When I say international community, I have been referring to the countries apart from India until now, because India did not get involved in the UNHRC resolutions. It was neutral most of the time. But India has a special interest in the political resolution of this long-term issue. And that comes from the Indo-Lanka Accord. India has an interest in seeing that implemented in full and in leaders going beyond that to achieve meaningful devolution. Because even that promise was given to India, and nobody else, by no less than Mahinda Rajapaksa.

So, when we talk about the international community's pressure, it is India and the others. While other countries back us significantly on human rights and democracy, it is only India that has a direct link to the contents of the political solution, as it was only India that was able to change the governance structure in 1987 with the 13th Amendment.

Our engagement with India has continued through Prime Minister Manmohan Singh's terms and after the change in government in New Delhi. Prime Minister Narendra Modi has visited Sri Lanka more than once.

He has even gone to Jaffna, and has assured us that India's policy towards Sri Lanka and the Tamil issue in Sri Lanka remains the same.

The TNA is scheduled to meet Mr. Modi in Delhi soon. Some political leaders here have referred to the Indian government's move in Jammu and Kashmir while commenting on prospects for a political solution here. How do you see that?

We don't think the decision that the Indian government took with regard to J&K will have a bearing on its position vis-à-vis Sri Lankan Tamils. J&K had a special status, and for good or bad reason, the Indian government has decided to do away with it and has bifurcated it into two Union Territories.

From what we have been assured by Prime Minister Modi, the Indian position on Sri Lankan Tamils remains the same and India's good offices will still matter while we try to achieve this meaningful devolution of powers as envisaged in the Accord. To that extent, we will seek his assistance when we meet him in Delhi very soon.

Following the Easter Sunday attacks and the subsequent violence targeting the Muslim community, you raised concern that what was once done to the Tamils was being done to the Muslims now. How do you view Tamil-Muslim relations now, particularly in the east? Is there solidarity?

After April 21, initially there seemed to be a widening of the gap between Tamils and Muslims, which you might see even now on the surface. But I think deep down both communities are more conscious now that we need to stay together.

The full interview is available on www.thehindu.com

## Pakistan's minority problem

Instead of vilifying India, Prime Minister Imran Khan should first set his house in order

SUJAN R. CHINYOY

On August 31, after the release of the final list of the National Register of Citizens (NRC), Pakistan Prime Minister Imran Khan accused the Indian government of attempting to change the demography of the region through the "ethnic cleansing of Muslims". This was the latest in a series of irresponsible tweets by Mr. Khan, who has even threatened war against India since the Indian government's decision to revoke the special status of Jammu and Kashmir.

A brief history of NRC

It is clear that Mr. Khan does not understand the facts of the NRC process in Assam. The cut-off date for inclusion in the NRC is March 24, 1971. On March 25, 1971, the Pakistani military had embarked on "Operation Searchlight" to curb the elements of the separatist Bengali nationalist movement in erstwhile East Pakistan. It was this crackdown that had resulted in the massive influx of refugees into India. The flow of refugees into Assam has been a burning political issue in the State since then. It led to an agitation in 1979 against illegal immigrants and to the signing of the Assam Accord in 1985, which calls for the "detection, deletion and deportation of foreigners". Every nation has a sovereign right to check claims of citizenship. What is happening in India is merely an update of the NRC, which is taking place under the watchful eyes of the Supreme Court.

Moreover, the government has also made it clear that the final list will also be subject to revision. Those excluded from the list will get up to 10 months to prove their citizenship. Each such person will have a maximum of 120 days now to challenge his or her exclusion at a Foreigners' Tribunal. The entire process is objective and does not target any particular ethnic group or community.

New Delhi has kept Dhaka informed about the NRC. In 2018, the then Information Minister of Bangladesh, Hasanul-Haq Inu, said that the NRC was India's "internal matter". External Affairs Minister S. Jaishankar also reiterated this recently. His assertion was repeated by Bangla-

desh Foreign Minister A.K. Abdul Momen.

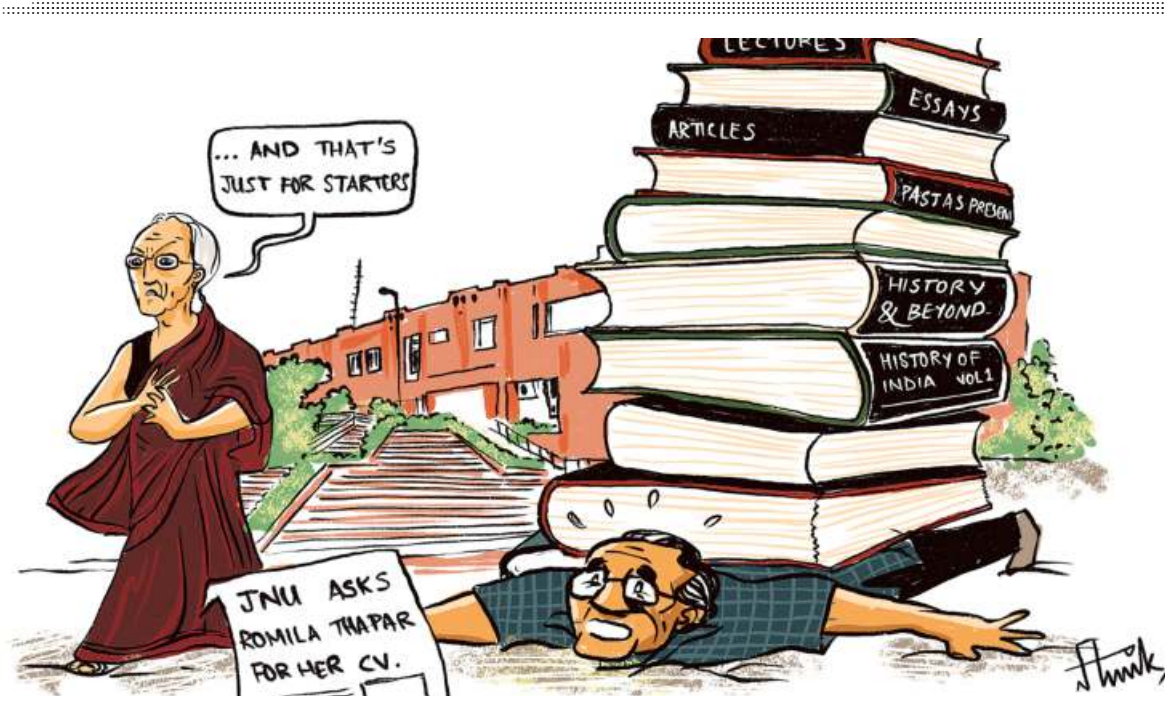
Whether in Assam or in J&K, the Constitution is the ultimate guardian for all citizens of India. The internal processes of India brook no external interference. India's own credentials as a secular democracy need no certification. In India, unlike in most other countries, minorities have occupied the highest offices of the land.

An abysmal record

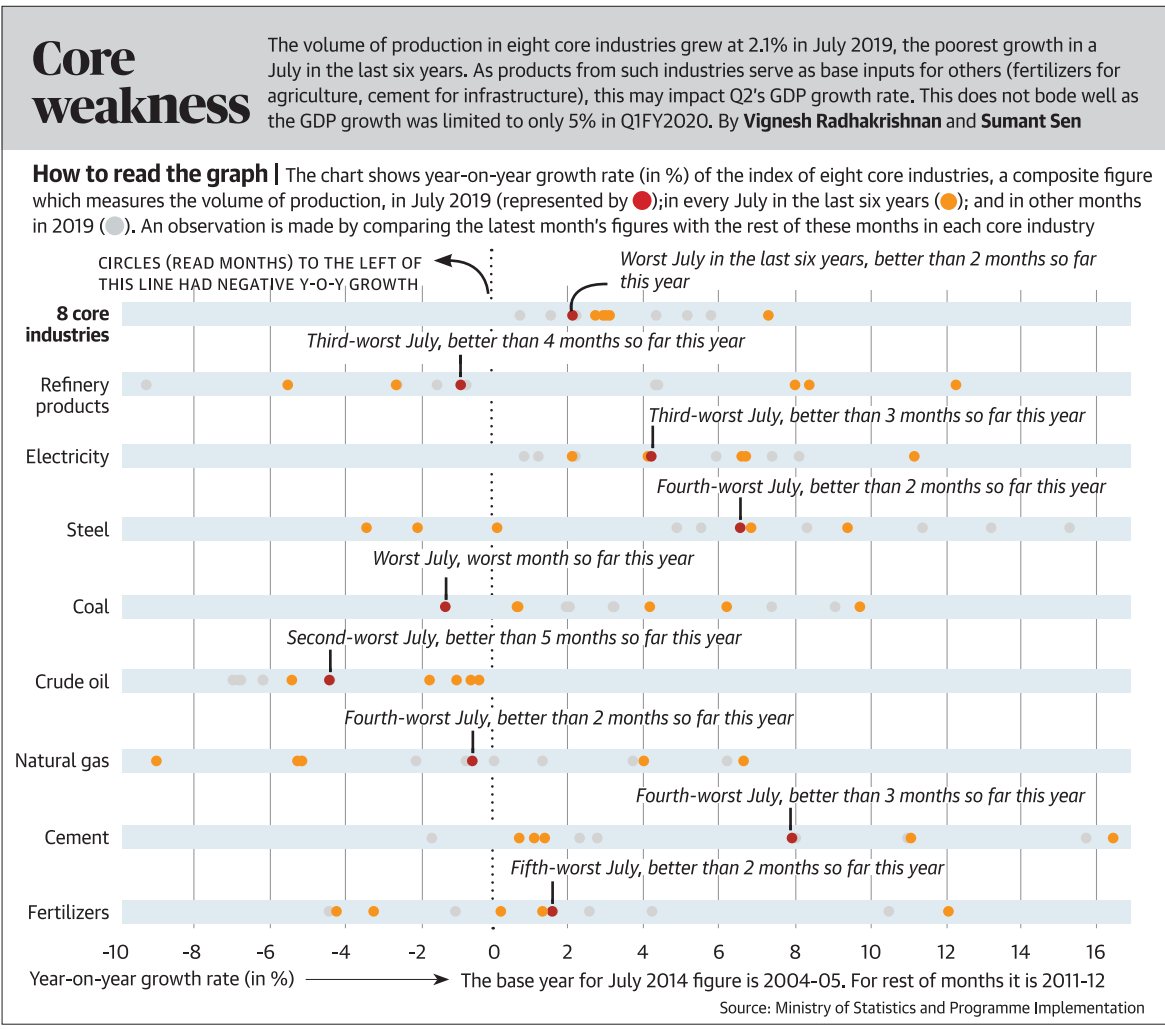
Instead of vilifying India, Mr. Khan should be more concerned about the treatment of the minorities in his own country, where the minority population has plunged since 1947. The discriminatory treatment meted out to Hindus, Christians, Sikhs, Ahmadis, the Baloch, Pashtuns and the Kalash people in Pakistan is well documented. In 2011, Human Rights Watch said that the brutality in Balochistan had reached an "unprecedented level". When Mr. Khan speaks of "ethnic cleansing", he is choosing to ignore Pakistan's abysmal track record in this respect. In 1971, as many as three million Bengalis were killed by the Pakistani military, according to independent researchers. Pakistan is said to be among the worst places in the world for Shia Muslims. In 2012, gunmen pulled out at least 20 Shia Muslims from a bus and killed them in northern Pakistan.

Other minorities fare no better. Hindu women are routinely forced to convert to Islam, especially in rural Sindh. Asia Bibi, a Christian woman, was acquitted by the Supreme Court of Pakistan of blasphemy charges in 2018 after languishing for eight years on death row. In 2014, a Christian couple was burnt alive in Kasur, some 60 km from Lahore. Recently, a teenage Sikh girl was allegedly abducted and converted to Islam in Pakistan's Punjab province. Given this depressing state of affairs, Mr. Khan should first ensure that the minorities in his country are treated with the respect and dignity they deserve before making reckless statements.

Sujan R. Chinyoy is a former Indian Ambassador and the Director General of the Institute for Defence Studies and Analyses, New Delhi. Views are personal



### DATA POINT



### The Hindu

#### FROM THE ARCHIVES

FIFTY YEARS AGO SEPTEMBER 4, 1969

#### Unnecessary pother

The report of a technical committee appointed by the Government of Mysore to go into the utilisation of the Cauvery waters has brought to the surface yet another inter-State river waters dispute. The booming of the Ministerial guns during the past few days, with Mysore intending to go ahead with irrigation projects "come what may" and the Tamil Nadu Government expressing determination to fight such attempts "tooth and nail," would distress all men of goodwill. The differences over the sharing of the Cauvery waters are by no means the first of their kind in this country. But this river would seem to be less controversial than many others in that the sharing of its waters between the two States concerned is subject to regulatory arrangements in writing in the past. It is true that the 1924 Agreement between the old Mysore Maharaja's Government and that of the Madras Presidency was not one entered into with the knowledge and consent of the landed interests in either State. In fact it was the complaint then that the British authorities had signed away the rights of the users of the Cauvery waters in Tiruchi and Thanjavur without even telling them what the terms of the 1924 Agreement were.

A HUNDRED YEARS AGO SEPT. 4, 1919.

#### The Viceroy's Speech.

H.E. Lord Chelmsford opened the autumn session of the Imperial Legislative Council yesterday with a long speech which is said to have taken 55 minutes in delivery. A perusal of it will not bring a ray of comfort to the vast mass of the people whose minds have been agitated by the various untoward happenings which have characterised Lord Chelmsford's administration. The Viceroy's speech reads as of one who is in complete detachment from Indian opinion, whose administration is not to be swayed in the least degree by gusts of popular feeling, popular approval or popular discontent. In enumerating the names of those whose services have been lost to the Council since its last sitting, the Viceroy referred to the resignation of Sir Sankaran Nair, the reasons for which were honourable to himself and were thoroughly appreciated by him. This is an admission of valuable significance. Lord Chelmsford did not, however, deem it fit to bestow any words of commendation on the value of Sir Sankaran's services either as member of the Executive Council or of the Legislative Council.