

# Not in Our Name Senator Carr !

| by Gajalakshmi Paramasivam

( December 18, 2012, Melbourne, Sri Lanka Guardian) At a time when Sri Lanka is suffering due to anxiety and fear of threats to the Independence of the Judiciary, our Australian Foreign Minister Senator Bob Carr, is reported to have patted the Sri Lankan Government's back with promises of closer intelligence and maritime ties with Sri Lanka. As per the Sri Lanka Guardian article 'Impeachment Motion: Requirements for the removal in Australia The views of two Australian experts' Australian experts Laureate Professor Cheryl Saunders AO & Professor Adrienne Stone, Director, Centre for Comparative Constitutional Studies – have expressed their concerns over the damage to the Independence of the Judiciary in Sri Lanka. Senator Carr's lack of sensitivity to the feelings of fellow Australians is being clearly demonstrated through the offer of partnership with the Sri Lankan Government that is considered by thousands of Australians to be a real threat to the enjoyment of independence by various groups – the strongest fear being experienced by the Tamil Community. If this threat was never present – the Australian Government had no authority to accept war refugees from Sri Lanka. If the threat has since vanished – why are there many Australians of Sri Lankan Tamil origin still fearful of visiting Sri Lanka? Senator Carr as an Australian leader has the duty to start with our feelings in this issue. Separation of Powers between Independent authorities is the issue here. How independent is Senator Carr's decision to allocate Australian resources to Sri Lankan Government towards 'stopping the boats?' When our leaders fail to maintain their independence from leaders of other countries – we get infected with their weaknesses. This promise of Australian Aid at a time when Sri Lanka needs to repair the damage to its investment in Independence and Diversity in Governance – confirms lack of protection from such weaknesses. This happens when we are in a hurry for the benefits of our work to be seen by custodians of benefits we desire – in this instance the UN.

Manjula Fernando reports through the Sunday Observer under the heading 'LTTE cohorts in Australia encourage asylum seekers - Controller General of I&E' – 'Sri Lanka, following discussions with Australian State officials, is on the verge of bringing in sweeping changes to the existing Immigration and Emigration Act to completely overhaul the current laws and deter human smugglers. The amended laws are expected to come into effect by April next year.'



If Senator Carr had done his homework to know the reality in Sri Lanka, he would appreciate that the gun is mightier than the law in Sri Lanka – even amongst politicians. How could anyone consider Australian politicians who are not able to effectively manage the refugee issue, to be wise in laws suitable for those very refugees and their communities? If the problem is too difficult – the right authority to go to is the UN and not someone of lower status in this issue.

The Immigration and Emigration Controller General of Sri Lanka – Mr. Chulananda Perera is reported to have said ‘a significant proportion of unlawful migrants from Sri Lanka to Australia constitute the relatives of successful asylum seekers already living there. Most of the Tamil speaking people who risk their lives in sea to travel 3,000 kilometres, in perilous conditions want to join their relatives who had been granted asylum earlier. Many of them have LTTE links. Other than economic migrants, there is a significant proportion of such people leaving our shores. They want to reunite with their kith and kin already living there. It has nothing to do with the situation in Sri Lanka. The LTTE linked Tamil diaspora have money to spend for lawyers and other support activities to argue and secure asylum status for these people whereas others get repatriated overnight. The human smugglers take full advantage of this situation’

Mr. Perera is a Sri Lankan and it is understandable that he would be anxious about the safety of fellow Sri Lankans. To the extent LTTE is considered by his government to be Terrorists it is understandable that Mr. Perera would be concerned about the threat to Sri Lankans from LTTE members and supporters. As a government official he has the duty to ensure that his department’s policies include administrative measures to discipline the LTTE members and supporters by denying them passports. First of them ought to be Minister Vinayagamoorthi Muralitharan – who was very much part of the LTTE leadership. Likewise JVP members and supporters who came to power through armed rebellion. These boat refugees are victims of the problem that these leaders are - on both sides of the ethnic border. Even one genuine refugee being sent back without Due Process being followed by the Australian authorities, while there is no criticism by the Australian Government about those LTTE / JVP leaders who are now part of Sri Lankan Government, would be bad karma for Australia – and to our mind this is all because Senator Carr wants to get brownie points with the United Nations.

Once the Sri Lankan Government gets its act into good order – it would have the opportunity to earn credit with the International Community. It is true that we of Sri Lankan origin do have the power to influence those back at home. Many of us regularly educate would-be refugees – including those who can afford air passage - to reconsider staying at home and earning their living there. Many from high risk areas are already demonstrating that they are better off by staying there. As part of such influence – we provide funding for self employment as well as Education and Training. These efforts by small groups within the Tamil Diaspora have not been supported by either Government. In fact we are distributing the Australian Government’s brochure ‘Australia by boat? NO ADVANTAGE’, to communicate to those who desire to take that path – that we are with the Government of Australia in this regard. The message is not intellectually driven. It is from heart to heart. This happen due to Common Faith. We continuously assist the refugees here in Australia too – including through sharing of our wisdom. In my case this includes difficulties that I went through here in Australia due to Racial Discrimination at the workplace. No, we do not pamper them. In addition to the above, we took disciplinary action through Australian legal system, against relatives who failed to seek the blessings of their sponsors. That to me is Tamil Traditional culture along the hierarchical path that these applicants are familiar with. We have come to know about some who have willfully exploited and/or manipulated the system. This would not have happened if the Australian civil service had done its job effectively. With such negative record, what authority do we have to advise the Sri Lankans? If these refugees have returned positive value to Australia – then the problem was temporary

in the first instance. We the leaders ensure that they pay their dues as per their beliefs as to the reason why their lives are in danger or why they need to come here by risking their lives.

Australians have earned higher status than Sri Lankans in managing global issues. Australian culture needs to facilitate Sri Lankan culture if Australian Government identifies a need. Beyond that it is up to the Sri Lankan Government to learn from Australia – especially a Government that kept the International Community ‘out’ through claims of sovereignty. Where is that claim now? Australia for its part is acting in breach of the Doctrine of Separation of Powers by interfering with Sri Lankan laws and administration. The way the commoners in these two nations respectively interpret the same law would be different as per their cultures. That is the value of Diversity. When ordinary migrants bring their cultural ways as is into Australian multicultural society – they are told to leave their old problems behind. We the public are now seeking for our Governments to do likewise. Your wisdom would be shared naturally when you achieve the common goal of sovereignty through your own respective paths. The two are not suited to meet on the way -because the differences are greater than the commonness.

True solutions to such humanitarian problems would come ‘bottom up’ from caring ordinary citizens who feel for both nations. They contribute through everyday sharing . Once this is recognized and preserved – Australia’s Human Resource power would be far stronger than before. Sri Lanka’s loss would become Australia’s gain. Let us not run away from ‘offshore Development work of Human Resources’ here in Australia. We developed those opportunities and the government has no right to throw it away.