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Et tu UN?

| by Gajalakshmi Paramasivam

(**November 22, 2012, Melbourne, Sri Lanka Guardian**) The following passage from the blog of Gordon Weiss, under the heading ‘**A book can make a difference, it seems**’, about the latest UN Report on the Sri Lankan war – was brought to my attention this morning:



["When I was commissioned to do this report, the first thing I was handed was a copy of 'The Cage.' Weiss's scrupulously balanced account should serve as a guidepost for decision-makers and scholars of international affairs. A book can change the world."]

Charles Petrie, diplomat and author of the [UN's "Petrie Report"](#) into the UN's role and responsibilities during the Sri Lankan conflict.]

This came as a surprise to me. The Cage was written by an individual without official responsibilities. Mr. Gordon Weiss was part of the UN team during the war. Hence whatever was written about the UN team in Sri Lanka and the UN Secretariat, includes Mr. Gordon Weiss also. If Dr. Petrie read 'The Cage' before writing his report – then there has been serious breach of Separation of Powers between his role as defined by the UN and as a self employed consultant / advisor similar to Mr. Gordon Weiss who works through his writings. When employed by the Secretariat – Dr. Petrie comes under the UN's Administrative structure. When he uses someone else's work – in this instance that of Mr. Gordon Weiss – he is becoming the medium through which Mr. Gordon Weiss is sending his message. The latter is a political path.

Sri Lanka is currently suffering from problems due to breaches of the Doctrine of Separation of Powers between the Judiciary and the Executive. On 20 November 2003, I wrote on this subject of Separation of Powers to the New South Wales Auditor General in relation to his public comments regarding use of Performance Indicators (the parallel of measures by Mr.

Gordon Weiss as author of 'the Cage') demanding that the Auditor General paid his Dues as an Accountant – for acting in breach of the separation of powers between Management and Audit functions. The Auditor General responded as follows - :

'Ms Param, I fully understand that auditors are not to participate in the management of the entities they audit. That is basic. What I said in my report is that external financial reports only give a partial view of the performance of many public entities. Such entities are not established to earn a profit or a return on assets, but to provide services to the public. So to give a true and fair view of how well they are providing services, they also produce non-financial performance indicators. If financial reports are required to be audited – to give the public confidence in their accuracy – then so too should the performance indicators. I fail to see how you can state that this is participating in the management of the entity.'

I responded on the basis of my wisdom in Audit and Compliance, largely based on my Sri Lankan training at M/s Satchithananda Schokman Wijeyeratne & Co – Chartered Accountants:

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'Thank you Mr. Sendt for the prompt response. Most progressive organizations produce both – Financial and Non-Financial Performance Indicators. They are both for MANAGEMENT purposes and reflect the THINKING and WORK_IN_PROGRESS. If you use Performance Indicators – then you are thinking with them. This is like the Executive Government participating in the Judicial process. Your Non-Financial Reports are the Legal records that these organizations are required to maintain – such as the Recruitment and Employee Assessment records. Where there is a big gap between Law and Practice – it requires YOUR staff to do the additional work. Taking the Performance Indicators distracts you away from this work. It is in breach of the Doctrine of Separation of Powers. These organizations must be allowed to confidentially do the cooking and it's up to your staff to do the spy work from the finished product to the LAW and not to their dreams and goals. You are seeking the short path because your staff are not trained to find out from the client staff what is going on. Staff often 'hide' information from you because you are third party. So they should. That way your staff would improve their skills. Using client-staff's work-in-progress deters your staff from thinking through their own specialty = AUDIT on the basis of existing LAW. Then we would become a uniform society instead of a diverse society challenging each other – you within the existing law and the operational staff towards tomorrow's laws. Challenging leads to creativity – as you can see from me. Gandhi also said that the night he was thrown out of the first class compartment of the South African RAILWAYS was his most creative experience. You need to get the client organization to publish their non-financial reports that are mandatorily maintained. Public service organizations primarily make goodwill. This can also be positive or negative – profits or losses. They are collected together and are balanced with the total costs through Common Funds. It will be useful for you to develop a standard dollar value for these legal requirements so the People can SEE and know the Truth. Your role is not to help them make a profit but to report whether they are and how much. How about doing one on UNSW? Or State Rail?'

The UN has the responsibility to all its members on Equal Opportunity basis. Within the Sri Lankan context – the UN's responsibility was primarily to follow its mandate and not the thinking of any particular individual even that of Mr. Ban Ki -moon. By listing the LTTE as a Terrorist Organization, the UN made it difficult for itself to openly assist the LTTE. Most Tamils of Vanni accepted the LTTE rule and hence it would have been difficult for any

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outsider to distinguish between the LTTE and the civilian. In fact, every Tamil who sought self-governance as part of an Independent community in Sri Lanka but failed to expressly condemn the LTTE and armed rebellion by other groups – had the responsibility to protect the LTTE also. That is as per ‘for better or for worse’ law. Most Tamils did – in their own way – by feeling for the LTTE as part of the Vanni group. Those who did not – are being immoral by talking devolution on the graves of the LTTE. To the extent Tamils did feel – to them all Tamils who died in that battle – are war heroes.

Professor Gareth Evans, Chancellor, Australian National University, states in relation to ‘the Cage’ - *‘But the writing is scrupulously even-handed. Anyone who might think this book is an apologia for Prabhakaran and the LTTE should read Chapter 4, on the appalling carnage perpetrated by the movement, whatever the wrongs it was seeking to right – and maybe just this passage on p141, describing their behaviour during those last terrible months:*

...the Tamil Tigers were indeed exercising a brand of ruthless terror on their own people that defies imagination. As the combat area shrank and their desperation increased, their brutality increased exponentially. They would shoot, execute and beat to death many hundreds of people, ensure the deaths of thousands of teenagers by press-ganging them into the front-lines and kill those children and their parents who resisted.’

In Politics – if one sits on the fence, one falls into the pit of indifference or hoards irrelevance. Politics is about likes and dislikes and therefore about subjective judgments. There is no need to give reasons in politics. Good politics is based on belief. This operates on the basis that we all have equal authority to express our belief – without being judged by others about rights and wrongs. It’s our earned privacy which we lose when we start reasoning. Once we start using discriminative thinking and therefore give reasons - we are entering into Administrative area. If LTTE was wrong enough for such strong criticism as quoted by Professor Evans – then Mr. Gordon Weiss as well as Professor Gareth Evans are not on the side of Tamils who allowed themselves to be represented by the Tamil Tigers and therefore the TNA (Tamil National Alliance). As a senior Australian Academic said to me when I criticized him through my Administrative hat and later tried to dilute the effect because he is a good individual ‘You can’t have it both ways’. Recently I said to one of my clients when she was complaining about someone close to her and then tried to dilute the effect by stating that person’s virtues - *‘That is like going to the doctor because you have ear-problem and then saying to the doctor that your eyes are healthy’.*

We often use ‘but’ to dilute the effects when we like the subjects. The UN’s role in Sri Lanka is ongoing and it was not a direct part of the war. As I stated recently to an Australian official – ‘like in the Indian epic Maha Bharatham where cousins in the ruling family fought against each other – the fight is between Tamil leaders – and the Government. At the civilian level – people do not feel antagonism against each other as individuals – any more than with their own community. People from both sides are now fighting for or against Dharma / Righteousness – often without conscious thought about which side they were on.’ Thus a Sri Lankan Armed soldier doing her/his duty as per her/his position requirements – was fighting for her/his nation just as much as an LTTE combatant believing s/he was fighting to defend / protect her/his homeland. Taken as a whole these two were on the same side even though physically they may have been fighting from opposite sides due to their official positions.

Once we take sides – we are duty bound by our positions on the side we take. It is therefore important that we stick to one side from start to finish – unless we take up positions as Administrators or Facilitators. This was the challenge faced by most Tamil Public Officials in Vanni – including the doctors and the government agent who were imprisoned. This is also the reason why the Government of Sri Lanka would take action against anyone who is seen to be helping Tamils against government actions, in an area where it is difficult to distinguish between civilians and militants. The Government made it worse by enlisting former LTTE leader – Karuna on its side. It is difficult for most Tamils to make the distinction. One auto-rickshaw driver in Kilinochchi said to me when I asked him whether he felt that he was forced to go into training by the Tigers *‘I like the training and I like to fight to defend my homeland. But my wife and mother do not like me to fight’*. Effectively is he a Tiger combatant because he wanted to fight and was doing so mentally or is he a civilian because he was prevented by his family from fighting physically? There this guy failed to separate family and wider social responsibilities as per his environment.

Those who seek global outcomes for their work – need to use the common path of Administration / Facilitation. The issue is divided in the middle to distinguish between those who are acting as per their position duties and those who are failing in their position duties. They then become the ‘rights’ and ‘wrongs’ of the two sides. The one with more wrongs than the other is the one that has earned the punishment. If this is the Sri Lankan Government – then LTTE represents the ‘rights’ in this war and hence there could no criticism of them by facilitators. To criticize them when they did not have ‘official’ position is confirmation that the person criticizing did not use common principles of Administration but rather was using relativity as per individual thinking. Tamil Community has earned much higher level of Administration than that. We do not need handouts. Facilitators need to have enough credit as individuals or independent groups – to be able to absorb the wrongs of the winning side. Without such credit – they would end up confusing the average person.

If Dr. Petrie did read ‘the Cage’ and actively included that in his thinking – he was also playing irrelevant politics. What a waste of our resources? – all due to failure to follow the Doctrine of Separation of Powers between Administration and Politics. One needs to ask as to what their contribution has been to the current problem in relation to the impeachment of the Chief Justice?

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