

Tamil Civil Society Forum
Presidential Elections - 2015

This statement is being released to clarify our stance with regard to the upcoming Presidential Elections to be held on the 8th of January 2015.

There are two main candidates in this election: The incumbent President, Mr. Mahinda Rajapaksa and the opposition candidate Mr. Maithripala Srisena who was until recently for almost 10 years, a key Minister in Mr. Rajapaksa's cabinet.

It is beyond debate that the Tamils have suffered immensely under the incumbent President's regime. It was under his rule that the worst and most destructive chapter of the genocidal process against the Tamil people was carried out. Even after the end of war his Government continues to ferociously implement a multi-faceted genocidal programme that aims at destroying the collective existence of the Tamil people. The suffering of the Tamil people continues unabated in the form of land grab, Sinhala Buddhisisation, Militarisation, violence against ex-combatants, illegal arrests etc. Hence the question of Tamil people voting for the incumbent President just does not arise.

However we are also aware historically that regime change does not necessarily result in change in the lives of the Tamil people. Both main parties in the South, ideologically and functionally are deeply embedded in Sinhala Buddhist, chavunist, anti-Tamil politics. They do not even have a minimalist just position on Tamil issues. For example both parties are not even prepared to discuss a solution that goes beyond the confines of a unitary constitution. Both parties are also against international investigations. The inseparable nature of the policies of these Sinhala Buddhist parties towards Tamils is something that we have through experience understood as a common feature of Sinhala Buddhist politics in general. The opposition candidate also has repeatedly confirmed that his position is no different from that of the incumbent President with regard to both a political solution and accountability for crimes committed against the Tamils.

At the forthcoming elections, the opposition candidate argues that the main agenda of his candidacy centres around abolishing the Executive Presidency. This agenda/slogan has attracted the attention of many.

It is true that a form of Government centred around the Executive Presidency tends to concentrate too much of power in one individual and hence is anti-democratic in character. Particularly, the kind of Executive Presidential form of Government envisaged by the Second Republican Constitution of Sri Lanka, when compared with other models of Executive Presidencies has many anti-democratic characteristics to it. This system of Governance was further worsened by the enactment of the 18th amendment to the Constitution in 2010 to which the opposition candidate was a contributor. Hence on the surface, as a stand-alone issue abolishing the Executive Presidency is an important component to an agenda of democratic reform.

However from a long-term perspective enlightened by Tamil interests and interests relating to sustainable democratisation we wish to place the following on record:

- A. The Tamil people have suffered equally under Westminster style parliamentary form of Governments, prior to the enactment of the Second Republican Constitution. When the Sinhala Only Act was enacted in 1956 Sri Lanka had a parliamentary form of Government. This alone is adequate to substantiate the claim that the change of form of Government by Sinhala political leaders from time to time does not and will not have an impact on the lives of the Tamil people. As long as Sri Lanka's democratic practice and culture is driven by chauvinist Sinhala Buddhist politics no change of form of Government is going to benefit the Tamil people.
- B. Tamils have not been accommodated as equal partners in any of Sri Lanka's constitutional experiments. Enacting piece-meal reforms to a section of an anti-Tamil constitution will not solve the existential problems of the Tamil people nor help address their long-term problems.
- C. It is argued that the abolishing of the Executive Presidency would result in an establishment of the rule of law, good governance and independence of the judiciary and hence that even though the basic issues of the Tamils remain unaddressed that the Tamils should vote for the opposition candidate. We consider this to be a minimalist argument. At no point in history in the past 66 years have attempts at subjugating the Tamil people ever ceased. The intensity may have fluctuated but that the problems have remained the same is undeniable. It was in the 1950s when the rule of law was said to be at its best that the 1958 anti-Tamil riots were staged. The manner in which many governments that came into power promising to re-establish the rule of law, handled Tamil issues is well known and documented. Many commissions have been appointed in the past to tackle impunity, the result unfortunately has been zero. From a Tamil perspective there has never been an independent judiciary. For example, the judiciary that failed to prevent the passage of the act that disenfranchised Up Country Tamils is even today regarded as an independent judiciary. Hence sloganeering around rule of law and independent of the judiciary are not going to be enough to lure Tamil voters.

This does not mean that we do not care for the problems of the Sinhala people. The fact is the denial of democracy currently being experienced by the Sinhalese is a cumulative impact of the anti-Tamil politics of successive Sinhala Governments. The denial of democracy that they suffer now is result of them being by standers /endorsing the anti-Tamil agenda of successive Governments. In our opinion the only sustainable path to democratization lies in the creation of a popular discourse that is created by taking a just stand on the National Question. There are no other alternative or by- roads to democratization. The Sinhalese people and their leaders must realize this.

- D. The Memorandum of Understanding signed by the Opposition Candidate with the Jathika Hela urumya casts doubts whether the opposition candidate's candidacy is

only with regard to the single issue of abolishing the executive presidency. The opposition candidate has gone beyond the issue of Executive Presidency and pledged to retain the unitary character of the constitution and not to allow international investigations. His manifesto further confirms this. It is impossible to read this MoU as merely a strategy of winning Sinhala Buddhist votes. In fact it is highly indicative of the lack of concern on the part of the opposition candidate to even try to appeal to Tamil votes.

If taking a just position on the Tamil Question during an election will lead to a candidate losing Sinhala Buddhist votes we wonder how that candidate will be able to mobilise the Sinhala people towards accepting a fair deal for the Tamils once he or she is in power. Similarly it is also doubtful of how a Sinhala leader who refuses to take a position on the Tamil Question can be expected to take a just position after he or she wins elections.

It is quite clear that both main candidates have placed the Sinhalese at the centre of these elections and have made these elections as being material only to their future well-being.

Both main candidates have not and do not want to take a position on those issues that affect the Tamil people. In fact they are in denial of those problems and have taken positions contrary to Tamil interests. Hence the Tamil people do not have to take a collective stance at the forthcoming elections. To explicitly call for a vote for either of the main candidates will be tantamount to accepting a unitary constitution and to rejecting international investigations.

In the current context what is important is that the Tamil people collectively devise a political programme that will fulfill their aspirations and mobilise themselves around such a programme. Irrespective of who comes to power in the South, based on the demand for an undivided Tamil homeland, undeniable Tamil National identity and our right to self-determination we should press ahead this political programme while seeking to best utilize the current state of global politics.

Hence we appeal that the Tamil people consider in-depth those issues that we have flagged in this statement while arriving at their own individual conclusions which best reflects their own conscience and the well-being of the Tamil people in the long term.

23 December 2014

(signed)

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For more information on TCSF please see:

<https://www.scribd.com/doc/249264183/TCSF-Policy-Document-English-Final-pdf>

<https://www.scribd.com/doc/249264913/Tamil-Civil-Society-Forum-AGM-Press-Release-Public-Version-pdf>