

## **FOCUS ON HUMAN RIGHTS**

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The diplomatic offensive of the government is in full swing even though there continues to be confusion as to who speaks authoritatively for it on the matters of war, peace and human rights – the Foreign Minister, other assorted cabinet ministers, the defence secretary, the foreign secretary, the secretary general of the peace secretariat or the ambassador in Geneva. It would not matter much if they all had their role to play in the communication of government policy as long as they all said the same thing. This though is not the case and it is not merely restricted to the dishing out of invective and verbal abuse to international officials a la Fernandopulle. There is also the confusion that arises from presidential statements about war, peace and type of political settlement as well as which constituency matters more – Sinhala or Tamil – and the difference of opinion between the foreign minister and the defence secretary about an impending offensive. Perhaps the objective is to confuse the public and the international community even at the risk of the government confusing itself in the process.

The focus of the diplomatic blitz is the Human Rights Council, the prospect of a resolution on Sri Lanka there as well as in the European Parliament and the October visits of the UN High Commissioner for Human Rights and the Special Rapporteur on Torture. The tactic of the regime is to insist that things are no where near as bad as traitors and conspirators –both local and international- make out and that in any event there should be no unseemly rush to judgment till at least the two visits mentioned take place. In this respect the visit of the High Commissioner is invested with considerable significance. Her observations and report back to the international community will be crucial in establishing the state of human rights protection in Sri Lanka and could be the catalyst for further international action not restricted to the Human Rights Council in Geneva. With a majority of its members from the Afro Asian bloc, the likelihood of a single country resolution succeeding in the Geneva Human Rights Council is very slim indeed and the Rajapaksa regime will be let off the hook for reasons relating to the politics of the council and its future, rather than the regime's demonstrable failure to protect the human rights of its citizens.

On the issue of a resolution – the original EU sponsored draft dating back to September of last year is being updated – but without the cooperation of the regime it seems. The latter appear to be adamantly opposed to any resolution, even at the risk of provoking, as a consequence, a strong one. This is a position no doubt reinforced by the political arithmetic of the Council. However, the combative stance of the government is unlikely to see the issue off the agenda or erase the simple fact of the focus on Sri Lanka at the Council, which remains the single international arena in which the question of human rights protection in Sri Lanka is being addressed. There is also the possibility of a special session on the subject, the convening of which requires the votes of 16 council members. Consequently, there can be further action in the Council, which together with the High Commissioner's visit will ensure that the focus on the regime's human rights record and on human rights protection in Sri Lanka is maintained.

The key point about High Commissioner Louise Arbour's visit must surely be that she comes, not to find out how bad the situation is, but rather that she comes to do something about it. This must mean discussions with regard to the establishment of a field based presence of her office to monitor the situation here. The regime cannot deny the fact that national institutions now undermined by the violation of the Seventeenth Amendment, lack the trust and confidence of the victims of human rights violations and the public in general. This applies to the Commission of Inquiry looking into past cases as well. Furthermore, the establishment of the Commission has not in any way served as a deterrent to continuing and further violations and the Independent International Group of Eminent Persons attached to it has in its first press release made the point that they should not be made out to be a substitute for international monitoring.

The regime's objection to international monitoring as well as that of its pseudo patriotic allies is that the establishment of such a mechanism would be a violation of Sri Lanka's sovereignty. What then of the violations of the human rights of Sri Lankans ? The point made by the Chairperson of the International Crisis Group and the former Australian Foreign Minister Gareth Evans in his Neelan Tiruchelvam Lecture and totally misunderstood by our pseudo patriots and regime apparatchiks, was that the Right to Protect the human rights of citizens entailed the prior responsibility of the international community to help government's to prevent such abuses. The establishment of an international human rights monitoring mechanism in this sense, will not be to supplant national mechanisms or serve as a substitute for them, but rather to complement and strengthen them once they are properly constituted. Human rights monitoring in Sri Lanka cannot be an exclusively international exercise; sadly it cannot be an exclusively national exercise either.

The regime needs to mature, pull itself out of destructive denial on the human rights front and enter into constructive dialogue and engagement with the international community on this all important issue. National unity which surely must take precedence over the obsession with the unitary state, will be greatly strengthened if the credibility and trust of all Sri Lankans are restored in respect of the human rights protection of all Sri Lankans.

This is why the Arbour visit must be seized upon as an opportunity to strengthen rights and democracy and to build peace. It should not be treated as an affront to our sovereignty, which it is not.