

**Statement by Minister of Foreign Affairs, Hon. Mangala Samaraweera, MP.,
during the Adjournment moved by the Leader of the Opposition, Hon. R.
Sampanthan, in Parliament on 22 February 2017**

Hon. Speaker,

I thank the Honourable Leader of Opposition for raising this important issue in this House today - an issue on which the very future of our nation depends.

Hon. Speaker,

I have spoken many times in this very House about the hopes that the world held for our country at the time of Independence.

As Lee Kuan Yew, in his memoirs – "*From Third World to First*" wrote,

Ceylon was Britain's model Commonwealth country. It had been carefully prepared for independence. After the War, it was a good middle-sized country with fewer than 10 million people. It had a relatively good standard of education, with two universities of high quality, a civil service largely of locals, and experience in representative government starting with city council elections in the 1930s.

When Ceylon gained independence in 1948, it was the classic model of gradual evolution to independence.

Alas, it did not work out. During my visits over the years, I watched a promising country go to waste.

It is sad that the country whose ancient name Serendib has given the English language the word 'Serendipity' is now the epitome of conflict, pain, sorrow and hopelessness.

Hon. Speaker,

After that lost opportunity at Independence, and many lost opportunities thereafter, including thousands of young lives lost in all parts of our country, and many more thousands leaving our shores, arrived 8th January 2015, and a *Renewal of Hope*.

For the first time in our nation's modern history, we had a President elected with the participation of people of all religions, all ethnic groups, and all walks-of-life in our country. The people from the northern most tip of Kankasanthurai to the southern-most tip of Dondra, from the Sangaman Kanda in the East to Kalpitiya in the West, cast their votes in historic numbers to elect President Maithripala Sirisena – a President they saw as this nation's hope to carry us forward, in partnership with Prime Minister Wickremesinghe and all progressive forces in this country,

-to carry our nation's children and future generations forward to lasting peace,

-a durable political settlement,

-a nation where everyone, irrespective of their race, gender, caste, beliefs, and language, is equal;

-where individual rights, civil liberties, are promoted and protected;

-where the dignity of all is upheld;

-where freedom and justice reign;

-where conflict is firmly behind us as a thing of the past, confined to the history books that tell the story of our nation's troubled past which led us to finally forge unity and guide our nation towards its prosperous and peaceful future;

-a nation where unity in diversity, and a firm Sri Lankan identity is our strength;

-where non-recurrence of conflict is a norm;

-a nation that is a beacon of democracy;

-an example to others in the region and beyond of post-conflict peacebuilding, reconciliation and economic development; and

-a nation that works meaningfully and constructively in partnership with other nations and international organisations to serve the world community and uphold international systems and procedures.

Hon. Speaker,

With this vision, from January 2015, we worked together, to make the 19th Amendment to the Constitution a reality. Together, we enacted legislation to make the Right to Information a reality. Together, we enacted legislation for Victim and Witness Protection. Together, we enacted legislation to establish a Permanent Office that would undertake a humanitarian mission of finding the citizens of our country who are missing. Together, we reached out to the world beyond our shores that we had antagonised for several years, and renewed our nation's friendships and partnerships with the international community; and they readily responded to our call.

Hon. Speaker,

The Leader of Opposition mentioned the Resolution that was adopted unanimously by this House to appoint the Constitutional Assembly to prepare a draft Constitutional Bill for the consideration of Parliament in the exercise of its powers under Article 75 of the Constitution.

It was declared in that Resolution that the Constitution Bill shall only be enacted into Law if it is passed in Parliament by a special majority of two-thirds of the whole number of Members of Parliament including those not present, and subsequently approved by the people at a Referendum as required by Article 83 of the Constitution.

Hon. Speaker,

This is a historic opportunity, as pointed out not only by the Hon. Leader of Opposition, but by His Excellency the President himself who tabled this Resolution at a Special Sitting of this House on the 8th of January last year.

No other Constitution-making process in 1972 or in 1978 has had this consensual approach. Moreover, our nation has today reached a point of maturity having been through conflict, and witnessed the suffering and the agony that this nation has gone through since Independence. Let us now say "enough is enough" once and for all.

We must stand up to do justice to those who lost their lives, and for those who are yet unborn. We, the fortunate few who have been witness to the agony of our nation, yet survived to tell the story, must now rise up, not just to tell the story but to write that new chapter of our nation's future journey.

It is up to us in this House to seize this moment and have the courage to persevere and see this Constitution-making process succeed in this House and then take it to the people of our country in whom sovereignty is vested. The people of our country spoke clearly at two elections in 2015 – the Presidential Election in January and the Parliamentary Election in August. They have indicated in unmistakable terms that they want durable peace, reconciliation and non-recurrence of conflict – a durable political solution.

Hon. Speaker,

This is an obligation that this House owes to the people of our country. Wherever we may sit in this House, whatever party we may belong to, we all represent the sovereign – that is the people of this country – and it is our responsibility, to see this process to an end. It is our responsibility to do justice by them.

What better gift can we bestow the people of our beloved motherland at its 70th anniversary of Independence than a solution to the problem that has traumatised this nation for much of its years as an Independent nation.

Our country that stood on the cusp of economic development and social progress at the time we gained Independence in 1948, and failed, will not be able to get back on the track of economic and social development and achieve the magnitude of progress that the people justly deserve if we do not find a durable solution to our problems through a new Constitution. It is the Constitution that defines a nation. It is the Constitution that guarantees, among other things, certain rights to minorities, which no other document can do.

We should not have a situation, after coming this far in this process, since January last year, of marching into our 70th year of Independence in 2018, without taking everyone forward on our nation's future journey as equal citizens of one Sri Lankan family, walking side by side.

Hon. Speaker,

As politicians of different parties, we will have plenty to fight about and argue about in a democratic way, later. But let us, for this one important task, set aside all other issues and unite. This is the one issue that we must all lift out of the arena of politics because we cannot afford to leave this issue unresolved. It is one that is too dangerous to leave unresolved because the whole future of our country – our youth, and generations yet unborn – depend on this. I therefore earnestly urge this House to not let this historic moment pass us by.

Hon. Speaker,

The Hon. Leader of Opposition spoke of international dimensions and the UN Human Rights Council Resolutions including the one adopted in October 2015.

Some who are enemies of this nation's progress, for whatever rhyme or reason, drive fear into people's minds about the Resolution and concepts of transitional justice. Let me assure

this House and the people of this country that we will never embark on a path that will once again plunge this nation into chaos or pain.

Transitional Justice is a term which simply means a series of measures that are taken after a traumatic conflict, to ensure that peace and stability will last, that the rule of law will prevail, and that a cycle of violence will not be repeated. To those who allege that we are copying others or doing what others in other countries tell us, or the UN tells us – I want to clarify that this is not so. Moreover, Hon. Speaker, there is no set formula of exactly how to do this. There is no cookie-cutter model. Measures taken must reflect the specific national context, human rights principles, and should be led and owned by national actors to ensure success, and this, Hon. Speaker, is exactly what we are doing.

Societies that have experienced armed conflict must take steps to examine the past, pursue accountability, provide for the well-being of survivors, and take institutional measures to prevent non-recurrence. Societies that avoid looking into the past fail to build sustainable peace. Traumatic memories don't simply go away. Grievances can go on for generations, and even centuries, becoming entrenched in culture and historical accounts, and risking new cycles of violence.

This is what we must all resolve to prevent by taking the necessary steps, not ad hoc measures as in the past, for reparations, for truth seeking, searching for the missing, having judicial inquiries aimed at restoring the rule of law, and individualize responsibility so that the honour and reputation of institutions such as the armed forces, are preserved.

Hon. Speaker,

It is to the people of this country that we are answerable, and it is to them that we are responsible. Not to the international community.

As you would recall, Hon. Speaker, point 93 of the 100 Day Work Programme stated that, *"Since Sri Lanka is not a signatory to the Rome Statute regarding international jurisdiction with regard to war crimes, ensuring justice with regard to such matters will be the business of national independent judicial mechanisms"*.

Hon. Speaker,

What we did was to take ownership of our responsibilities and obligations towards the people of our own country to uphold their rights, return their land, resettle the displaced, strengthen democracy and democratic institutions, repeal discriminatory laws, restore justice, and ensure non-recurrence of conflict. These are some of the basic elements contained in Resolution 30/1. It is entirely a State-Driven process, where we take charge and fulfil our obligations towards our own people to ensure justice, restore and uphold rights, strengthen institutions, and take steps that are necessary to ensure equitable economic development and progress for all.

Hon. Speaker,

This year, on the 7th of January, the Cabinet of Ministers granted approval for the Bill to give effect to the International Convention for the Protection of All Persons from Enforced Disappearance. The Bill has since been gazetted in all three languages and we hope that it will be brought before this House for consideration at an early date.

The amended Policy and Legal Framework relating to the proposed Counter Terrorism Act, which would replace the PTA, was referred by the Cabinet of Ministers, also in January, to the Parliamentary Sectoral Oversight Committee on Legal Affairs. Once the Sectoral Oversight Committee considers the Framework, the drafting of Legislation would commence.

Hon. Speaker,

The multiple tasks constituting the transformative agenda that the Government has undertaken on the reconciliation, development, and institution building fronts is not an easy one. It requires the efforts of all citizens – public and private sector alike. It requires the commitment of all, and it requires the dedication of all. It is also not an easy and straight path but one that 'zigs and zags', and requires tremendous effort and dedication to stay the course.

Of course for the victims, the displaced, the vulnerable – every minute and every second counts. We have done much during the last two years. Yet, there is much left to do; and yes, we cannot ever say that we have done enough in this important journey. This requires constant striving to move each step forward, and constant striving to ensure that what we have gained is protected and preserved.

Hon. Speaker,

I am tabling a chart in this House titled '*Festina Lente – advancing human rights, accountability, reconciliation and good governance in Sri Lanka*' which lists "work-in-progress" from January 2015 up-to-date. It is not perfect. But it attempts to chart progress in some key areas.

I am also tabling two more documents, one on cases pertaining to detainees, and the other on land release from the Ministry of Defence.

Most importantly, Hon. Speaker, the journey we began with the passage of the Resolution for the appointment of the Constitutional Assembly in April last year must be pursued with vigour. We should not walk into our 70th year of Independence with unresolved issues that would cripple our nation's forward march towards prosperity.

Hon. Speaker,

On all these issues – detainees, land release, resettlement, PTA - we must resolve firmly to find solutions once and for all, within this calendar year, while we move forward diligently on the processes of truth-seeking, justice, reparation, and security sector reforms.

I must say, our resolve to bring justice to the victims of human rights violations remain unperturbed. People of this country faced widespread rights violations in the past. Some of these illegal acts were carried out by the persons who were at the helm of powers under President Mahinda Rajapaksa. White vans were deployed for daylight abductions, disappearances, murders. Media persons and NGO activists lived in fear of intimidation, under constant threats and ruthless attacks. The recent arrest of perpetrators who brutally attacked journalist Keith Noyahr demonstrates our commitment to bring justice to such crimes.

Mr. Speaker,

We have a long list of unresolved cases. Several such cases are being investigated by the CID. I must appreciate their efforts. Those persons who ordered and carried out unlawful criminal acts against innocent individuals must be brought to books. It must be reminded at this august assembly that people of this country will never again let such crimes to be repeated, that marks a dark period when we lost Sri Lanka's long preserved reputation as a free and democratic country.

We must seize this historic and important moment for our country.

I thank you, Mr. Speaker.