

**Full text of the keynote address by Dr. Alan Keenan, the Sri Lanka director of the International Crisis Group, delivered through Skype on January 19, 2013, at the Thaip Pongkal event organized by the Canadian Tamil Congress:**

Good evening, it's a pleasure to be speaking to you – though I am disappointed not to be able to be there with you in person.

Unfortunately, London isn't quite as good at handling snow as Toronto. I was looking forward very much to celebrating Thaip Pongkal with you all and to meeting many of you and to learning more about the Canadian Tamil community.

I hope I will be able to join you at a future celebration. I'd like to thank Danton Thurairajah and the Canadian Tamil Congress for the invitation to speak and I hope that my brief presentation tonight – even with the distance between us – will be useful to you all.

As someone who has lived in Sri Lanka off and on for extended periods and has studied Sri Lankan politics for um for more than a decade now – first as an academic researcher and for the past six years an analyst with the International Crisis Group – I have grown to care a lot about all the island's peoples and I dream some day of there being a lasting and just peace and a fair and democratic system for all of its residents.

Unfortunately, as you all know, we are a long way away from that goal. Indeed, it's a particularly difficult time in Sri Lanka – especially for Tamils – but also for Sri Lankan democracy as a whole. My central message tonight is that Sri Lanka's two political crises – the crisis the long-standing denial of the rights of the Tamil people and the crisis of Sri Lanka's liberal democracy – these need to be analysed and understood together and they need to be addressed together.

There is no way to respond effectively to one crisis without responding effectively to the other. Sri Lanka as a whole, and that means the Sinhalese majority, can never have a meaningful and stable democracy so long as the Tamil people are abused and humiliated and denied their individual and collective rights. The decades-long assault on the Tamil people and their rights and the brutal strategies used to repress them has contributed directly to and provided cover for the slower and more subtle but now very obvious assault on Sri Lanka's democracy and rule of law. Restoring the rule of law, human rights and democracy in a meaningful way will require finally coming to terms with and honouring the just demands of Tamils for an equal share of power and equal citizenship across the island.

At the same time, however, I want to argue that the Tamil people will never be able to reclaim their rights and gain justice and a rightful share of power so long as Sri Lanka's deepening crisis of governance is not reversed and at least minimal standards of democracy, constitutionalism and legal protections are not restored. So – the struggle for Tamil rights needs to be fought in conjunction with the struggle for the rights of all Sri Lankans.

Many in Sri Lanka and in the international community had hoped that governance would grow more democratic after the end of the war now almost four years ago. Unfortunately, the opposite has been the case: the anti-democratic and violent machine of terror used by the government to destroy the LTTE and control the Tamil population has accelerated and has now turned on

Sinhalese and Muslims, too.

Most recently in the news is the politically-motivated impeachment of the Chief Justice. Previously known as a strong Sinhala Buddhist and showing no signs of being ill-at-ease with the current direction of government and state policies, the Chief Justice's downfall came when she insisted that the constitution be respected, even if this complicated the plans of the ruling Rajapaksa family. In particular, her downfall came thanks to a decision that she signed that temporarily blocked legislation to establish a new government department that would take over many provincial powers over welfare and development policy and bring some six hundred million dollars worth of government programs under the direct control of the economic development ministry, headed by the president's brother, Basil Rajapaksa.

As we have argued in a statement we released on Thursday, the process by which the Chief Justice was tried and convicted by the Sri Lanka parliament violated the most basic principles of due process and makes clear how little Sri Lanka's rulers care for the rule of law. Many others, of course, have spoken out and expressed their grave concerns, including the Canadian and US governments, the UN High Commissioner for Human Rights, and the Commonwealth Secretary-General.

As International Crisis Group argued in our statement, "The decision to impeach the Chief Justice is a direct message that the Rajapaksas will continue to consolidate their power without regard to democracy, the rule of law or human rights. In that sense, it complements the administration's disregard of international law in the military actions that resulted in the deaths of some 40,000 or more civilians in 2009 and its refusal to investigate credible allegations of war crimes since. Indeed, the two issues – this assault on the independence of the judiciary and the accusations of war crimes – are interlinked and must be seen as such.

The Sri Lankan government's insistence that Sri Lanka should be left to investigate and remedy its own shortcomings with regard to the latter looks increasingly (as if more evidence were needed) implausible as one of the last remaining independent institutions – the court – is so openly dismantled."

Crisis Group has long argued against acceptance of the Sri Lankan scorched-earth model of counter-terrorism. We have argued that if the international community doesn't take clear and firm action that establishes these tactics as illegitimate – beginning with an independent international investigation into the crimes committed by both sides – other governments will adopt the same tactics, with terrible consequences for non-combatants in other countries and for the international community as a whole.

But in a different way, now, we see how the government's disregard for the law and internationally-accepted norms of governance has come back to haunt the rest of the Sri Lankan population, not just Tamils.

Of course, as most of you know, this machine is in full throttle in the northern province. Taken together, the Sri Lankan government's policies, especially in the north, add up to a frontal assault on Tamil identity and political power. As sketched out in our two reports from March 2012 on the situation in the northern province, and discussed more briefly in our November 2012 report

on Tamil politics, we can see the following developments.

First, despite the UN human rights council and many governments calling for the significant reduction in the military's presence in the Tamil-majority northern province and an end to the military's interference in civilian affairs, the Sri Lankan military continues to control virtually all aspects of life in the north, with the civil administration intimidated and sidelined.

Second, tens of thousands of residents from the northern province remain unable to return to their land, often because it has been seized by the military or other government agencies, despite government claims to have resettled everyone and solved the problem of displacement. There are also many disturbing but credible reports that large amounts of land are being effectively stolen by politically-connected private interests.

Third, as we pointed out in our reports on the north, the overwhelming military control in the north, with this has come a significant process of Sinhalisation – cultural, economic, and even demographic.

This has involved the building of numerous war memorials celebrating the victory of the Sinhala-controlled military, and the building of scores if not hundreds of Buddha statues, for the exclusive use of Sinhala soldiers and their families. Sinhala business interests, exploiting their ties to the military, have expanded into the north, displacing local business and frequently hiring Sinhala workers over local Tamils.

Most explosively, there are increasingly numerous and credible reports of a slow but steady influx of Sinhala settlers into areas previously almost entirely Tamil or Muslim. While the limited numbers of Sinhalese living in the north before the war have a right to return that must be respected, it is extremely worrying to see the increasing signs that new settlers are being brought into the north with the assistance of the government and the military. This is a recipe for growing anger and instability.

Finally, the situation in the north and the prospects for a negotiated settlement of the more than half-century ethnic conflict have deteriorated even since our last report was published two months ago. Just since then, the government has cracked down hard on Tamil protest in the north, with peaceful demonstrations disrupted by the military, students arrested on groundless charges of working with the LTTE – simply for exercising their right to mourn their dead friends, families and comrades.

The fact that those included members of the LTTE is no reason to prevent the lighting of candles and saying of prayers. In addition, there is the ongoing harassment and intimidation of political party leaders, especially those who are more outspoken and/or more clearly Tamil nationalist. Most recently, we've see police visits to TNPF politicians and what appears to be the planting of incriminating evidence in the offices of a TNA politician in Kilinochchi.

Equally worrying, the President and his powerful brothers have all begun to backtrack on even the extremely limited devolution established by the 13th Amendment and they appear to have abandoned of any pretence of fair negotiations or power-sharing. Indeed, rather than moving towards a lasting and fair constitutional settlement of the ethnic conflict through meaningful

power-sharing, the President and his brothers have expressed their intention to repeal or weaken the already limited, extremely limited, provincial powers granted under the 13th Amendment.

Unfortunately, much of the international community still doesn't seem to recognise the seriousness of the problem. The UN Human Rights Council's March 2012 resolution on accountability and reconciliation in Sri Lanka was a welcome step, being the first time any international body of states had expressly criticised Sri Lankan government policies and the lack of post-war progress.

Nonetheless too many governments, even as they express concern about the lack of accountability for war crimes and deepening governance problems, still speak and act as if the Sri Lankan government is seriously interested in reconciliation and a fair settlement of the ethnic conflict. In fact, however, the Sri Lankan government's post-war approach, particularly in the north, isn't best understood as a lack of progress or a lack of reconciliation. Instead, the government is imposing a systematic set of policies that appear to be designed to humiliate and politically weaken Tamils in the north and east.

This appears to be a goal in its own right, but it also functions as a way of undermining the economic, institutional, and demographic conditions for an autonomous Tamil-majority northeast. This in turn, would eliminate the possibility of any new constitutional settlement that recognizes Tamils as a constituent people or nation of Sri Lanka and as an equal partner in a multi-ethnic pluri-national country.

The question, then, in the face of this assault, is what to do and how to respond?

However difficult it may be, especially for the many Tamils who have suffered terribly at the hands of the Sri Lankan military and from unjust government policies, I firmly believe that the only effective path is for Tamils to struggle for their rights within Sri Lanka and with other Sri Lankans, crucially including Sinhalese.

Even if the path of a separate state is ultimately pursued, which I would argue is neither wise nor necessary, if it is to be anything other than lead to another terrible round of terrible bloodshed, it can only be taken with the consent of a large number of Sinhalese.

In short, the two national questions need to be linked up and resolved together: the half-century old Tamil national question and the growing crisis of democratic governance, most urgently the destruction of the rule of law as achieved by the successful impeachment of the Chief Justice.

Central to any lasting political solution, of course, is meaningful power-sharing between the communities and the regions. While there is absolutely no international support for a separate state of Tamil Eelam, there is strong international support for substantial autonomy for a Tamil-majority region within a united Sri Lanka – though not necessarily under a unitary constitution.

Crisis Group, like much of the international community, believes that a lasting solution to the Tamil national question is power-sharing, or requires power-sharing based on substantial devolution of power to the north and east, going beyond the current 13th Amendment and beyond a unitary model of the state. Relative to demands for a separate state, or for radically

confederal models of power-sharing, this is a modest proposal. But relative to the difficult realities of Sri Lanka and international politics, even this more modest approach faces large obstacles.

The most obvious, of course, is resistance from the current government, whose actions suggest it has no interest in a fair solution – or even in recognizing that there is a problem in need of a solution. There is also the long-standing resistance from the bureaucracies of the Sri Lankan state, which have shown their willingness and ability to complicate and block even the little bits of devolved power currently granted to the provinces under the current constitution. About these sources of resistance, there is little that Tamils in Sri Lanka can do in the short term, other than patiently and carefully explain their grievances, defend their rights, and appeal for international support.

What Tamils can begin to work on, however, is the important task of rebuilding damaged relations with other Sri Lankan communities and broadening its reform agenda, or broadening their reform agenda.

This can begin with Sri Lankan Muslims, both those in the north, many of whom were unfairly forced from their homes by the LTTE, as well as those in the eastern province. Put bluntly, the Tamil national struggle can't be won without the substantial support of Muslims. No power-sharing deal will be workable without the agreement of Muslims, particularly those in the east, most of whom would resist being included as part of a single northeast province or administrative unit.

More generally speaking, leaders of both communities need to work out a mutually acceptable understanding of how the Tamil people and the Muslim people relate to each other – tied together by cultural and linguistic ties, but also with distinct religious traditions and a history of tension.

Both communities have complaints and grievances about how they have been treated by the other, and these need to be worked through with care, beginning with a greater recognition by Tamils of the pain that the LTTE's expulsion of northern Muslims still causes and the need to make amends. Until relations are repaired, the government will continue to be able to divide the communities, as they are actively doing now, particularly in Mannar district.

Trust and political cooperation can ultimately be rebuilt, I believe, but it will take a lot of hard work, which needs to begin now.

In more practical terms, this would see the TNA and other Tamil groups cooperating with the Sri Lanka Muslim Congress and other Muslim organisations to resolve land and resource conflicts in the north and the east and on constitutional negotiations and devolution.

Perhaps this can't succeed in the short term, but the work on it can begin now.

It would also be wise for the TNA and other Tamil leaders to reach out more actively to Upcountry Tamil organisations to work jointly on shared concerns, particularly with regard to language discrimination and other problems facing Tamils outside the north and the east.

In addition, Tamil politicians and civil society should engage more actively and directly in political debates beyond devolution and the north and east and build alliances with southern civil society organisations and parties interested in promoting democratic reforms.

Without abandoning specifically Tamil concerns, the TNA and Tamil activists need to acknowledge and communicate more clearly to other ethnic communities, including Sinhalese, their shared vulnerability to state abuse, their shared interest in democratisation and the rule of law and the shared need for state reform. Even as the TNA and other activists articulate clearly and forcefully to other communities the extent of the rights that they have been denied and what changes are needed for them to be equal citizens, they also need to make clear their commitment to a common struggle to renew and enhance democratic rights for all.

In practical terms, this means the TNA should actively support growing demands for constitutional and state reform across Sri Lanka, as they have in some of their recent interventions in parliament. The aim should be to bring together the two “national questions”, so that issues of regional power sharing and ethnic justice are linked directly to other legal and constitutional issues of direct concern to all communities, including the Sinhala majority. Indeed, for reasons of both pragmatism and principle, the TNA should be pressing for two key constitutional changes, first, repeal of the eighteenth amendment, to allow return of independent commissions for police, judiciary, human rights and other issues; and second, an end to the executive presidency and return to full parliamentary democracy.

Joining a cross-party alliance for fundamental constitutional change would offer a unique chance to begin to overcome Tamil and Sinhala mistrust: through working and sacrificing together for a shared political goal. There is no guarantee that this strategy, or other attempts to reach out beyond the Tamil community, would succeed. Still, without wider constitutional reforms, which will require support from all communities, there is little point in any attempt at a negotiated settlement. Indeed, in the current context of increasing lawlessness and lack of even basic rights protections, it's laughable to think that a lasting and fair deal could be negotiated with the government – even if they were interested. Only wider constitutional reform will set the context for a lasting peace.

Ultimately, the only way to find a way through the many obstacles and to arrive at a political solution that recognises the equal status and rights of Tamils is through a long struggle, negotiating the treacherous terrain of Sri Lankan politics along with other, non-Tamil communities and parties and activists in Sri Lanka, always with international support, but not relying solely on governments and international institutions to establish the just claims of Tamils.

While it is hard to be optimistic at the current juncture, rest assured that if the Tamil struggle continues to be democratic, non-violent and actively willing to work with other communities, it will continue to have strong allies throughout the world who together have a real chance at finally helping to bring lasting peace and justice to a land variously known as Sri Lanka, Eelam, Ceylon and Serendib.

Thank you very much, and thank you for letting me join your celebration, even at much too great a distance.