Submission to: Foreign Affairs, Defence and Trade References Committee
From: South Australia Chapter of Australian Tamil Congress

Inquiry into the Indian Ocean region and Australia's foreign, trade and defence policy

Introduction

The object of this submission is to highlight how Australia's foreign affairs, trade and defence policy implementation jointly with mainly Western Nations brought about recent democratic changes in Myanmar; a long way to go before it becomes a fully-fledged democracy. But, it is important that the successful efforts are acknowledged, commended and studied in detail for the future use; Australia can feel proud of the joint achievement and be ready to apply to other countries drifting towards autocracy. We wish to emphasize that the same peaceful method should be applied to prevent Sri Lanka which has been a democratic country for a very long period of time, becoming an authoritarian regime and adopting undemocratic practices under the Presidency Mahinda Rajapaksa, who has brought the power within his family. Beside presidency, he is also the Minister of two key portfolios Defence and Finance; his siblings Gotabaya Rajapaksa - the Defence Secretary, Basil Rajapaksa – the Economic Development Minister, Chamal Rajapaksa the speaker of the Sri Lanka parliament, his son Namal Rajapaksa also a Member of Parliament is being groomed for higher offices and many other family members are appointed to very high positions in his administration. Recently, Sri Lanka constitution was amended to change the tenure of presidency from two six year terms to indefinite period, laying the foundation for lifelong Presidency like in North Korea and consolidate power within the family. Number of international reports and documents are available, alleging that war crimes and crimes against humanity have been committed by the regime and military hierarchy. Method used against Myanmar, jointly with other Nations of similar patterns of governments, is equally applicable to Sri Lanka because both being in the Indian Ocean region and predominantly Buddhists; it can be done in a peaceful way in comparison with violent changes that occurred in Middle Eastern countries. Sri Lanka is a member of Commonwealth of Nations, hosting the next CHOGM 2013 and a cricket playing country; Australia as the current chair of the Commonwealth of Nations, together with other dominant cricket playing countries such as India and the UK has sufficient sphere of influence. More importantly Australia with an effective foreign affairs, trade and defence policy can alter the current path that is being pursued by Sri Lanka, before brewing disaster strikes the country, once again Sri Lanka becomes a secure thriving democracy and a peaceful nation in the Indian Ocean.

Indian Ocean Rim Association for Regional Cooperation (IOR-ARC) to promote cooperation in the Indian Ocean region was formed in 1997; it seeks to expand mutually beneficial cooperation through a consensus-based, evolutionary and non-intrusive approach. IOR-ARC is the only regional forum linking most countries on the Indian Ocean rim through an annual Foreign Ministers' meeting. Australia, as the third oldest continuous democracy in the world and only developed country in the grouping need to work to uphold high moral ground with respect to human rights and democracy in this region, even though may face opposition from some countries. Exclusion of Myanmar from IOR-ARC when it was initiated and other measures have added extra pressure on Myanmar to move away from authoritarianism and pursue the path of democracy, but it has taken a long time. It is becoming apparent that action taken against Myanmar need to be used against Sri Lanka too, which is a member of this group of nineteen countries of which six are part of Commonwealth of Nations and also cricket playing countries. Cricket was a powerful tool in the fight against the Apartheid regime of South Africa and it can be equally applied to cricket loving Sri Lanka and it can be very persuasive.

Myanmar Enters World Community

At the time of formation of IOR-ARC, Myanmar was left out because it had an authoritarian regime not respecting human rights of their citizen, carrying out arbitrary detention and causing disappearance of opponents of the regime, preventing media freedom etc. Australia joined with Western democracies to

completely cut-off any contact with authoritarian regime, imposed trade and other boycotts for nearly two decades. This broke the camel's back, resulting in the release of all detainees and conducted a "free and fair" election for the vacant seats; Aung San Suu Kyi, after being kept in detention for 22 years, she and her party officials were released from imprisonment and they were victorious in all 44 seats contested and has become the main opposition party in the assembly. Hopefully, by the time 2015 general election is held full democracy will flourish in Myanmar. Australian government rightfully lifted the trade sanctions and established contact with Myanmar as a reward for coming back to democratic rule, only time will reveal whether change in Myanmar is permanent or temporary; Australia together with others have to make it a permanent feature. This is a clear demonstration of foreign affairs, trade and defence policy to achieve desired good outcomes in the region; Australia should not shy away from using it when needed.

Sri Lanka - President Rajapaksa accelerating towards authoritarianism

As Myanmar emerges from authoritarianism to follow the democratic path, President Rajapaksa's regime is sliding down the slippery slope and following the path that is being abandoned by Myanmar. In Sri Lanka, killers of four parliamentarians have not been brought to justice and IPU has called for a report, media freedom has been abandoned, many journalists and human right activists live in fear, 34 have been killed since 2005 and many others have escaped to foreign countries to protect their lives. Arbitrary detention and disappearances are very common and have rapidly increased; the people in both North and South of Sri Lanka live in total fear. In the last two months 30 people have disappeared and one of them was an Australian citizen who was lucky to have escaped alive and returned to Australia; because of media publicity and intervention by the Australian High Commissioner in Sri Lanka by directly contacting the Defence Secretary of Sri Lanka. The defence personnel are alleged to be responsible for disappearances in Sri Lanka; reluctance to investigate gives credence to these allegations. In most cases no one hears anything about abductees, once they have disappeared in the "white vans" and in a few cases bodies have been recovered in faraway places, but matter ends there with no further investigations or legal redress for the families of the victims. The USA has called upon the Government of Sri Lanka to give an explanation to the large scale disappearances and to establish accountability for such events. The USA is following the "carrot and stick" policy towards Sri Lanka while supporting some of the economic activities; it played a leading role in passing of the resolution at UNHRC in the 19th session, which was co-sponsored by 40 countries including Australia and India. It is a good start and **Australia has to be actively involved in the region, to up hold democratic values and human rights.** The UNHRC resolution simply called on Sri Lanka to implement the recommendations of the Lesson Learnt and Reconciliation Commission (LLRC) report. The LLRC was established by Sri Lanka President with restricted mandate compared to the expectation of many, the report was lacking in comparison with the report by the Panel of Experts appointed by UNSG. The LLRC report was found not to meet the international standards of similar reports and the resolution at UNHRC was based on a few positive recommendations, as a first step for future changes.

The attached document "LLRC Report and World Reactions" was earlier submitted to Mr Nick Champion MP, Chair of Foreign Affairs Sub-committee of the Joint Committee on Foreign Affairs, Defence and Trade. The submission covers briefly, the two reports one from LLRC and other from UNSG's Panel of Experts; comparison of the process followed, terms of reference and conclusions are given, also detail comments on conclusions of LLRC report are included. Many of the International Human Rights Organizations have been critical of the LLRC report found to be lacking in the process and substance; the attachment gives sufficient references for anyone to make their own analysis and conclusions about the short coming of the LLRC report.

Also, the attached document has a section on current situation in the North East Sri Lanka; based on International crisis group's recent report and submission made by Mr MA Sumanthiran MP to Sri Lanka parliament end of last year. Both documents have identified many similar issues which are not conducive to peaceful living: Militarization of the land and making it insecure for the people in the North East Sri Lanka; Resettlement of Internally displaced persons are not meeting the expectations; Structural genocide of Tamil areas by changing of demography and landscape by building Sinhala settlement and Buddhist shrines alien to

the region; Unsatisfactory rehabilitation and re-integration of ex-combatants driving them to desperation; Loss of livelihood of resettled people and others by intervention present of military in the ratio of about one to ten etc. Political landscape in the North East Sri Lanka is very appalling and failure to take immediate action may lead to more turmoil affecting the region, which cannot be ignored any longer; the main reason UNHRC resolution calling Sri Lanka to act was passed recently, initiated by the USA.

Conclusions

Human rights in Sri Lanka have not seen improvement over the last three years, since the military conflict ended on 18 May 2009, but has deteriorated even more in the North East Sri Lanka. Publication of the report by UNSG's Panel of Experts, which examined what happened during the last few months of the conflict, brought hope to the victims of conflict, where about 40,000 people lost their lives and further evidence was provided by Channel 4 video presentation "Sri Lanka's Killing Fields" which was broadcast by ABC 4 Corners program. Findings of the Expert Panel were overwhelming accepted by Western countries and **called for an establishment of an Independent International Investigation** to determine the truth about the extent of war crimes committed by both the armed forces and the militants; but delay in implementation of the findings and lack of progress is making some of the victims, who could afford the long journey from Sri Lanka, to take the dangerous sea journey and arrive on the Australian shores claiming refugee status.

The President Rajapaksa's regime promised that the commission will respond to the finding of UNSG's Expert Panel report. The report of LLRC failed to answer the major claims of alleged war crimes and crimes against humanity by both sides of the conflict, but had a few positive contributions. Also, the LLRC failed to meet the international standard of such commissions; but the report was made public which had happened for the first time during President Rajapaksa's regime. The key element of resolution passed at the UNHRC is a call on Sri Lanka to "take all additional steps to fulfill its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, accountability and reconciliation for all Sri Lankans." Only time will tell whether it will happen, but indications are that it will not; therefore, it is left to the **International community to take a direct actions to ensure that justice is done to the victims under the International Human Rights and Humanitarian Laws.**

As Myanmar emerges from authoritarian rule, Sri Lanka under the rule of President Rajapaksa and his clan is consolidating authoritarianism and deserting all aspects democratic norms as mentioned earlier. Sri Lanka occupies a very key and central position in the sea-trade routes in the Indian Ocean affecting the world trade; therefore, it is more important that preliminary actions are considered, as a matter of urgency by Australia together with other nations who brought about changes in Myanmar in our region. This would prevent Sri Lanka drifting to anarchy in our region, as it happened in the Middle East and what is presently taking place in Syria, for the security and peace in this region this cannot be allowed to happen and action is needed.

We hope Sri Lanka does not force the hands of other nations with their intransigency and obduracy by rejecting all appeal to implement the current UNHRC resolution and others that might follow in the future; threat to suspend from IOR-ARC, Commonwealth of Nations and as a Cricket playing country are some of the options that can be considered and implemented to change Sri Lanka's ways peacefully. **Australia is uniquely placed in this region, to use the foreign, trade and defence policy to dissuade Sri Lanka from continuing the slippery path to authoritarianism.**

South Australia Chapter President
Australian Tamil Congress
P O BOX 6136, Linden Park SA 5065