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**A YEAR AFTER THE CIVIL WAR:
CHARTING SRI LANKA'S FUTURE**

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TERESITA SCHAFFER: Good afternoon, ladies and gentlemen, and thank you very much for joining us. Those of you have been here before know that this is the CSIS South Asia Program and I'm Tesi Schaffer, the director. And you probably also know that I had the great pleasure of being U.S. ambassador in Sri Lanka from 1992 to 1995.

And one of the particular pleasures of that job was my association with Professor G.L. Peiris in several different capacities during that time, initially as vice chancellor of Colombo University and a distinguished law professor – one of, I think it's two, former Rhodes scholars in Sri Lanka – and subsequently, after he joined politics, as minister initially for constitutional affairs and then for commerce in the government that was headed, at the time, by Chandrika Kumaratunga.

Professor Peiris, inside and outside of government, has always brought great intellectual distinction to what he has done. He was one of the architects of Chandrika Kumaratunga's constitutional proposals at the time that the effort was on to negotiate a peace with the LTTE.

We are now meeting at a very different time. The war was ultimately won on the battlefield rather than resolved at the negotiating table. And for the past year, Sri Lanka, not just the government, but the country, has had the challenge of winning the peace, which in many ways I think will be a more difficult one than winning the war, although heaven knows that wasn't easy. It's been a particularly ruthless struggle, as I think most wars are, and particularly civil wars.

It gives me great pleasure to have Professor Peiris here to talk to us about his perspective on how Sri Lanka looks ahead to the future. He is participating in a program called the Statesmen's Forum, which we reserve for our most distinguished speakers. The Lavrentiadis Group of Companies has generously sponsored this program and we are grateful to them.

The minister will offer some remarks and has then kindly agreed to answer questions. I will recognize the questioners when that time comes. I would ask three things. Please, first, turn off cell phones and anything that goes beep. Secondly, if you have a question, try to keep it short to have – give other people a chance and identify yourself by name and affiliation, even if I know you.

And third, please wait for the mike. There are some kind people around the edges who will be carrying mikes around. It's not a very big room, but we are a relatively large number of people in it, which sometimes makes it a little hard to hear. So without further ado, minister of external affairs of Sri Lanka, the Honorable Professor G.L. Peiris. (Applause.)

GAMINI LAKSHMAN PEIRIS: Ambassador Tesi Schaffer, distinguished ladies and gentlemen, I'm very happy to be here with you again to talk to you about current developments in Sri Lanka.

These surroundings are not unfamiliar to me. I have spoken in this room on many occasions in the past. And as I reflect on those occasions, I think the circumstances in Sri Lanka have evolved a great deal over that period.

Tesi Schaffer was telling me that her last visit to Sri Lanka was five years ago. To be exact, it was in July 2005, one month before the occurrence of a very tragic event, namely the assassination of the late foreign minister, the Honorable Lakshman Kadirgamar.

Now, many things have happened during those five years and I was listening to Ambassador Schaffer that it would be very appropriate for her to think of visiting our country once more to assess for herself the importance of some of the things which have happened in Sri Lanka during the last five years.

Now, if she comes back to my country at this moment, I'm sure that she would be struck by the total change of mood in the country. There's a mood of optimism, of expectation, which is entirely understandable because for a country with enormous potential such as Sri Lanka, a country that has suffered immensely during the last decade-and-a-half, we now feel that we are on the threshold of dramatic developments.

As Tesi has said, I have been in government for a long time, since 1994, and I have been in charge of many ministries during that period. I know personally that however hard you tried at whatever you tried to do, there was a certainly a point beyond which you could not succeed because of the violence in the country. There was no way that you could attract investments or tourism or develop the country. This was an insuperable obstacle.

Now, the fundamental change that has occurred is that, that has been consigned to the past. We have at last been able to shake off this overpowering constraint which inhibited social, economic or any other form of development in Sri Lanka. If you go there, you will see smiles on the faces of people – no longer fear in their hearts – and the whole country is coming alive.

The most obvious indication of that would be the large number of tourists who are coming into the country. Local and foreign companies are making substantial investments into refurbishment of hotels, building new hotels.

Foreign investment is coming into the country. The A9 is open. Hotels are being built, not only in the southern part of the country, but in Trincomalee. In Jaffna, there's now great demand for hotel rooms. Companies are opening factories in the Batticaloa District. I know of a large apparel company that is going to Kilinochi.

The fishery sector has become very rigorous in the northern part of the country. These are waters that were replete with fisheries, resources which, however, could not be commercially exploited for the whole of the last decade because of the turbulence in that part of the country. Now, all that has become, happily, a thing of the past.

I agree entirely with Ambassador Schaffer that winning the peace is as daunting a task as winning the war. We have during the last year achieved a great deal with regard to the resettlement of internally displaced people, people who have suffered great pain and anguish for a long period.

I think Sri Lanka has to be given legitimate credit for her achievements in that regard. We started with almost 300,000 – to be exact, 297,000 – people who were deprived of their homes. With nowhere to live, they came to the government of Sri Lanka. We had to look after them. Now, we have resettled as many as 80 percent of those people.

By resettlement, we mean not just physically locating them in their natural habitat, as it were, but also enabling them to live in those areas with a sense of dignity, which means that they must have access to adequate income. And that, in turn, requires the revival of the economy of those parts of the country which have been ravaged by the military action.

So we have placed a great deal of emphasis on the restoration of livelihoods, the rebuilding of infrastructure, roads, irrigation systems, the power-and-energy sector. It is our intention to add 2,000 megawatts of power to the national grid during the next two years. This is needed to support industry not only in the principal cities of the country but in the rural hinterland.

It is a matter of profound satisfaction to us that during the last five years, our per capita income has gone up from \$1,000 USD to \$2,020 USD. And we are proud of the fact that there has been a percolation of these benefits down to the grassroots level. There has been an equitable distribution of wealth and income throughout the country.

So there has been steady progress. We have identified our priorities. What are the things that we need to do straightaway, what do we address next? So that would be humanitarian issues which are very urgent, connected with internally displaced people; then the revival of the economy; and thirdly, but equally importantly, perhaps even more importantly, the resuscitation of the democratic process of holding of elections. I think one of the most heinous things that the LTTE did was to destroy the democratic Tamil leadership.

Tesi Schaffer and I were good friends of the late Dr. Neelan Tiruchelvam, a man who undoubtedly would have been able to make a contribution of singular value to the unfolding events in Sri Lanka had he been alive. But he was brutally gunned down two weeks before he was scheduled to leave the country to accept a prestigious fellowship at Harvard University, of which he was a distinguished alumnus.

Now, we have the challenge of providing the space for the spontaneous emergence of a legitimate democratic Tamil leadership. Whom to engage with is a very serious problem. Who will be the interlocutors on the other side as we address in earnest issues connected with devolution of power and power-sharing? Whom are you going to talk to?

Now, we have started by holding local government elections in the Eastern province of the country. And we have today in place a provincial council that is led by a Tamil-speaking

person, a former guerrilla, who's now the chief minister of the province. In the north, we have held local government elections and we now propose, in the near future, to hold provincial council elections in the northern province as well.

Now, I was asked yesterday in New York, where I was interviewed by BBC from London – my interviewer asked me what was the Sri Lankan government's conception of the role for the diaspora. I said I think they have a very important role to play, but it is a role which has been transformed by circumstances. They must not feel alienated. They must not feel that there's nothing they can do, that they're outsiders. Not at all. I think they must be encouraged to play a very vigorous role in rebuilding, particularly, the north and the east.

And the president's approach is totally inclusive. He wants to bring in everybody and he has repeatedly emphasized during the last year that the defeat of the LTTE is not an occasion for jubilation or exaltation but rather is an opportunity for renewed commitment to accelerate the economic and social development of the country for the benefit of all the people who live in Sri Lanka.

Now, I, because I want to leave you with sufficient time to make comments and to ask questions, I will give you just a few of the aspects of the current situation in Sri Lanka. The principal effort of the government is to do everything possible to heal the wounds of the past, the pain that was the inevitable consequence of decades of conflict and to make the transition to democracy, to normal functioning of the institutions of governance, as smooth as possible.

Now, there are some important things that have happened in that regard. The tragic event which Tesi referred to, the assassination of Kadirgamar – that took place on the 12th of August, 2005. On the very next day, an island-wide state of emergency was proclaimed. And that emergency was kept going month after month for four years and eight months.

However, on the 5th of May this year, just three weeks ago, the government of Sri Lanka decided to go to parliament and to tell parliament that many of these emergency regulations were no longer necessary because the country is rapidly coming back to normal.

So we decided what emergency regulations we could dispense with without any risk to the vital security concerns of the island and we expunged from the statute book about 70 percent of the emergency regulations under which the country had been governed for an unbroken period of almost five years.

We told parliament that we are not doing this in response to external pressure of any kind. It is a decision made by the government of Sri Lanka in the national interest. This is something that we could not possibly have contemplated one year ago because the risk was unacceptable.

But in my address to parliament, I emphasized the fact that the government did not wish to continue with the emergency for one more day than was necessary. So we removed about 70 percent of the emergency regulations.

Even what remained was curtailed in many ways. Those emergency regulations were restricted with regard to the timeframe, the period for which it was going to be applicable, the kind of situations in which those emergency regulations could lawfully be invoked.

We made substantial changes with regard to restrictions on the freedom of movement, the freedom of speech, then the departures from the normal laws of evidence – in particular, types of investigations. All these were regrettable necessities at that time.

Not only Sri Lanka but all legal systems, including Western legal systems, made provisions for extraordinary legal regimes to deal with situations of this kind. But it was never the intention to apply those laws in perpetuity. They were necessary for a certain period, for a limited purpose. And when that purpose is accomplished, of course, the laws will be abolished.

So that's exactly what we did in Sri Lanka. The president of Sri Lanka is also very conscious of the fact that the military victory per se is not going to provide us with a durable or lasting solution.

So we have done several things to complement that. One of those was the establishment of what is called the Lessons Learned and Reconciliation Commission, the warrant for which was signed by the president about 10 days ago. We have drawn on the experience of other countries – in particular, South Africa, where the Truth and Reconciliation Commission was appointed by President Mandela. We have also looked at the Chilcot committee in the United Kingdom, but we have put in place a mechanism that is suitable for the particular circumstances that we are dealing with in Sri Lanka.

We have appointed eight commissioners of unimpeachable integrity and stature, some of whom are well known in this country. One of the persons appointed is currently a member of the International Law Commission in Europe. Another is a full professor of law in an American university. There are two representatives of the Tamil community, one representative of the Muslim community. So it is an inclusive commission.

And the terms of reference are wide enough to enable the commissioners to examine the evidence with a view to determining whether any individual or group of persons bears direct or indirect responsibility for any violation of international humanitarian law within the period stipulated by the terms of reference, starting on the 22nd of February, 2002, when the ceasefire agreement was entered into, and ending on the 19th of May, 2009, when the hostilities ended with the defeat of the LTTE.

Now, in my discussions yesterday in New York with Mr. Ban Ki-moon, the secretary-general of the United Nations, I briefed him fully about Sri Lanka's initiatives in that regard. I also referred to a very positive and encouraging statement that was made by Dr. Susan Rice, the ambassador of the United States to the United Nations, who I had the privilege of meeting on my last visit to New York.

I discovered in the course of the conversation that she, like I, had been a Rhodes scholar at Oxford and we both belonged to New College, Oxford, although we were not there at the same time. She is much younger than I am.

Now, basically, what Dr. Susan Rice said was that she welcomed the appointment of this commission. And she said that the empirical experience of post-conflict societies indicated that initiatives of that nature had made a contribution of value to processes of reconciliation. But she set out certain conditions which she thought were necessary that will enable commissions of that kind to accomplish their objectives satisfactorily.

Now, I made the point to the secretary-general of the United Nations that all those conditions are demonstrably established in the Sri Lankan case. For example, the quality and the independence of the people who are appointed, the scope of the terms of reference, the availability of adequate financial resources to be commissioned to do its work properly, a broad measure of public support for this initiative in the country in question and a willingness on the part of the government to take the recommendations of the commission seriously.

So I told Sec.-Gen. Ban Ki-moon, we have settled this commission. This is exactly what the U.S. State Department wanted us to do last year. They said, we will encourage Sri Lanka to deal with this problem. It is Sri Lanka's problem. We don't want to tell them what to do. We are not paternalistic or condescending in our approach. Here's a problem, we want you to address it.

That's exactly what we have done. Sec.-Gen. Ban Ki-moon visited Sri Lanka in May 2009, and at the conclusion of his visit, in a joint statement that was issued out of Colombo, he called upon the president of Sri Lanka to put in place a mechanism that would be able to address these issues in a suitable way.

Now, we have done exactly that. So I told the secretary-general of the United Nations that what is now necessary is to provide the space for this commission to begin its work and to continue its work without any kind of impediment or distraction. And in those circumstances, any international initiative which is resorted to before the commission has commenced its work would be unfortunate and counterproductive. So this is a point of view which we express very strongly to the secretary-general of the United Nations.

The other initiative has to do with political reform. The reform of Sri Lanka's constitution is now being contemplated in earnest and the important point in that regard is that after 25 years, we now have in power a government in Sri Lanka which has a legal capability to change Sri Lanka's constitution.

There are two imperative requirements in that regard. One is a two-thirds majority in parliament and the other is the support of the people at a referendum. When Ambassador Schaffer said that during her period as ambassador, she had worked with me in many capacities during that period, and thereafter, I worked very hard to change Sri Lanka's constitution.

Probably the most elaborate draft was contained in the constitution bill which I presented to parliament on the 3rd of August, 2000. And then, the president came to parliament and made an emotional speech and so on, but all to no avail because the government in power did not have the legal competence to change the constitution – didn't have a two-thirds majority.

Now, this is the first government since 1977 to have that capability. So I have impressed on the leadership of the Tamil community – in particular, the leadership of the Tamil National Alliance – in parliament that they must not let this opportunity slip through their fingers. I told them, do not let “the best” be the enemy of “the good.”

Here is an opportunity to accomplish something substantial on the ground and let us make full use of that all-too-rare opportunity. The president of Sri Lanka has already commenced a process of discussion, and members of the government have started a process of informal negotiations with the Tamil leadership.

We are convinced that if this effort is to be successful, if it is to be sustainable, then it cannot be unilateral in character. You have to reach out to other groups, in particular, the Tamil community. We have to make certain that the process is enriched by their thoughts and insights and recommendations. It is only in that way that we will be able to achieve a consensus that would adequately support implementation of what is proposed.

Ambassador Schaffer is well aware that during the last 15 years, governments of different complexions, successive administrations have attempted, in earnest, to change Sri Lanka's constitution. Regrettably, perhaps tragically, the only feature that those efforts have in common is that they all failed.

And I think it is now useful to look back on some of those initiatives and to ask ourselves the question, why it was that none of them succeeded? I think there many reasons but the principal reason to my mind is that these attempts were perceived by the general public as elitist efforts – the high echelons of society – without adequate support from the vast mass of the people. The public, in general, did not sufficiently identify with the content of what was proposed and that is why implementation proved to be impossible.

It is a wish of the president of Sri Lanka to do something refreshingly different on this occasion. He does not want to add one more leaf to the thicket. He does not want to come up with a set of proposals which will be the subject matter of discussion in seminar rooms in universities and a set of proposals which will gather dust on a shelf.

The emphasis is on implementation. And the sine qua non of implementation is adequate consultation and the building up of a wide-enough consensus in Sri Lanka to enable the proposals to be implemented. So we have started that process.

So these are some of the important things that are happening in Sri Lanka at this moment. We have also spoken to other governments. During the SAARC summit in Thimphu, Bhutan, we briefed the leaders of the Indian government about some of these initiatives.

And when we talk of constitutional reform in this regard, one thing that we have in mind, apart from what is contained in the 13th amendment, is power-sharing at the center. You are aware that the minority communities in Sri Lanka do not live exclusively in particular geographical regions. The Tamil community does not live exclusively in the north and the east, but there are large numbers who live in Colombo and in the other principal cities of the country like Kandy and Galle.

Therefore, there is a certain hiatus in the 13th amendment. It has a certain structural flaw. The structural flaw is that it does not address in any manner whatsoever power-sharing at the center. It deals exclusively with the confinement of powers to regional entities.

The distinguishing feature of the 13th amendment is that it establishes a line of demarcation between central government and regional functions. That may be all right for a country where the minority is exclusively resident in an identifiable part of the country, but that is not the case in Sri Lanka.

If, therefore, that structure is to be complete, if it is to be capable of working on the ground, then it's absolutely necessary for us to make some provision for power-sharing at the center. Now, we're going to do that and the chosen instrument is a bicameral legislature, so we are working on that.

As we have extracted some elements from the U.S. Constitution and combined those in a manner that is suitable for our own country with certain principles that are derived from the empirical experience of other jurisdictions.

For example, one valuable idea that is contained in the Constitution in the United States is the doctrine of sovereign equality of the federating units. Whether the state is large or small, it elects the same number of members to be United States senators.

We have also looked at the constitution of India and the composition of the Rajya Sabha, where the president of India has the power to appoint a certain number of persons who have distinguished themselves in different walks of life and they can be brought in by the president as members of the second chamber.

Apart from compilation, we also need to address the functions of the second chamber. We have not arrived at finality in that regard, but we are anxious to forestall the criticism that the second chamber, often in common with experience, has proved either obnoxious or superfluous.

Those are the words of (overseers ?), surveying the experience of the commonwealth. He said for the most part, where a second chamber has been established, it has been either obnoxious or superfluous. It is superfluous if it is a mere rubberstamp. It is obnoxious if it resists the political will of the first chamber.

I think the answer to that problem is to ensure that the second chamber is not entrusted with functions which are indistinguishable from the functions attributed to the first chamber. And the functions have to be imaginatively conceived of in order to give the second chamber a

meaningful and immediately relevant role with regard to the solution of problems which were uppermost in the minds of the lawmakers when they decided to bring the second chamber into existence.

So there, I think we can learn a great deal from the experience of Canada – for example, center province relations. The minister in charge of that subject for a long period was a close friend of mine, Stéphane Dion, who was a professor of political science in Canada before he came into politics.

So we want to ensure that this second chamber does something useful – does something that is perceived by the public as making a contribution of pragmatic value to the governance of the nation. So these are some of the ideas that we have in mind as we approach the task of constitutional reform and, of course, the reform of the electoral system.

One matter about which there would be near unanimity in the country is the profoundly unsatisfactory consequences that are produced by the particular form of proportional representation that we have in Sri Lanka today. It's a terribly unsatisfactory system. We need to change that. So we tend to start with the local government institutions, bring amending legislation before parliament. All of this is engaging the attention of the government at this moment.

Then, more broadly, in my discussions here in Washington, I'm meeting the secretary of state, Hillary Clinton, on Friday. During the next two days, we will be meeting senators, congressmen – well, I'll be interacting both with the executive branch of government and with people on the Hill.

Now, one idea which I propose to propose to U.S. legislators and others whom I will be meeting is this: I think – I believe genuinely that the circumstances are propitious for a certain strengthening and deepening of the relationship between Sri Lanka and the United States.

Now, we are not, in any way, resentful of the focus on human rights. That is understandable. We are not complaining about it. But we are making the point that the relationship should not be one-dimensional. There are many other things that Sri Lanka and the United States can do together. In particular, as we open up the country, as we rebuild the infrastructure, I think there is a great deal of scope for American companies to come in and to participate fully in that exercise.

One of the interesting things that I did in my previous capacity as minister for international trade was to visit New Delhi about a year-and-a-half ago to address large American companies that were established in the Indian subcontinent to try to persuade them to take a look at opportunities that are available in Sri Lanka. The acting head of mission of the United States in Delhi at that time was a friend of mine, Peter Burleigh, who was ambassador in Colombo for – not for a very long time; I think for about a year-and-a-half. He was in Delhi.

This initiative was strongly supported by the American Chamber of Commerce, who, in association with our own high commissioner in New Delhi – the present secretary to the ministry

of external affairs – he arranged this interaction with American companies. The reception was very good.

And what we thought, basically, was, rather than come to Washington or Los Angeles or Houston and try to talk to American companies about opportunities in Sri Lanka – that may not have been an entirely practical exercise; Sri Lanka is very far, remote, distant – why not go to Delhi and talk to companies who are very familiar with conditions on the subcontinent?

We were not asking them to scale down their operations in India but rather to take an interest in ancillary activities which may productively supplement what they were doing in India. Now, I think if it was appropriate then, I think there is much more scope for such an exercise at this time.

I also told some members of Congress and the Senate whom I met this morning that I think that the United States and Sri Lanka can work together to their mutual advantage in several other fields.

For example, Sri Lanka, last week, took over the chairmanship of G-15 in Tehran. President Rajapaksa took over the leadership of that organization from President Ahmadinejad of the Islamic Republic of Iran.

Now, as you know, G-15 is a misnomer, in a way, because there are actually 17 countries. But of these 17 countries, three are among the 10 largest economies of the world. That is India, Brazil and Mexico.

So G-15 is an organization to be taken seriously, in many ways. It accounts for approximately 30 percent – actually, a little more – 33 percent of the world's population, 25 percent of the world's crude oil resources; it accounts for 27 percent of the export trade in the developing world and 30 percent of the import trade in the developing world.

Now, one of the main characteristics of the discussion that took place in Tehran last week when we took over the leadership of G-15 was this: that the leaders of these nations strongly felt that there must be a closer interaction between the G-15 and G-8, and that a particular onus in this regard devolves upon those members of G-15 who are also members of G-20. There are several countries that belong to that category.

Now, some of the things that are vitally important to the United States, not least of which is climate change, global warming and so on – that was high on the agenda in Tehran. Matters connected with the World Trade Organization, the reform of intellectual property, access to markets and issues connected with Kyoto, Copenhagen, Rio de Janeiro – all of this formed an important segment of the subject matter of the deliberations that took place last week in Tehran.

So these are matters of common interest to the United States and to Sri Lanka. And I think it would now be entirely appropriate for us to consider modalities for working together on this wide range of subjects. And I must say that the people that I spoke to in Washington were very receptive to that point of view.

And we would also like the administration of the United States to address their minds to some of the issues, like the Leahy amendment, which I took up. It may have had a rationale at one time, but it is today working in a way that is really inimical to the interests not only of Sri Lanka but of the United States, as well.

Given the geopolitical realities in that part of the world, the Leahy amendment prevents the United States from doing anything for Sri Lanka with regard to military training. Now, today, there's no war in Sri Lanka, and military training would largely – no, any kind of military assistance.

Now, today, military assistance would for the most part consist of training. Now, that is rigidly, inflexibly excluded by the Leahy amendment, as it stands at present. So we would like some attention to be given to matters of this kind and to recognize the magnitude – the enormity – of the changes that have taken place on the island within a relatively brief time span.

So our exhortation to American policymakers was that they take these circumstances into account in deciding whether a policy which may have been supportable at one time needs to be modified in order to accord with supervening changes which have occurred in Sri Lanka in the recent past.

So anyway, I will end up on this note: that it is a time of great promise and expectation but things are not going to happen automatically. All depends on what we do to take advantage of these opportunities. I think it's one of those periods in history when decisive change is possible.

There is a time, in the affairs of men, which, taken at the flood, leads on to fortune. But it all depends on how we react. Now, we are greatly fortified by the goodwill of the United States and other nations. I'm very conscious of a whole reservoir of goodwill.

Of course, there will be differences of approach, of nuance. If there was unanimity with regard to everything, then international discourse would not be necessary. So we engage with our friends. But there must always be the capability that, to carry on a meaningful, a substantive dialogue, recognizing that there are differing points of view.

And so far, the discussions that I've had, both in New York and Washington, convince me that, that is certainly possible. So we look forward to a very productive relationship with the United States. I'm looking forward very much to my meeting with Secretary of State Hillary Clinton on Friday.

Bill Clinton and I were Rhodes scholars at Oxford together. We both got there in 1968. I can't claim to have known him very, very well. But I also met him five months ago in Hong Kong, where I represented the president of Sri Lanka at the Hong Kong global initiative. On that occasion, Bill Clinton talked about his time at Oxford. He also told me that he found deeply satisfying the work that he did in my country in the aftermath of tsunami.

He went there, to the deep south of Sri Lanka, and he did some extremely valuable work, which he told me he can look back upon with profound satisfaction. And so he was kind enough to tell me that if there was anything that I thought he could do, not to hesitate to get in touch with him.

So within a couple of days of my accepting my current assignment as minister of external affairs, I have a very encouraging letter from Hillary Clinton. And soon afterwards, the United States ambassador in Colombo, Her Excellency Patricia Butenis, told me that she would like to invite me to visit Washington to talk to her. So I was, of course, delighted to accept that invitation. And I'm looking forward to talking to her on Friday.

So in the meantime, I would like to thank you for your presence here this afternoon. I know that there is a great deal happening in Washington at this time, so there are competing demands on your time.

It is a matter of particular pleasure for me to meet Tesi Schaffer again, with whom, as she said, I worked very cordially and productively not only during her tenure of the office of ambassador of the United States in Colombo, but we've had – each time I was in Washington, I have met her either at her home or Dr. Ranji Salgado's home – my late brother-in-law's home.

So I am particularly pleased that Tesi Schaffer has found the time to preside over this meeting. I thank you for your presence, and I shall be delighted not only to answer any questions that you may care to put to me, but equally importantly, to listen to any comments or observations that you wish to make. Thank you very much. (Applause.)

MS. SCHAFFER: Thank you very much, Professor Peiris. I would like to exercise the prerogative of the chair and kick off the question period, if you don't mind. I was particularly moved by your statement that the government wants to heal the wounds of the long and bitter civil war. And you mentioned, in particular, the importance of reaching out politically to the constitutional Tamil politicians.

I wonder if you can say a bit more about how the government proposes to do this, and whether there are any particular mechanisms that you see as useful. You've had a presidential election and a parliamentary election. You talked about division of power at the center. I'm not sure how these pieces fit together.

MR. PEIRIS: Well, I mean, one of the great advantages of Sri Lanka right now is political stability. You know, we have a durable and a lasting peace, which, as Ambassador Schaffer said, we have achieved at great difficulty – excruciating pain and difficulty. That has not come easily. But that is reinforced by something else, that is, political stability of a kind and a degree which our country did not enjoy for a very long period.

Now, today, we have a government with a two-thirds majority, so that has contributed largely to the phenomenon of confidence. Confidence is at the root of it all. Why is investing coming into the country? Why are we back on the radar screen of the world? Part of the

explanation is peace. The other half of the picture is political stability. So that is the major asset in Sri Lanka at the present time.

We are not particularly enamored of forms and structures because it has been the painful experience of Sri Lanka that processes which were constructed with great care – a lot of effort went into it, but unfortunately, the results were disappointing. So we are not putting our faith in any particular structure and the government's conviction is that, at least in the initial stages, informal discussion with the Tamil leadership is likely to be far more productive than a formally structured process of negotiations.

I mean, we've gone through that. We've had all-party conferences; we've had all kinds of things. But the results have not been commensurate with the labor expended on those initiatives. So we would rather have recourse to a more informal mechanism at this moment.

Now, this is going to work if there is pragmatism on both sides. So this is why it is important that the leadership of the Tamil community in Sri Lanka should also recognize the potential value of this opportunity. And the rhetoric must change; the rhetoric must change. If they keep saying the same things they said 20 years ago, then there isn't very much hope for development. One has to recognize the dynamics of the current situation and the parameters within which a practical solution to this problem can be evolved.

I hope I'm not out of order in saying something else which I think I ought to say. That is, that we don't agree with many things that the International Crisis Group has said in the recent past, but there is another interesting report. I'm not referring to the current report which was launched in London on the 17th of this month, incidentally, or perhaps not very incidentally – just three days before a critical round of discussions in Brussels on the GSP-plus concessions.

Many things happened in London within a matter of four days. We had the International Crisis Group on the 17th; we had Amnesty International on the 19th; we had an equally ferocious statement by Human Rights Watch during that same period. All these things happened, and they coincided with these discussions in Brussels on the 20th and the 21st.

But what I was going to say was something a little different. That is, that in a previous report, the International Crisis Group made this point: They said that there is a significant difference between the attitudes of the Tamil diaspora and the attitudes of the Tamil leadership in Sri Lanka.

They said the diaspora has the – now, this is not my view; this is the International Crisis Group. The International Crisis Group said that, all too often, the diaspora has a tendency to dismiss the sentiments and the aspirations of the elected Tamil leadership in Sri Lanka as being of very little consequence. And the – (inaudible) – they don't have the courage of their convictions; they're not worth listening to, and, in cavalier fashion, to dismiss them.

So the International Crisis Group made the point that the diaspora wants to go much, much further. Now, that is the attitude which is not going to be very helpful if we are trying to achieve something on the ground with regard to a political settlement – something on the ground.

So this is something that we have tried to indicate in a sort of a way. A meeting of minds is now possible, I think. Not only is a meeting of minds possible, but the product of that meeting of minds can also be incorporated into the constitutional instrument. The dynamics of power internally enable it to happen because the government has a two-thirds majority in parliament. So that's where we are.

MS. SCHAFFER: Okay. I have a number of hands that are up. I'm going to try to recognize them in the order in which I've seen them. The first was Shaun Donnelly and the second was Mark Schneider. And I will catch you as we go around the room.

Q: Mr. Minister, thank you. I'm Shaun Donnelly from the National Association of Manufacturers, and had the opportunity to deal with the minister in previous incarnations. Could you talk a little bit about the mood in the public in Sri Lanka, particularly in the Sinhala community?

You talked about optimism and expectation; at least immediately after the victory on the battlefield, some other observers were talking about "triumphalism" or something. Is there a sense in the broad community that constitutional reform and reaching out to integrate the Tamil community and the minorities is a necessity or does the government have a lot of work to do to bring public opinion in that direction? Thanks.

MR. PEIRIS: Well, Shaun, I will answer that question candidly. I think the decisive factor with regard to that is the personality of the present president. The degree of public confidence in the president is such that his moral authority is really very considerable. It is not just the fact that he's the executive president of Sri Lanka, but if you look at the outcomes of the two recent elections – the presidential election and the parliamentary election – clearly, the public have enormous confidence in the president.

The president, therefore, undoubtedly has the capability to appeal to the Sinhala people of Sri Lanka, who, without any exception, in every electorate in the country, have given him support of a kind which nobody ever received in the past. You know, it really is unprecedented. And it's not just a question of my saying so, but it is borne out by the facts and the figures.

The president, therefore, undoubtedly has the capability to address, in particular, the Sinhala people and say, I have now rid this country of terrorism; I have put the country on the path of accelerated economic and social development; now, these are some other measures which I consider to be indispensable at this time in order to achieve the objectives which we all believe in; in order to achieve national well-being and prosperity, it is my firm and honest conviction that these measures are necessary.

Take it from me; the Sinhalese people will accept that without dissent. So we have that opportunity. We have that opportunity at this moment. We have that window of opportunity. That is a decisive consideration.

MS. SCHAFFER: Mark?

Q: Mr. Minister, thank you very much. I'm the senior vice president of the International Crisis Group. (Laughter.) I do appreciate very much your reading our reports and agreeing with most of them. (Laughter.) Now, I just also want to mention that we did send, prior to the publication on May 17th, a draft of our report and the particular allegations to government officials, and we did not receive a response. And so I'm pleased to provide you with a full copy for yourself. (Laughter.)

But I think it's important to – you emphasized in your talk that it's crucial not to look at the past. I think, in fact, the only way you get beyond the past is to look at it honestly. And I think one of our concerns – I've mentioned the national commission that has been adopted. In our report, we found very serious evidence of war crimes having been committed both by the LTTE during the last months of the war and by government forces, and specifically, shelling of hospitals in the no-fire – supposedly, no-fire zone – and believe that it's incumbent upon the international community to undertake its own independent investigation of those events in order to determine the final determination with respect to responsibility and accountability.

And I just would note that in many other instances in the aftermath of civil conflict, international commissions have been formed to provide that kind of insight. And I'd say that, that's particularly important in the Sri Lankan case because, as you know, there have been other instances of international bodies which have not resulted in prosecutions, which have not resulted in a sense, within the country, that the commissions have carried out their activities in an open, transparent way.

In fact, as you recall, in 2006, there was a national commission. There was an eminent persons panel that included international observers that was named. And it actually resigned because of obstruction that it identified as coming from different government offices, including the attorney general's office and the president's office.

And one of the concerns is that the chairman of the current commission that you just mentioned is that former attorney general. And I should add that, that comment was made by a member of the former eminent persons panel who was a former assistant secretary of state under the previous administration – Gene Dewey – that many of you know.

And so the argument, it seems to me, is that there is a need for an independent international investigation to determine the validity of these allegations, and then to take appropriate action. And that's essentially what we've called for in this report. And I would hope that you would support it in the future.

MR. PEIRIS: Okay, now there are a few comments that I would like to make on that intervention. One is a factual issue. It is not correct that the government of Sri Lanka was provided with a copy of the report prior to its publication. What happened was this:

The International Crisis Group wrote to the government of Sri Lanka, saying, we are in possession of material which leads us to believe – and I'm paraphrasing; I'm not quoting exactly – leads us to believe that both the government and the LTTE were guilty of serious war crimes.

And we propose to make this material public. If you have anything to say, please say so before 5 o'clock on the afternoon on the 30th of April.

In the first place, we don't think that, that is the proper way to address a sovereign government, but more important than that is the point that we were not given any indication whatsoever as to the nature of the material that the International Crisis Group purported to have. They said, we have this material. No indication was given of what the material is.

Now, as somebody who has been trained in the law, I find it very difficult to understand how you can respond to an allegation without knowing what the nature of that allegation is. So what exactly are we being asked to respond to? There was no way we could have responded, and we chose deliberately not to respond.

Then the report was launched in London at Chatham House and we have several problems with the report. I don't want this to become a kind of acrimonious debate but I'll just say, one thing is that, now, if you look at the language, in one paragraph, they said that tens of thousands of civilians were killed or harmed.

Now, frankly, we don't think that, that is appropriate. And what is tens of thousands – 10,000, 20,000, 90,000? They're both tens of thousands, right? So the language is vague. It is nebulous. It is lacking in the kind of precision and specificity that we would expect of a report of that kind, which is to have been written by somebody who was a distinguished Canadian judge. So we are a little disappointed.

What is more, although there are vivid descriptions of atrocities that are said to have occurred – shelling of hospitals and the other things that you have mentioned – what is striking about these allegations is that there is no source to which any of this is attributed.

There are graphic descriptions. We don't know where these descriptions are coming from. There's absolutely no possibility of verification. How do you verify material which is coming from somebody unnamed, lurking in the shadows, right, wearing a mask, impenetrable? How does any government deal with that situation, right?

Now on the other one, now everybody talks of the international community. What is the international community? There are 196 countries in the United Nations. Now, these matters have been taken up in appropriate fora in the United Nations. The human rights council debated this matter for three long days. What happened? There were representatives of countries from all six continents. And 29 people thought that there was no need to take any action; 11 people thought otherwise – 11 countries thought otherwise; with six abstentions.

So Sri Lanka has every right, legal and moral, to maintain that the international – what do you mean by the international community? A couple of NGOs do not constitute the international community. The Security Council, the General Assembly, the human rights council – yes. Now, we are prepared to take these matters there. Let's debate it in the Security Council or the General Assembly or the human rights council. But other avenues? No.

MS. SCHAFFER: I'm afraid we'd go on all afternoon if we went back and forth on this. (Laughter.) You get one sentence, Mark. I'm mean.

Q: Okay. The answer is, we would like your government to cooperate fully with the secretary-general and his panel of experts, and we would also be quite willing, once there is an international body set up, to provide to them, once the witnesses have been provided protection, with full access to them.

MR. PEIRIS: Okay, yeah. Let's leave it at that, there.

MS. SCHAFFER: Okay, the lady in the purple blouse.

Q: Thank you, Professor Peiris, my honorable minister. My name is Sue Gunawardena-Vaughn. I work on global human rights programming at Freedom House. I found your presentation very interesting. And I also have, like, if you want to know our – (inaudible) – I have something for you, so I can give you the Freedom of the Press 2010 report.

We rank Sri Lanka as not free in our report, and the question I have for you is on the freedom of the press. And a specific instance that I want to refer to is, earlier this month, a newspaper article which is currently posted on the ministry of defense website cited the president's brother – I think he has four brothers in the cabinet – Gotabaya Rajapaksa –

MR. PEIRIS: Okay, no, that's factually incorrect. No, you must –

Q: Okay, three brothers, now –

MR. PEIRIS: No, no, no, no. He has only one brother in the cabinet. You know, facts are sacred; comment is free. But please, get the facts straight.

Q: Okay, you can clarify my statement.

MR. PEIRIS: Do not distort facts. Facts are facts.

Q: Okay, you can clarify. I think one of his brothers is the speaker of the –

MR. PEIRIS: The speaker is not a member of the cabinet in Sri Lanka.

Q: Right, right, but he's holding –

MS. SCHAFFER: Could you finish your sentence?

Q: Yes. So I just wanted to know something to the effect of, anyone promoting an agenda which is detrimental to the country or seeking to undermine Sri Lanka's sovereignty is nothing but a traitor, deserving capital punishment. Traitors should be given capital punishment. Does that also extend to journalists? The Committee to Protect Journalists has ranked Sri Lanka as the fourth most dangerous place to be a journalist these days. So I'd really,

really appreciate your comments and your clarifications and corrections of my statements. Thank you.

MR. PEIRIS: Well, we don't know what you're quoting from, who made this statement, where this statement was made.

Q: It's on the website. It's on the ministry of defense website.

MR. PEIRIS: Well, I don't know whether that's entirely accurate, when it was made, and there's also this, that one would like to say: that countries pass through very painful periods, and this is true not only of Asian countries like Sri Lanka.

Now, when I was a student at Oxford, there were rules which bound the BBC. The BBC could not expose the image of anybody connected with the IRA, right? So the Western world.

Now, the late Lord Diplock, one of the most conservative of English jurists, whom I knew – he used to come from time to time – now, he was the architect of the Diplock courts. So countries of the West with very conservative views about legal systems and legal values have also recognized the necessity to deal with unusual situations having recourse to measures which may be considered draconian. But those are necessary at particular times for particular purposes.

In Sri Lanka, don't forget how many thousands of people were killed by the LTTE – how many were slaughtered by them. So governments are there principally to safeguard life and limb. And we make no apology whatsoever for laws that were enacted in Sri Lanka at that time to protect the lives of our people. And by lives, I mean Tamil lives as well. I'm not talking just of Sinhala lives. Is Kadirgamar singular? (Inaudible.)

So do not forget that the LTTE killed as many Tamils as they killed Sinhalese. Anybody who claimed – anybody who resisted them. Now, you're talking of capital punishment. What form of punishment did the LTTE impose? Summary execution, torture.

And the government of Sri Lanka makes no apology to anybody anywhere in the world for putting in place the laws that enable us to get rid of that menace. Once we got rid of that menace, we don't need those laws and we did away with those laws. And that is the right thing to do. That's what we have done.

MS. SCHAFFER: If I could just follow up on one thing that the lady asked about and that was the situation of journalists. And I wonder if you have any comment on the challenges that the press has been facing in Sri Lanka recently and where the government sees that going in the future.

MR. PEIRIS: Tesi, that whole cluster of laws, all of that is being loosened up, hmm?

Now, I would like to make use of this opportunity to clarify something that's now very, very (good ?). There is a question that is put to me about Mr. Tissainayagam. Now, this is a good forum in which I would like to clarify that.

As I assumed duties as a minister of external affairs on the 3rd of May, a very short time ago, I made this statement. The president told me that he wished to pardon Mr. Tissainayagam. Now, 3rd of May, the day on which I assumed duties – I was sworn in on the 26th of last month but I had to accompany the president to Thimphu so I went to work on the 3rd. And he told me this is an international press day and he wants to pardon Mr. Tissainayagam. And I announced it.

Now, when it's asked, what has happened, what has happened is exactly this: Under Sri Lanka's constitution, the prerogative of clemency belongs to the president and to the president alone. Only he can pardon. That is part of Sri Lanka's constitution laws. Now, the president has made the decision to pardon Mr. Tissainayagam, and on his behalf, I made that announcement.

There is one problem. That is, Mr. Tissainayagam has lodged an appeal to the supreme court. That is the highest court in the country. So Mr. Tissainayagam is arguing before the supreme court that he is not guilty. He wants a court to exonerate him, to exculpate him. The judicial process is therefore not exhausted. The highest court has still to pronounce upon this matter.

Now, Mr. Tissainayagam has been told, please withdraw your appeal and the presidential pardon will immediately come into operation. What is more, the attorney general of the republic has been instructed by the president to give Mr. Tissainayagam and his lawyers every possible cooperation to have the case – to have the appeal withdraw.

Now, while the appeal is pending, there is no way that the president can intervene. That is an interference with the judicial process. The presidential pardon is given after the judicial process is over. So the matter is entirely in the hands of Mr. Tissainayagam and his lawyers. He has only to withdraw his appeal, which he can do at any time. And we have publicly said that the presidential pardon will become immediately operative.

Now, as the attorney general says that his lawyers had spoken to him about some other matter, that this had not been mentioned, so the ball is in that court. All that they have to do is withdraw the appeal, and the presidential pardon – he can have the full benefit of the presidential pardon.

MS. SCHAFFER: This gentleman was next and, here, after that.

Q: Thank you. Christoph Koettl from Amnesty International. I'll try to be very brief. A quick comment on the question you raised before and in answer to a question was that you were saying it's difficult for the Sri Lankan government to really verify all this evidence and all these claims. And I think the solution to do that is to set up an independent international investigation and give everyone the opportunity to review the findings that come out of that. And that's something Amnesty International is supporting.

My specific question is that you were claiming before that Sri Lanka has a very credible domestic process in investigating human rights abuses, and you referred to Ambassador Rice's statement. And I have a specific question to the most recent commission of being created was set up in 2006.

What specifically was the human rights impact of that commission? How many individuals were tried and sentenced following the findings of that commission? And what happened to the findings of the commission that were submitted to the president but were never made public?

MR. PEIRIS: In dealing with issues like that, the context is very important. Do not forget that only one year has elapsed since the end of the war. Look at the experience of other countries in similar situations. How long have they taken some kind – I won't mention countries. Some of them have taken 30 years.

So why are you applying these double standards? Why isn't the Amnesty International in the mood to apply these same standards universally? Why single out Sri Lanka? Is it because Sri Lanka is a poor country? Sri Lanka can be pushed around, kicked around like a football? Certainly not. We won't allow that by Amnesty International or by anybody else.

If you believe in a set of values, at the very least, apply those values across the board. Do not be selective; do not be discriminating. Are these values applied with any iota of consistency? What about the performance of other countries in comparable situations? I think we have done a great deal within a very short period. And it is also wrong to begin with a presumption of malfeasance. Basically, the whole content – the attitudes in the world today is you encourage countries to deal with their own problems.

So we don't want Amnesty International telling us what to do. We will take it from the Security Council, as I said earlier, but we will certainly not take it from Amnesty. What is the role of authority of Amnesty International? So that's not acceptable and these are very difficult situations.

I wonder whether you are aware that only three weeks ago, a French national who was specially trained in diffusing bombs was killed in the Kilinochi area. That was a last bastion of the LTTE. Now, this was not a member of the public. This was somebody who had been specially trained for this kind of work. That person was blown up.

Now, when people ask you, why is it taking so long with regard to resettlement? Whatever you're dealing with, the context of the situation is an enormously difficult one. Now, whether progress is adequate or not depends on the magnitude of the problem. It's all relative, right?

Now, my complaint is that these values that you purport to uphold are not being applied at all in other contexts and Sri Lanka – small country, not a rich country; complex situations. But little Sri Lanka has had the will to do all of this. Who thought that we would be able to defeat terrorism? We did that for the benefit of our people.

So I think we are entitled to greater understanding and good will from other nations – not from nations – I’m not complaining about nations. Frankly, I mean, International Crisis Group, Amnesty International. Okay, we will read their reports, we will listen to them but we do not think that they have any coercive moral authority to tell us what to do.

MS. SCHAFFER: The lady at the end there?

Q: Thank you, Ambassador Schaffer. Dr. Mia Bloom, Penn State University. Nice to see you again. Not to belabor the point but I think when you have Brad Adams from Human Rights Watch and you have Crisis Group and you have Francis Boyle from the University of Illinois and you have Amnesty International, at a certain point, instead of deflecting, there is a need to consider and maybe reconsider a position of defensiveness and openness if there is going to be reconciliation.

But with reference to reconciliation, I’m most curious as to whether or not there were significant plans to co-opt the Tamil youth; for instance, programs like positive discrimination, or what we call here, affirmative action. I think when you see it as an example of terrorism ending – we’ve seen time and time again. Whether it’s insurgency or whether it’s terrorism in the Middle East and abroad, these things don’t actually end. If you don’t address the root causes and if you don’t address both the human rights violations and the mechanisms by which these communities have come to support a violent response, then the violent response will come back to haunt you, if not immediately, then within the next generation.

So what I would ask is whether or not there are attempts to address the inconsistencies with access to education, the inconsistencies with access to employment; real economic, sociopolitical programs that you could put in place that would match what you’re saying about a template from South Africa – from South Africa to Sri Lanka.

MR. PEIRIS: Absolutely, and we accept that. We certainly recognize that problems of this kind which exist in the hearts and minds of people with wounded feelings, of course they require for political responses, not military responses. That does not mean that the military response was not required. We won’t be able to do anything at all unless there was a military response.

Now, do you know that members of the Tamil community would not dream of – say, if the major political parties invited them to accept nomination for elections, they would invariably turn that offer down because they knew that they would be killed. So the first thing to do is to bring about a situation in the country which enables life to go on.

So that is why the military response was therefore unavoidable. It was essential. So it was a necessary condition. It’s not a sufficient condition. You start there; you go onto do other things. And the political initiatives are certainly required. We recognize that.

Now, I don’t know how much you know about Sri Lanka’s policy with regard to health and education. Had we continued to admit students to our universities – and Tesi would be

aware of it because she was there during those periods – now, if we admitted students on the raw marks that they obtained in a competitive examination like the GCE advanced level, about 80 percent of doctors in Sri Lanka would be from the big towns.

So we have changed that whole system. We take into account the poor cities and the adequacy of secondary school facilities available in that part of the country from which the student comes. That is an instrument of social equity. And it derives its inspiration in substantial part from the doctrines relating to affirmative action and reverse discrimination which have been developed with remarkable success in the United States of America.

And not only in the U.S. I don't think the U.S. is a monopoly. The late chief justice, Bhagwati, the chief justice of India, made a very imaginative contribution to the development of those doctrines in a nation context. So we have done all that.

Today, students from the poorest villages enter the medical faculties of our country. And that is a result of a very pragmatic attitude which, not one government, successive governments have adopted in dealing with these problems, so we are well-aware of this.

And I don't know whether you are also aware that when it comes to the recruitment of members of the police force, for example, in some of the Tamil-speaking areas. Of course you need Tamil-speaking police officers and we recognize it and that should be a qualification. If you're working in those areas among the Tamil-speaking people, then the ability to use the Tamil language with a reasonable measure of fluency is necessary to do your job effectively. So we are doing all of that. That's nothing new. That's happening in Sri Lanka at this moment.

Q: Raghuraj Goyal for India Globe & Asia Today. Mr. Minister, you had a very analysis report which is very educational. My quick and simple question is that one: How many people got killed in the last 25 years? And also during this operation, what magic did you use to bring the 25-year-old war to an end?

And also, you have advised the Indian government that you can put an end to the war in India. Finally, sir –

MR. PEIRIS: That's not correct. We have not been so presumptuous as to advise the government of India how to deal with their problems and we only wish that other people would not gratuitously advise us what to do. We have certainly not taken liberties like that with the government of India or with any government at all.

Q: And finally, sir – thank you. Finally, sir, many people of different, including Tamils and the experts, are saying that they have compared what happened in Sri Lanka with Hitler and Saddam Hussein.

MR. PEIRIS: No, I don't propose to react to emotive statements like that which are totally vacuous, lacking in content. I will not dignify that with a response.

MS. SCHAFFER: Yes, the lady in the black dress.

Q: I'm Vidya Samarasinghe. I'm a professor at the American University in Washington, D.C. A comment, first, about your comments on affirmative action. You must not forget that the original affirmative action in fact contributed to some of the problems in the ethnic conflict; at that time, the 1970s. And it was changed later on. And what you said right now is what that has been changed into, which is good.

My question is something different. You were talking about sharing of power from the center. And I know it is just one year since the war was won, and as a Sinhalese, I am very proud of the fact that the LTTE was crushed.

But the fact remains that we have – there seems to be a type of a consolidation of power at the center now. And this is dangerous. And in fact, in your response to the comment by Ambassador Burleigh, also, you said that the reverence that the people have for Mahinda Rajapaksa, which I believe in – he did something great for the country – cannot be a one-man show.

MR. PEIRIS: It isn't.

Q: No, my question is, now, we see that the attorney general's department has been taken over by the president and there's a lot of – even in your department, I saw in the Daily News that the Indian aspect has been taken and given to Basil Rajapaksa.

MR. PEIRIS: No, that's not correct. No, all these things are wrong.

Q: No, how can it be in the Daily News? The Daily News is the government paper, you see, so I do believe the Daily News.

MR. PEIRIS: No, that statement that – I'm telling you uncategorically that, that statement is wrong.

Q: No, but the point is that there is a consolidation of power –

MS. SCHAFFER: Could you get to your question, please, Professor?

Q: There is a consolidation of power at the center, now. So I do believe that the reforms are in the making. So is this the interim period or is it the – this does not bode very well for the future if this is the way it is going to be.

MR. PEIRIS: Well, I'm not clear about the question that you're asking. What do you mean by an interim period?

Q: Interim period now that he has taken over the attorney general's department, there is a lot of consolidation of power among the group within the center, as I said. You don't agree with it, but of course, then the Daily News must be telling something untrue, that the Indian aspect of external affairs has been taken by Basil Rajapaksa.

MR. PEIRIS: Are you suggesting that there is in Sri Lanka Gazette extraordinary transferring to another ministry? Sri Lanka's relations – (inaudible, cross talk).

Q: Professor, you are a professor of law and you are very flippant. But the issue is consolidation of power at the center. That is the question. With the consolidation –

MS. SCHAFFER: Why don't you let the professor respond to that question? Is consolidation of power taking place? And what does this portend to the future?

MR. PEIRIS: Under Sri Lanka's constitution, the president is at liberty from time to time to change the allocation of ministries. I don't think there is anything particularly extraordinary or anything very dangerous about the attorney general's department being brought under the president.

The attorney general is responsible for conducting prosecutions, for carrying out a wide range of statutory functions, and the president feels that for some reason, the attorney general's department, those functions should come within the purview of the presidential secretariat. I don't see anything so diabolical or sinister about it. That's not an extraordinary development.

As for power-sharing at the center, so what you saying, then? Is it wrong to establish a bicameral legislature? Is it wrong to transfer to the senate some of the powers that are exercised by a unicameral legislature? Then I don't follow the question.

Surely, that is a move to reduce power. Where all the power is in one institution and you're now creating another institution to share some of those powers, then surely the net result is a diminution of power rather than a further concentration of power. And I can't see how the creation of a bicameral legislature can be objected to from that standpoint.

MS. SCHAFFER: Howard?

Q: I'm Howard Schaffer at Georgetown University and I'm related to your chairman. (Laughter.)

I want to move the subject off the internal situation to a foreign policy issue. You were recently in Thimphu, I believe, for the SAARC summit. And like everyone else, I'm sure you notice that the crucial issue now in South Asia is the India-Pakistan relationship, as it has been for so long, but particularly now in aggravated form.

Do you see any role for the smaller countries of South Asia either individually or working through SAARC to help lessen the tension and improve the relationship between India and Pakistan?

MR. PEIRIS: I would say so, Howard. Definitely now, during the last SAARC summit – the 16th summit that was held in Thimphu, Bhutan about three weeks ago – as you know, there was a meeting between the prime ministers of India and Pakistan on the sidelines of the SAARC

summit. There was a meeting. And we were told at the end of that meeting, it had been a good meeting. It had been a good discussion.

Now, certainly, the whole nature of SAARC would, I think, make that possible. When the serious meeting in Bhutan that took place, we were all accommodated in a compound. So you just stepped out of your house and you went into a next house and you would talk to the head of state of Bhutan or Pakistan or Nepal. And there was a good deal of informal interaction.

It is my conviction that, that is perhaps one of the singular strengths of SAARC. Not just the plenaries and the multilateral discussions but the opportunity that it provides for heads of state and foreign ministers and so on to establish a warm rapport. And that makes it possible for you to pick up a phone and to talk to your counterpart in one of the other governments of South Asia. The foundation for that is led at the SAARC summits. So definitely, the whole – the modus operandi of SAARC makes that possible, and to my mind, it is one of the most valuable characteristics of SAARC.

MS. SCHAFFER: If I could just follow up on the foreign policy front, Sri Lanka has and always has had a very important relationship with India. It's been sometimes up and sometimes down. It's always been important.

Sri Lanka has always had an important and usually very cordial relationship with China. India and China have a significant rivalry that centers on the Indian Ocean.

From Sri Lanka's point of view, what is the significance of that? And what, if anything, does Sri Lanka want to do about it in your own relations with these two countries?

MR. PEIRIS: We have very cordial relations with both countries. As far as India is concerned, we have a bilateral relationship, a free trade agreement which has been mutually, mutually beneficial. India is involved in many things – in the development of the northern railways, for example. They're playing a big role in the railway network in the north. They're also an important player in the power sector.

We have a very warm and cordial relationship with China. China is active with regard to our ports and harbors in particular. The Hambantota harbor, the Maththala international airport – that's also in the district of Hambantota.

We have not come across any acute problems. We have a very good relationship with India which goes back. It is lost – in the words of the late Lakshman Kadirgamar – in the mists of time, he said. China has been a very good friend in times good and bad.

But we have not had any difficult issues to deal with arising from the bilateral relationship within those two countries. As far as we are concerned, we are friends with both of them. And that really has not been any serious issue that we have had to deal with in that regard.

MS. SCHAFFER: Somebody over here has been waiting a long time. Nihal – and then you're next.

Q: Nihal Goonewardene from International Science and Technology Institute. Good to see you, Minister. Thank you for the presentation. I have a follow-up question to what Howard Schaffer raised – not entirely political but on the foreign policy and foreign trade relationships.

What are the chances of looking beyond SAARC or within SAARC to have more collaboration with ASEAN because that seems to be a natural consequence of India's direction as well?

And also, I have a statement, since questions are the premium today. Is there any chance that we would ever get to see Mr. Gotabaya Rajapaksa in Washington? Because I think there is a great deal of interest in how Sri Lanka executed its strategy in crushing the LTTE and also I think there might be some questions about the Department of Homeland Security and others who might interfere with such a visit. So just a comment from you – is it something that might be worked out because there is a great deal of interest both in the military industrial complex as well as in the academic and think-tank circles?

MR. PEIRIS: I think Mr. Gotabaya Rajapaksa has been in Washington many times. When was he here?

(Off-side conversation.)

MR. PEIRIS: He has been here. I'm certainly aware that there is a great deal of interest in universities and think tanks around the world particularly in naval maneuvers; how the role of the Sri Lanka navy.

There is a lot of interest in military academies and so on; how was it possible for a small country with very limited resources – small army, small navy, even smaller air force – how were we able to accomplish something that much wealthier countries, far better equipped, found themselves unable to do within that timeframe?

So I'm sure Mr. Gotabaya Rajapaksa will be here at some timeframe; he has been here in the past.

Then the first part of your question: SAARC is not exclusive. Now, you probably know of BIMSTEC. Sri Lanka is a member of BIMSTEC. Sri Lanka is also a member of what is called APEC. India is a member; China is also a member of that organization. And even within SAARC, the bilateral relationships continue.

So definitely, I think there is a role for many such organizations and SAARC must not be looked upon as an organization that discourages or, still less, excludes other groupings of that nature.

MS. SCHAFFER: We only have time for one more question and it's the lady in black next to the lady with the lovely purple blouse.

Q: My name is Mona Dave from the National Endowment for Democracy. I have one question just to clarify on the 13th amendment. You were saying that there are some structural flaws in light of the fact that many of the minority communities are living in cities that are in the south or in the west.

Could you just give us a word about what you believe the role of the provinces will be in power-sharing as the new constitution is written? What kinds of powers will be given to them to look over?

And also, if you could just provide us a bit of a status about the government's legal action against Gen. Fonseka.

MR. PEIRIS: Okay, there are two questions there. the 13th amendment is already a part of the law of the country. The 13th amendment is part of Sri Lanka's constitution. So it's already there.

Now, with regard to how it needs to be modified, I don't think it is right for the government to make a pronouncement on that before we have had the opportunity of consulting with others adequately because then we are repeating the mistakes of the past.

Previous attempts have largely been top-down attempts. The government decides and publishes a white paper or whatever. So that method has really not succeeded. So at least that, I think, we must learn from contemporary history. And rather than a minister or the government saying, well, this is the blueprint, I think we must formulate the blueprint after far fuller consultation than we have been able to do as of now.

On Gen. Fonseka, the situation is this: that Gen. Fonseka is being tried by a court-martial, which is an established part of the laws of the republic. This is British legislation of 1948; nothing new.

And right now, there are other people also being tried by courts-martial established by the army act and the navy act. It's only that those cases have not received publicity. So it's nothing new; it's nothing exceptional. The army act, the navy act and the air force act are all part of the laws of Sri Lanka and they were – the army act was introduced within two years of the British handing over power to us.

Now, the point of stress is this: that nobody under the laws of our country – there are only two categories of exemptions from the application of the criminal law. One is the president of the republic. It is not the constitution of the present president; it was a constitution that was framed by President Jayewardene, which gives immunity to the president. During the time that he holds that position, he can't be brought before court of law.

The other would be plenipotentiary envoys of foreign governments. It would not have been possible to take Ambassador Schaffer before Sri Lankan court when she was a U.S. ambassador in Sri Lanka because she would have claimed that, that is contrary to the diplomatic privileges act of Sri Lanka – (inaudible, cross talk).

MS. SCHAFFER: I would have come straight to you to make that claim. (Laughter.)

MR. PEIRIS: So those are the only two exceptions. Only two exceptions. Everybody else is subject to the operation of the law. So just because somebody had contested a presidential election, that person is not entitled immunity. So if there are serious charges under the army act – under the normal laws, also – the penal code, right?

Now, some of the evidence seems to suggest charges of cheating, misappropriations, matters of that kind, then charges under the exchange control act, which is also part of the statute law of the republic, there is no question of anybody claiming immunity. So the laws of the country have to be enforced.

There are plenty of opportunities for judicial review. In the army act, there is a provision for an appeal to the court of appeals. If there's a failure of justice, then the court of appeals is entitled to intervene.

And in fact, the writ of habeas corpus has been sought by Gen. Fonseka. The writ of habeas corpus is within the jurisdiction of the court of appeals to issue. What is more, he has gone to the supreme court on a fundamental rights application.

So all these proceedings are subject to intense judicial review. That is also implicated for by the legal system of the republic.

MS. SCHAFFER: Well, let me thank – first of all, thank Professor Peiris for giving us a very vigorous hour-and-a-half. I'm afraid we've made you work fairly hard. Let me thank all of you for joining us.

(END)