

## National Security and Constitutional Changes

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As far as national security and constitutional changes are concerned, those are two worlds; I just cannot see how I could link or bridge national security and constitutional change. Because to me, it is like South Pole North Pole. I will make my effort to draw a parallel between two

Dealing with national security, if we think after having finished the war of thirty years, after being the most insecure country in South Asia and now becoming the most secure in this region that we can rest on our laurels or sit comfortably on our backside thinking that security is no longer an issue, we are greatly mistaken. Security is the prime issue that we have to address for the reason that we can already see the rumblings in the environment. We can see various parties now getting together, which was not something we were able to see immediately after the ending of terrorism.

Today, we are moved to a stage where we see several parties. We see on one hand the Diaspora. Diaspora is still trying to get back to the old concept of an Ealam state. They are able to do it not because they are having a voice that is heard in Sri Lanka but they have a voice that is heard in the countries they live for the simple reason not that there is a particular bondage between the Diaspora and the western nations that lodged them, but purely because the west is like sniffer dogs, if they see that votes are around they sniff and they would like to win that kind of population over. That is one reason why the Diaspora is active and is able to make impact and once again resurrect the state of Ealam in Sri Lanka.

Then we have the foreign elements, they do it under the mask of human rights, good governance, democracy. But if you examine their own track records, remember it is President Obama who ordered every attack. He personally sanctioned the death of Osama Bin Laden which if we did, if our Head of State indulged in that, he would have been named a war criminal, but there are double standards, and due to that once again the Diaspora is working in a hand in glove with some of those western powers who of course grow in hot and cold. They do not show all the time that they are in support of this concept of Ealam, but they do it more deceptively, they do it more craftily, they show us at times that they are with us, but other times when the critical time comes like India they will vote against us. That is precisely what the west and India are indulging in, but we have to understand they have their priorities just as much as we have, so if their priorities are that, it is our duty to be concerned about our national security. Then also, trying to get through the democratic process once again to bring back the rights of the Tamil people which I think is very justifiable.

If you ever talk of the grievance of the Tamils, it is quite different to talking about power to the Tamil politicians, some of which have been correctly identified by the LLRC. Those are justifiable grievances and if we create a climate where we can win over the Tamil population by addressing their grievances, instead of giving power to their politicians which is the element of danger because it is at that point that they are able to take a step forward towards a state of Ealam. They are doing it in a very sensible way, they are doing it in a deceptive way that they are doing it by trying to work through the 13<sup>th</sup> Amendment. Through the 13<sup>th</sup> Amendment what the TNA is now saying is not asking for an Ealam, they are doing it on a step by step basis. What they are trying to do is to

get the 13th Amendment totally functional. The 13<sup>th</sup> amendment is very much a part of law, it is in our Constitution and it is in existence except for two aspects. That is where I'm trying to link constitutional changes to security.

They are trying to establish land and police powers through the 13<sup>th</sup> Amendment. Fortunately whether it is the UNP or whether it is the PA which are the two political parties, they have not so far conceded the police powers and land powers. Of course the land powers have been somewhat diluted by court decisions and now it is very important that we hold on to the police powers. Today to me the most hostile route figure operating under the auspices of democracy is the TNA, because the TNA will say one thing in Colombo another thing in their convention in Batticaloa and another thing in India and something else in the West. They are playing games. You ask me honestly, any day I preferred Prabhakaran to the TNA. Because Prabhakaran knew what he stood for, you knew who the enemy was. But now we have a hidden enemy.

An enemy working within the forces of democracy, an enemy who is calculating and making his way once again towards a state which Prabhakaran the known enemy, whom we identified and eliminated which we should not do to the TNA because the TNA as a democratic party and it has every right to express views but we have every right to ensure that our security is in place and security is well looked after, so that to any such threat we are not going to bend and bow. I have been pressing my views very strongly that the forces have done their work but now the forces have another job. The more important thing is now intelligence gathering. That is the prime thing because in a democracy, people have the right to oppose and we must give them that right. The TNA which now boldly speaks, at their Batticaloa Convention where they passed resolutions. Would they utter a word if not for the exercise by the forces? If not for the rights given by democracy would they have been able to utter? Did they say any one of these words when LTTE was in power? Where were they? Were they in Sri Lanka? Some of them were underground or they were held abroad. But today, they have the surface. We must give them every right to surface because this is a democracy but surveillance is important, security is important, what is now important is we are properly guided by intelligence reports and in that respect I think it is very important. Something that we have neglected is the trilingual programme, because when I was in my short association with the forces, with the intelligence units I found that the fact that we were not a bilingual or a trilingual society met our intelligence information was inadequate. Intelligence is a two way street, I have greatest regard and respect for military intelligence but military intelligence alone is not sufficient because the military can do certain functions under our law and they cannot do certain functions because those are associated with the police powers.

Now if, for example, you have to take down a statement, which is a very vital thing in collecting information, that is something that the Forces cannot do, but that is well within the law as far as the police are concerned. They can go out and carry out investigations. Remember Prabhakaran when he killed Dureyappa it was a pistol party of seven people. And in that kind of underground movement it may be that the military intelligence will have the information, but they can't go in a digging operation. They can't do surveillance, and for that you need police powers. Remember, what is the TNA? What is the Diaspora? What is the 'foreign powers? Specially India, what do they want? They want the 13th Amendment to put into effect. Because the 13th Amendment includes police powers.

'Police powers' means the first step, that initial step towards creating a state where all the carders now presently rehabilitated would be invited to join a police force under the Head of the North and the East chief minister. Now don't forget this, when we had the Northeast Council, Varadaraja Perumal declared on his own separate state with the assistance of Indian, at that time called the UDI, unilateral declaration of the independence. So, if, for an example, provincial council election is held today, the Chief Minister of the North will come into existence and he will do a recruiting program. Who else could he recruit? Who else is better trained to be recruited, than those who have certain training in combat in the use of fire arms, and that would be the former LTTE carders? All the good work we have done in reconciliation rehabilitation, all the little boys, children that we have sent home can emerge. Because in my experience some of the worst offenders in preventing reconciliation process are not all, some of the public servants in the Jaffna district who are Tamils. I'm sorry to say this that good work that is done both by Sri Lanka and foreign countries even some of the NGOs are being reduced by Tamil speaking public servants who are inclined towards the TNA and are having rapport with the people. Don't forget one thing, the people of Jaffna, the Tamils are one thing, they are our brothers, and we must treat them accordingly. The TNA and those TNA supporters are a different batch, they are just part of the Diaspora, they are being fed financially, and they are being fed with trips and all other perquisites by the Diaspora.

So we have to identify who is our real enemy and what we can do is to ensure that (and I'm quite sure this government is very strong on this, I know your president is very strong on it) you must not concede police powers. Because every insurrection, any kind of terrorism weather it was Wijeweera or Pabhakaran it starts small, it's a small group that enlarges, and that requires inspection of premises, entering premises, collecting statements, doing investigations, those are all matters that only the police can do. Now why is it that the TNA has two objectives (one is to get police powers which they saying they'll put it off, but give us some time, and the other is to remove the military if possible from the North and the East). These are symptomatic of what is coming, so it is our duty as lawyers, as knowledgeable people to do what is essential. In that respect let me give you two illustrations. Now if the land is vested in the Chief Minister and there is once again another insurrection leading to terrorism in the North, how possibly can the military go there and lodge themselves? Can you have high security zones? They will alienate land around the Palali Airport, which will make any kind of landing insecure.

Land is prime, because land is something which we must always establish. It's a fundamental right which all people must have access. I mean if you look at the Thesawalame laws, I think I do not know why no one has still taken up the position that it is violatitive of the discriminatory practices or equality rule. Because the land of this country belongs to everybody. Each of you. It cannot be given to an exclusive group of people, I mean in this country we have always had people from other provinces living in Colombo, I mean the Colombo municipality is very much more of minority groups, and we are happy about it, nobody is objecting to it.

We all live merrily, so that I think, what is prime is we got to understand and identify who our enemy is, the enemy is anybody who's trying once again to have another state, because we have had thirty years of terrorism, we have finished it admirably by the forces and by the leadership given by the Defence Secretary and by the President. I want to give credit where it is due, it is also due to the fact

that there were so many people who have prepared to sacrifice their lives, bequeathed their children to the forces, and that is a legacy that we cannot entail to our future generations. I have tried my best, in my own humble way I have identified who would be the potential candidates for terror.

I would always say that Pabhakaran was a terrorist who called himself a terrorist. But we now have terrorists who wear masks and cloaks, even among us I would say the Colombo society, whom I often refer to as the Colombians, a large group of people who are still clambering in some way to bring in this Western ideology of democracy, human rights, all very good if they observe it. The second point is we are being stretched. The last two bulwarks of safeguards that we must ensure is the police powers and the land powers. What we should address, which I'm afraid is not being done in an accelerated form, is the justifiable legitimate grievances of the Tamil people. You have to attend to their personal economies, their personal welfares and there are about ten areas which the LLRC has correctly identified, which they have set out very briefly, but very sensibly, like land issue where they have a Land Commission. I think we must give effect to those rapidly.

This doesn't require any constitutional amendments, our laws are sufficient, our administrative powers are sufficient to grant them that relief. If we do so, I think we can have a Sri Lanka that is truly lived in unity which I think is what we must bequeath to the next generation.