



The UNHRC March 2014 Resolution on Sri Lanka: Mixed Response

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The United Nations Human Rights Council (UNHRC) has passed a resolution on 27th March 2014 calling for an independent international enquiry into the alleged war crimes committed by the Sri Lankan government in the final phase of the war. This resolution has met with mixed response within Sri Lanka.

The government forces defeated the LTTE in May 2009 amidst allegations of large scale violence and human rights abuses. According to United Nations (UN) estimates (Report of the Secretary General's Panel of Experts on Accountability in Sri Lanka) nearly 40,000 civilians died during the final phase of the war and the war led to large scale displacement of people and destruction in the North-east. Soon after the end of war (on 23rd May 2009) the UN Secretary General had visited Sri Lanka at the invitation of President Mahinda Rajapaksa and issued a joint statement emphasising the need for implementing the 13th Amendment to the Constitution and to engage with all political parties including Tamil political parties to bring lasting peace and development in Sri Lanka.

To address these issues, the Sri Lankan government appointed a Lessons Learned and Reconciliation Commission (LLRC) on 15th May 2010. The Commission has made a number of significant recommendations regarding freedom of expression, religion, right to information, association and movement and land allotment to Internally Displaced Persons (IDPs) particularly

in conflict affected areas. A panel to probe disappearances and establishment of National Land Commission (NLC) to propose national land policy are some of the other recommendations and these, if implemented, would enhance the trust and confidence in the reconciliation process. Most importantly the LLRC has acknowledged that though it is not possible to arrive at exact number of deaths in the final phase of the war, civilian casualties have taken place even in No Fire Zones (NFZs). However, it rejected allegations that the shelling by security forces had caused civilians deaths and promised to look into the matter if appropriate evidence was available against the Sri Lankan army personnel.

Even after the end of the war, the Sri Lankan society remains divided on ethnic lines and this was evident from the Post war election results. For instance, in 2011 local elections Tamil National Alliance (TNA) won two-thirds of local council seats in conflict affected areas and in 2013 September the party won first elections to semi-autonomous provincial councils in the North with 78 percent vote share. The talks between TNA and the government of Sri Lanka came to an end abruptly when the president opted for an All Party Representative Committee (APC) instead of a bilateral dialogue on the question of granting political autonomy to the Northern Province as demanded by TNA leaders. Meanwhile, two UN Resolutions (in 2012 and in 2013) were adopted against the country over lack of progress on human rights accountability and slow pace in initiating reconciliation process with the Tamil minority.

In this background, while acknowledging the progress made in rebuilding infrastructure, demining and resettling the IDPs, the UNHRC has passed Resolution pointing out that the national mechanisms have failed to address “alleged serious allegations and abuses of human rights” during the final phase of the war. The government has vehemently rejected the idea of international enquiry saying the decision would impinge on Sri Lanka’s sovereignty claiming that country’s own mechanisms were sufficient to deal with what is being seen as a domestic issue. President Mahinda Rajapaksa has from time to time stated that his government is willing to address all the issues raised by the international actors that signed the UN resolution, but would not allow international investigation in to the alleged war crimes. Main opposition party, the United National Party (UNP), has taken the position that government’s inaction in conducting a domestic investigation into allegations of war crimes has resulted in international

uproar and reaction. Meanwhile, the Tamil political parties and civil society groups have welcomed the decision which according to them was long overdue.

On the question of international probe, India has proposed an independent national mechanism and objected to the international probe on the ground that it is an ‘intrusive approach’ which might undermine the national security of Sri Lanka. Indian government’s decision might have been influenced by two reasons; First, after the IPKF debacle, India took a consistent position that it would not directly involve in the internal affairs of the country and at the same time discouraged any third party direct involvement in the conflict. Second, the Sri Lankan government’s increasing military co-operation with countries like China and Pakistan is a concern for India and under these circumstances, engagement with the Sri Lankan government is the best way to push the government to evolve a national consensus on the question of sharing of power with the minorities and engage in ongoing humanitarian work. India’s stand in the UN was criticized by Tamil Nadu political parties as betrayal of Tamils and called for a referendum on the Sri Lankan Tamil issue.

The challenge before external actors closely monitoring the developments after the end of the civil war in Sri Lanka is to advance the process of accountability, justice, rehabilitation and resettlement issues. Deep differences in perception of majority and minority population on sharing of state power resulted in protracted conflict that has hindered any attempts to find a peaceful political solution in the past. Sustainable efforts need to be made to reconcile the basic differences at the domestic level, where all the communities would feel secure about their future.

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