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By Col R Hariharan

[This is the text of answers to a set of questions raised by the Editor, Political & Defence Journal, a diplomatic journal through e-mail.]

1. What are your views on the South African initiative to mediate between Sri Lankan government and the Tamil minority? South African President Jacob Zuma has appointed Mr Cyril Ramaphosa as its envoy on Sri Lanka and he is due in Sri Lanka next month to take stock of the situation.

According to a report in the Sunday Times, Colombo of April 20, President Zuuman told the South African Parliament on February 13 at the request of Sri Lanka Government he was appointing Cyril Ramaphosa as South Africa's Special Envoy to bring about peace and reconciliation in Sri Lanka. Ramphosa is expected to visit Sri Lanka in May 2014.

Ramaphosa, deputy leader of the ruling African National Congress (ANC), is probably the ideal man for the job of a mediator. He headed the ANC negotiation team in talks with the National Party government in Pretoria at the end of apartheid regime. He was also the chairman of the South African Constituent Assembly which finalised the post apartheid constitution. Now he is a potential presidential candidate.

The Sunday Times has also published an interview with R Sampanthan, leader of the Tamil National Alliance (TNA) on the South African mediation issue. At the invitation of South Africa he led a TNA delegation to Pretoria. He has explained that President Rajapaksa had sought South Africa's help in resolving the reconciliation process when President Zuma visited Sri Lanka to attend the CHOGM in November 2013. South Africa had invited the TNA delegation as a part of this initiative.

For a long time Sri Lanka had been against any foreign initiative for resolving the Tamil issue, whether it was insurgency or reconciliation. Of course, India had been an exception to this; even Indian involvement had been muted ever since its political and military intervention (1983 to 90) failed to yield expected results. And the Norwegian led initiative did not fare any better.

Even on the specific issue of South African style of reconciliation, Sri Lanka had shown its reluctance as late as May 2010. According to a BBC report of that period, while answering a question whether the 'Lessons Learnt and Reconciliation Commission (LLRC)' would be similar to the South African Truth and Reconciliation Commission, Media Minister Keheliya Rambukwella termed it an alien experience. The government would be looking to "an indigenous approach, something home grown" to address the issue of reconciliation and lessons learned in the country's Eelam conflict, he added.

Sri Lanka had to change its rigid stance after it was repeatedly hauled up before the UN Human Rights Commission (UNHRC) for its flawed 'indigenous' approach to human rights violations and accountability. The UNHRC scrutiny had exposed the deficiencies of Sri Lanka's much touted LLRC process in resolving the issues of accountability and reconciliation. Apparently, this had prompted President Rajapaksa to involve South Africa to in the process in order to gain some credibility.

2. What is the Indian response to this development?

The South African initiative would probably take shape only after Ramphosa's visit to Colombo next month. So it is too early to talk of Indian response to the initiative. At the same time, India had been stressing the need for resuming the stalled reconciliation process which had been delayed by the negative tactics adopted by President Rajapaksa. He formed yet another parliamentary select committee (PSC) to make recommendations on the issue. With most of the opposition parties including the TNA boycotting the PSC, its credibility has been eroded even before it finalised its recommendations.

India's stress had been on resuming the political process for reconciliation and considers the full implementation of the 13th amendment to the constitution fundamental to the process. During the last UNHRC discussion on Sri Lanka, India's representative Dilip Sinha explained the Indian stand. He said, "... much more needs to be done by the Government of Sri Lanka towards a meaningful devolution of powers. It needs to continue to take specific measures towards broad-based, inclusive, meaningful and genuine reconciliation with the minority Tamil community." He called upon on the Sri Lanka Government "to make purposeful efforts to fulfil its commitments, including on the devolution of political authority through the full implementation of the 13th Amendment of the Constitution of Sri Lanka and build upon it....As the closest neighbour with thousands of years of relations with Sri Lanka, we cannot remain untouched by developments in that country."

India should be happy if South African mediation can bring this about. India has excellent relations with South Africa rooted in their shared history of struggle against colonial masters. They are also active members of the BRICS (Brazil, Russia, India, China and South Africa)

initiative. So India would probably have no objection to South Africa chipping in to trigger the political reconciliation process in Sri Lanka. And we can expect South Africa to keep India in the information loop when it undertakes mediation in Sri Lanka.

On the flip side, strategically South Africa's entry into Sri Lanka introduces yet another external influence in what used to be India's sphere of influence. However, the Indian sphere of influence is undergoing rapid change on two counts: the entry of China in South Asia (including India) and the expanding Indian interest in Southeast Asia with the implementation Look East Policy. So we can expect India to take South African involvement in Sri Lanka in its stride.

In any case, a new government is likely to come to power in New Delhi shortly. And India's Sri Lanka policy is likely to undergo some change at least in form (if not content). So it will be better to watch the situation as it develops rather than speculate about India's response at this stage.

3. Does India think that Pretoria will succeed where others have failed?

Answer to this question is in the realm of speculation for reasons given earlier.

South African mediator will be facing a difficult task, if we go by Indian and Norwegian experiences of the past. But unlike them, fortunately South Africa does not have to deal with either Prabhakaran or the LTTE. It has to deal with the TNA, which despite its periodic fulminations, has enough moderate elements who want the reconciliation process to succeed. The same applies to Sri Lanka, though President Rajapaksa seems to have been unduly influenced by the post war triumphalism that is preventing the adoption of a pragmatic approach. He will have to rethink his approach.

Both the government and the TNA will have to move from their frozen mindsets and be prepared to move forward for reconciliation. This is where South Africa is likely to encounter major problems. Apart from this, there are structural issues connected with the reconciliation process.

For instance, if South Africa suggests a solution based upon its own Truth and Reconciliation Commission (TRC) model it may not be acceptable to Sri Lanka. Mrs Naveneetham Pillay, UN High Commissioner for Human Rights, who had participated in the TRC in South Africa, in her annual report on Human Rights issued released on February 24, 2014, had explained that it would not be "permissible for any truth mechanism to grant amnesties that prevent the prosecution of individuals who may be criminally responsible for war crimes, genocide, crimes against humanity or gross violations of human rights, including gender-specific violations." Unless Sri Lanka is ready to accept such conditions TRC cannot become a reality.

She has suggested "any such truth commissions should be complemented by comprehensive and coherent transitional justice mechanisms

and processes that include prosecution, reparations, vetting and other accountability or reform programmes.” For achieving productive results, the South Africa mediator will have to cobble up a model that includes some of these major aspects.

Other questions

There are three other questions:

- a. Will Rajapaksa be more sincere in meeting the Tamil aspirations this time as he has failed in the past?
- b. How will India cooperate in this South African initiative because its cooperation is vital for any sort of reconciliation?
- c. Is it a tool of the Sri Lankan president to deflect pressure from the international community after UNHRC vote?

Some of these issues have been partly answered in earlier questions. These questions can be fully and meaningfully answered only after the South African mediator visits Sri Lanka and meets with the stakeholders, and a new Indian government takes charge in New Delhi.

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