



Address by

Hon Rohitha Bogollagama MP

*Minister of Foreign Affairs of Sri Lanka
to Members of the European Parliament*

28 January 2009, Brussels

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I am glad that I have this opportunity to meet with Hon. Members of the European Parliament, as I conclude a very extensive programme in Brussels. Over the past three days in addition to meeting with Belgian Prime Minister Herman Van Rompuy and engaging in consultations with the Foreign Ministry my delegation and I have had the opportunity to meet with the EU Presidency represented by the Foreign Minister of the Czech Republic Mr. Karel Schwarzenberg, several European Commissioners and the EU Counter-Terrorism Coordinator. I will be shortly meeting with the President of the European Parliament Hans Gert Pottering.

Ongoing Military Operations and political settlement

The visit has afforded me an opportunity to brief my interlocutors on the military efforts in the North of Sri Lanka now reaching its final phase, following the re-gaining of Killinochchi, Elephant Pass, and Mullativu. The LTTE is today confined to an area of approximately 15x20 square kilometres. The military success against the LTTE is a result of the clear sighted strategy embarked upon by President Mahinda Rajapaksa in August 2006, which while seeking to address the political issues relating to the current conflict through negotiations, sought to defeat the terrorism of the LTTE militarily. This was consequent to the LTTE walking away from efforts made at negotiating with the group. The achievements on the ground over the past few months in particular, demonstrated that the LTTE's fighting capabilities had been over-rated. They have shattered the 'myth' of invincibility the LTTE had projected for itself for many decades.

The experience gained in clearing of the Eastern Province following the eviction of the LTTE, will be replicated in the Northern Province. It would be re-called that in less than 10 months after the operations in the East were completed, 80% of those displaced were re-settled in their own homes, most of them had their livelihoods restored, local elections were held and even a Provincial Council was elected within one year. Many Governments including those of EU member countries, international organizations and INGOs are involved in post-conflict development work in the East, but the EU is a noticeable absentee. I urge that this be corrected, and that the EU joins in the development efforts, because it is crucial that economic development take place to strengthen the restoration of democracy.

Whilst the GOSL believes that the ultimate solution to the present conflict is political, defeating the terrorists militarily will create an environment where a political solution can be implemented. While the All Party Representative Committee (APRC) is presently continuing its dialogue on evolving a comprehensive solution and is informally engaging with the UNP, defeating the terrorists militarily has provides the opportunity for the government to seek a serious and meaningful dialogue with a number of moderate Tamil politicians, devoid of their being under pressure from the LTTE, which would help in finding a mutually acceptable political settlement. President Rajapaksa is committed to move as quickly as possible to implement the 13th Amendment to the Sri Lankan Constitution, which followed the India-Sri Lanka Agreement of 1987 and even to explore the possibility of going further than the existing provisions.

Global reaction to the recent military successes

Other than for some noticeable exceptions, most governments familiar with Sri Lanka developments are heaving a sigh of relief that finally the LTTE's conventional fighting capability is being defeated. I have been told so repeatedly by several of my interlocutors these past 3 days. The Wall Street Journal summed this up eloquently in an editorial on 16 January, when it noted that Sri Lanka had chosen the right strategy to fight the LTTE, adding that "for all those who argue that there is no military solution for terrorism, we have two words: Sri Lanka."

India, the US, Japan and the UK, are among the countries that have unambiguously acknowledged the success Sri Lanka has achieved against the LTTE terrorists, in a relatively short time with hardly any collateral damage. Indian Foreign Minister Pranab Mukherjee who visited Sri Lanka only yesterday is on record as having stated on the eve of the visit "We are for the fight against terrorists and all sorts of terrorism. Therefore, we have no sympathy for any terrorist activity indulged in by any organization, particularly LTTE (which) is a banned organization in India," and India's Foreign Secretary who met me last week reiterated India's request for extradition of LTTE leader Prabhakaran, who is convicted for the assassination of former Indian Prime Minister Rajiv Gandhi. The United States in a statement issued in the aftermath of the fall of Killinochchi on 6 January noted that it "does not advocate that the Government of Sri Lanka negotiate with the LTTE". Japanese special peace envoy Yasushi Akashi who also met with me in Colombo last Friday also expressed satisfaction that terrorism was being eliminated. The British government has also recognized the government of Sri Lanka's need to root out terrorism and British Foreign Secretary David Miliband is on record stating "The LTTE is a proscribed terrorist organisation with no democratic mandate to represent the Tamil people. It is responsible for a terrorist campaign that has targeted innocent civilians across all communities in Sri Lanka over the past three decades". In my discussions here in Brussels I have asked that the EU add its voice to demand that the LTTE "let the people go".

Humanitarian aspects of the conflict

Even as GOSL continues its military operations to defeat LTTE terrorism, it is acutely conscious of the need to cause minimal discomfort to the civilian population of this area. It is due to this reason that when launching the present operations in mid- 2008, the Ministry of Defence took swift measures to establish a "Safe Corridor" so that civilians in uncleared areas can escape to safe ground. While there has been temporary dislocation, the extent of it, is highly exaggerated. At present, around 40,000 to 50,000 internally displaced families (IDP) consisting of over 200,000 persons are being used as 'human shields' by the LTTE and forced to stay in the fighting areas of Kilinochchi and Mullaitivu Districts. Sri Lanka is committed to respect the safe zones declared by the Security Forces to minimize the effect of the conflict on Tamil civilians. This measure has been appreciated by the Bishop of Jaffna Thomas Savundranayagam, who has also called upon the LTTE to not fire upon the Army from among the civilians. Last month President Rajapaksa appealed to the LTTE to allow the civilians to leave the area. In an appeal on 16 January 2009, UN humanitarian Chief John Holmes "called upon the LTTE to allow civilians to be able to move freely to areas where they feel most secure and for the Government to receive newly displaced people, according to internationally agreed principles". In a further statement, on 22 January 2009, the United Nations Resident Coordinator "issued its strongest possible protest to the LTTE for their

refusal to allow UN National Staff and dependants to return from the Wannu with the present UN convoy”.

I am glad to inform you that despite the LTTE action, some families have managed to escape to Vavuniya as well as to Jaffna. The flow into Vavuniya has reached around 3000 and it is expected to increase in the immediate future. They are housed in temporary shelters put up by the Government with adequate sanitary and welfare facilities. The Government had set aside 30 Million Rupees to meet the immediate needs of the displaced persons coming out of the LTTE dominated areas. The urgent requirement now is to provide safety and relief assistance to the incoming IDPs and to accommodate them in suitable location until they would be in a position to return to their homes with safety. An urgent re-settlement programme has been worked out by the GoSL to establish three villages with all essential facilities in Ramanathan Suthanthirapuram, Arunachalam Viduthalaipuram and Kadirgamar EluchiNagar till they return to their place of origin with safety and dignity. In order to facilitate the resettlement scheme, 900 acres of land has been identified. It is proposed to construct 32,400 houses in these three villages, each of which will be allocated 270 acres.

In the interim, the Government continues to provide food, medicine and other supplies to the uncleared areas. These supplies are escorted by UNHCR and other INGOs and distributed through the Government Agents of the area. For transportation of cargo more than 500 trucks are available and every day nearly 20 – 30 trucks leave for these areas carrying food, medicine and fuel. The WFP enhanced its food delivery since 6 October 2007, on the request of the Government and delivered nearly 8,500 metric tons of basic food items to the IDPs. Every week 50 – 60 convoys carrying food donated by the WFP are leaving for these Districts from Vavuniya which is the coordinating centre for procurement of food supplies to two Districts referred to.

The GoSL, having ensured food security during the past two and a half years, is fully committed to provide safety and relief assistance to the IDPs irrespective of any challenges that may occur in the years to come.

It is a fallacy that there are no independent bodies operating in the Wannu. The ICRC continues to remain in the operational areas to facilitate humanitarian assistance, while UN agencies, the WFP and INGOs accompany relief convoys.

GSP+

EU, has emerged as the number one market for Sri Lanka's exports. In 2007, the total value of Sri Lanka's exports to the EU reached an all time high of US \$ 2,876.8 million, which accounts for 37.4% of the total exports of Sri Lanka, registering a 21% increase over 2006. The recent surge in Sri Lanka's exports to the EU is mainly attributed to the tariff concessions enjoyed under the GSP + arrangement that became effective from mid 2005. Exports under the GSP+ scheme has provided direct and indirect employment to well over 1 million people and several aspects of socio-economic development in Sri Lanka has benefited from the EU GSP+ scheme. Sri Lanka can be considered a model among developing countries with regard to its ethical trading practices. Sri Lanka is one of the few countries in Asia, where use of child labour has been banned through national legislation and where Marks and Spencer, the global apparel giant, opened its first ever world green apparel factory in April 2008, in recognition of our environment friendly policies.

Sri Lanka welcomes the European Commission decision to give 16 developing countries including Sri Lanka the GSP+ facility, for a period of three years i.e. from 01 January 2009 to end 2011. Sri Lanka has always extended cooperation to the UN and ILO convention treaty monitoring bodies relevant to the GSP+ process and also through its continuous interaction with the European institutions. The Government of Sri Lanka has effectively implemented the three conventions highlighted by the EC and is willing to engage and continue a dialogue with the EU in this respect. We have nothing to hide and will provide any clarifications needed on issues of concern to the EC authorities.

My visit to Brussels along with a high level technical delegation which includes the Secretary to the Ministry of Justice and Legal Reform, Advisor to the Ministry of Foreign Affairs on International Legal Affairs and Chair of the Committee developing the National Human Rights Action Plan, the Commissioner General of Essential Services and the Director General of the Europe and CIS Division in the Foreign Ministry, is intended to engage in comprehensive substantive discussions and to support our application for the continuance of this facility.

Human Rights

The Sri Lanka government takes very seriously concerns expressed regards incidents of alleged violation of human rights in Sri Lanka. The Commission of Inquiry (COI) appointed to investigate into high profile crimes has completed the Public Inquiry into the killing of 5 youth in Trincomalee and the Commission is expected to issue its report by March 2009. The Public Inquiry into the killing of 17 aid workers of ACF in Muttur is now nearing completion. The Commission is presently taking steps to receive the evidence of certain witnesses through video conferencing. The Presidential Secretariat has pledge to provide necessary financial resources for that purpose. The Public Inquiry into the killing of 10 Muslims in Pottuvil has commenced. The functioning of the CoI is now being regularly observed by two Observers appointed by the Governments of France and Japan respectively. It is reliably learnt that these Observers have reported positively regarding the CoI to their respective governments.

I also wish to note that the Victim and Witness Assistance and Protection Bill has received constitutional endorsement by the Supreme Court. The recommendations of the Supreme Court have been taken into consideration and the Bill has been amended accordingly. The Bill was debated in Parliament on the 17th and 19th of June 2008. Concerns expressed by certain Members of Parliament regarding the provision pertaining to the receiving of evidence through contemporaneous audio-visual linkage were taken into account and the relevant provision amended. The Bill is now ready for further consideration by Parliament.

As to concerns being raised about issues of media freedom in Sri Lanka, while condemning these killings, I assure you that investigations have begun on every complaint made and conclusions are nearing in some high profile cases. It is irrational to believe that government would be involved in such actions, as it has nothing to gain and a lot to lose. Hence I urge you to be cautious in finger pointing in haste, as many of these allegations are propagated by the LTTE and other elements hostile to the Government.

Besides the progress made in these ongoing cases and modalities to facilitate speedy determination of issues relating to human rights, in keeping with its policy of open and constructive engagement, Sri Lanka has remained engaged with special procedures associated

with the United Nations Human Rights system despite the most difficult circumstances brought about by the grave threat of terrorism and the on-going armed conflict situation. United Nations Special Rapporteurs have all acknowledged government facilitation of their visits and have engaged in a free and frank dialogue with the government and other stakeholders, with regard to addressing human rights concerns and overcoming the challenges confronting Sri Lanka. The office of the High Commissioner for Human Rights is effectively represented since 2004 in Sri Lanka by a Human Rights Advisor within the United Nations Country Team. The submission of periodic reports by the Government of Sri Lanka under the International Covenant on Civil and Political Rights (ICCPR) and other relevant human right instruments to which Sri Lanka is a state party, is reflective of the good faith efforts being made by the government to ensure compliance with its treaty obligations.

Consequent to the voluntary commitment made by Sri Lanka during the Universal Periodic Review (UPR) process in the Human Rights Council in May 2008, it has commenced the process of developing a National Plan of Action for the Promotion and Protection of Human Rights (NHRAP). The NHRAP which would be the outcome of comprehensive public discussion involving Civil Society is to be launched in 2009 and to be implemented over a period of five years. One of the key elements in the process is the undertaking of a comprehensive baseline study or assessment of the human rights situation in the country that would identify gaps in the promotion and protection of human rights, with a view to addressing them. For this purpose, a multi-stakeholder consultation process involving government agencies and civil society is underway and these consultations which are held on a sectoral basis commenced with the implementational aspects in respect of rights guaranteed under the ICCPR. Thus a long term mechanism to inject a human rights dimension at the national policy formulation level is being established.

This would provide a useful opportunity for the European Union to cooperate with Sri Lanka, in the development of this important initiative, and to assist by way of providing the requisite resources for national capacity building in addressing gaps relating to the enjoyment of human rights that may exist at present.

International Action against the LTTE

At a time Sri Lanka is engaged in the arduous task of putting an end to terrorism in the North of the country, it is vital to also end the capacity of the LTTE terrorists to raise funds and engage in propaganda in Western countries, particularly in Europe.

Despite the application to the LTTE of the EU Framework Decision 2580/2001 in May 2006 which lists them as a terrorist entity, the LTTE has effectively circumvented EU strictures through the activities of its front organizations in Europe. These known front organizations of the LTTE, collect funds at will ostensibly for charitable purposes, through organization of various events claiming to be cultural, sports and entertainment. The key LTTE front organizations in Europe include: Tamil Rehabilitation Organization (TRO), Tamil Coordinating Committee (TCC), and the Tamil Youth Organization (TYO). These front organizations receive direct instructions from the LTTE's international secretariat in the Wanni and are an integral part of the LTTE which act for, or on behalf of, or at the behest of the LTTE. This has been amply demonstrated in recent action against the LTTE fronts in the US and Canada.

It is in such context that in June 2008, Sri Lanka presented a comprehensive dossier on the operations of key LTTE front organizations particularly the TRO – an action already taken by the US, Canada and the UK - requesting that the EU also list these front organizations as terrorist entities. Sri Lanka looks towards urgent action by the EU in this regard. Delay in such action overseas will sadly undermine the vast strides that have been put in place in Sri Lanka to neutralize terrorism and establish democratic governance in areas which remained non-liberated previously.

Failure of the EU to act now will also not be in its own self-interest. Already many western countries, including several from Europe, have approached the Government of Sri Lanka with grave apprehension that the LTTE's loss of ground in Sri Lanka would intensify the level of LTTE presence and activity in Europe, which may include; possible increase in asylum seekers through modalities such as family re-union; the LTTE and its front organizations having to resort to even harsher methods to force the Tamil diaspora to fund the group, now that they cannot hold to ransom the lives of possible relatives in the Wanni and attempts to provoke communal unrest in the West in order to portray that Tamils as being persecuted by the Sinhalese. Additionally, there is also bound to be an intensification of the conflict within the diaspora itself, between those who seek to keep militancy alive and those who opt for peace and reconciliation. Also, networked and trained as they are, in order to survive, members of the LTTE are likely to continue to engage in clandestine businesses or engage in criminal activities in their host countries.

I am advised that these concerns were discussed at length at a recent Europol seminar, organised within the framework of EU-US cooperation, held on 09 and 10 December in The Hague, Netherlands. The seminar brought together representatives from 15 EU Member States, as well as from Australia, Canada, New Zealand, Sri Lanka, USA, Switzerland and Interpol, as well as representatives from other European Institutions; Eurojust and the EU Joint Situation Centre SitCen, for an assessment of the activities of the LTTE and its front organizations. Sri Lanka welcomes this significant step taken by the Europol, and salutes the further initiative being taken by Eurojust who will hold a Tactical Meeting on the LTTE in March 2009.

What these actions reflect is the deep concern the law enforcement and criminal justice authorities in Europe have about the danger posed to this region by the LTTE and its numerous front organizations, and their commitment to deal effectively with this phenomenon. The Government of Sri Lanka hopes that the European Institutions, including the Parliament will muster the necessary political will to act in the face of these provocations and take concerted action against the LTTE and its front organizations operating in Europe.

Conclusion

In conclusion, it is important that the EU as a collective entity, as well as individual European States, many of whom have sadly for long been misled into believing the propaganda lines dictated by the LTTE through its numerous fronts, must individually, and as a collective body, adjust to the new ground reality in Sri Lanka.

Acknowledging this should necessarily lead to three actions;

1. Need for a post –LTTE paradigm

The fixation of sections of the international community about the LTTE must end. The LTTE's terrorist course as well as the lack of a political agenda was well known. Now it is clear that their military prowess was also clearly over-rated. As the Sri Lankan polity moves towards bringing to a conclusion to the process of evolving a political settlement to the conflict in Sri Lanka, a special responsibility is cast upon the international community, including numerous INGOs that have previously championed the LTTE's political cause: they must work with those Tamil democratic parties to further the interests of the Tamil community, both within and outside Sri Lanka.

It is for this reason that during my meetings with the Presidency of the European Council and with the European Commissioners I met this week, I have called upon the European Union to view developments in Sri Lanka and the Tamil diaspora within a post –LTTE paradigm, which better reflects the new ground realities in Sri Lanka. I earnestly appeal to the Hon. Members to carry this message back to your constituencies as well.

2. Support re-development of the Northern and Eastern Provinces.

We all know the importance of socio-economic development in post conflict development processes and the long term sustainability of peace. Many Governments, including individual EU member countries, international organizations and INGOs are involved in post-conflict development work in the East. However, the EU is a noticeable absentee.

The EU institutions should not wait any longer to join other partners in the reconstruction and rehabilitation process of the former conflict areas so that the lives of the people in those areas will return to normalcy faster. It is critical that economic development take place to strengthen the restoration of democracy. It cannot wait until the last LTTE cadre has been eliminated. It must begin in earnest, so that the people enjoy the peace dividend.

I have re-iterated this to the European leaders I met and invited them to become partners in Sri Lanka's post-conflict development. I appeal to the EU Parliament to give this matter your urgent attention and to join this effort.

3 Act against LTTE front organizations in Europe

I appeal to EU states not to permit their soil to be used by either the LTTE or its numerous front organizations operating in Europe. It is time to act, for if not you would be throwing a 'life line' to the LTTE, at a time they are facing defeat on the ground and the tremendous sacrifices made by over 70,000 who sacrificed their lives to stand up to the LTTE and for this reason were assassinated – many innocent by-standers, a host of Sri Lankan leaders including President Premadasa, two generations of Tamil democrats, as well as international figures such as Rajiv Gandhi, former PM of India, would be in vain. It is time to act, and we must act now.

I thank you.