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**Like Minded Group Joint Statement says " the intrusive mandate given to the OHCHR by Res. 25/1 to carry out investigations on Sri Lanka is unwarranted"**

Twenty-two developing countries of the Like Minded Group (LMG) in Geneva, in a joint statement made through its Chair - Egypt, have said the Group "believes that the intrusive mandate given to the OHCHR by Res. 25/1 to carry out investigations on Sri Lanka is unwarranted, especially in the context where the country is implementing its own domestic processes". It said "OHCHR's efforts should contribute to a state's own efforts in the promotion and protection of human rights, as stipulated in the UNGA Res. 48/141, UNGA Res. 60/251, UNGA Res. 65/281 and in the IB package. These core documents do not confer any oversight authority to the OHCHR over sovereign countries. Any external assistance to countries should expressly be in consultation with and with the consent of that country". It also noted that "however, in contravention of these fundamental principles, Resolution 25/1 calls for 'comprehensive investigation' by the OHCHR, thereby vesting an investigative authority on the office". It said, "as we have observed, successive resolutions on Sri Lanka have not enjoyed the consensus of the Council members. This was amply evident by the divided vote of 14 against, 10 abstentions on OP 10 of resolution 25/1, which sought to establish the OHCHR investigation". The statement added "the international community should be mindful not to jeopardize the delicate process of reconciliation that is already underway in Sri Lanka".

The countries joining this statement (see full text below) were; **Algeria, Angola, Bangladesh, Belarus, Bolivia, China, Cuba, Ecuador, Egypt, Indonesia, Iran, DPRK, Myanmar, Nicaragua, Pakistan, Russia, South Sudan, Sri Lanka, Sudan, Uganda, Venezuela, Zimbabwe**. It was delivered on Thursday (25 September 2014) following the 'Oral Update' of the High Commissioner and the reply by Sri Lanka's Permanent Representative.

In addition, several countries in individual country statements during the General Debate were also critical of the OHCHR's action and supported Sri Lanka's domestic reconciliation process.

**Azerbaijan** noted the Government of Sri Lanka's intention to continue to engage with the regular mechanisms of the Council. It stated that all measures should be taken within the climate of mutual understanding and constructive cooperation and that all outstanding issues can be considered within the spirit of cooperation and correlation between Sri Lanka and the United Nations Human Rights system.

Stating that “the Human Rights Resolution on Sri Lanka is an example of political pressure of enforcing one sided and biased views”, **Belarus** said “granting the OHCHR and its international civil servants authorities to investigate without corresponding agreement of these functions with the country concerned, creates the basis for interference in the domestic affairs of the State that undermines State’s trust and confidence in the UN system as a whole.”

Welcoming the country’s reconstruction, national reconciliation and economic and social development and the adoption of “a National Action Plan to implement the recommendations of the LLRC to strengthen the functions of the relevant domestic institutions and achieve tangible and important progress” **China** regretted that these developments have not been fully reflected in the High Commissioner’s report. It called upon the international community to show respect and support to Sri Lanka’s national reconciliation efforts.

**Cuba** said that the “Sri Lankan government has come on a cooperative and constructive fashion to each session of this Council. It has submitted information on a regular and broad basis, it has invited the special procedures, it has welcomed the former High Commissioner. This apparently has not been enough and it is still singled out by those who sponsored that resolution. The resolution was adopted with a substantial number of abstentions and votes against. This illustrates the division that exist as regard the real need as to whether this needs to be accessed by the Council or not.”

**India** expressed concerns “that the High Commissioner has not indicated how he intends to proceed with his investigation in the absence of cooperation from the country concerned.” While stating that “the composition of the OHCHR investigating team, its work methodology and sources of funding have not been shared with this Council”, it urged “the High Commissioner to do so in order to maintain the credibility of the report”. It stated that “we also note that a number of countries have expressed concerns on the international investigation in their statements, including one through the LMG statement.” India said " Sri Lanka should be given all necessary assistance in a cooperative and collaborative manner. We take positive note of Sri Lanka's engagement with UN human rights mechanisms, despite its non-recognition of recent resolutions adopted by the Council on Sri Lanka"

**Lao PDR** said "a country-specific human rights resolution would not help to comprehensively address human rights issues". "We also welcome efforts of the Sri Lankan government to continue its domestic process of reconciliation in the country by, along others, implementing the National Action Plan of the LLRC, which was formulated for this purpose".

**The Maldives** which commended the broadening of the mandate of the COI on disappearances and inclusion of international experts as an advisory group, welcomed "the initiatives by the Government of Sri Lanka to cooperate with the international community".

While noting that the previous High Commissioner paid the longest official visit to Sri Lanka with unfettered access, **Myanmar** said “reconciliation, rehabilitation and reconstruction work after 30 years of conflict in Sri Lanka is no easy task”. “Despite the numerous challenges Sri Lanka remains committed in its reconciliation process.” It also joined the call by other like-minded countries expressing its objections to the mandate given by the Council to OHCHR to carry out investigation against Sri Lanka, which is “increasingly using human rights as a political tool with undue pressure” that could “have a negative impact on the good image and credibility of the Council.”

**Namibia** said that as a matter of principle, it usually abstained from country specific Human Rights resolutions, as they believe that “some countries impose their policies and views on certain countries, while turning a blind eye on others.” Reflecting on its own national experience, it noted that “the willingness of the Namibian people to embrace national reconciliation after independence has brought about peace in the country, but we needed time and space to build trust and healing. It is for that reason, that the international community should not impose solutions on Sri Lanka, but that it should encourage the national process, which will be more sustainable and long lasting”.

**Pakistan** urged the Council to refrain from allocating precious human and financial resources to such confrontational and counter-productive initiatives which divert the focus of the Member States from other more pressing human rights situations meriting attention. It called upon countries sheltering and facilitating former LTTE dissidents to ensure that such elements are not allowed to create problems amongst the expatriate Sri Lankan diaspora and said that the international community must act as a facilitator and be part of the solution rather than part of the problem in the country.

**The Philippines** noted that the oral update by the High Commissioner, was being made pursuant to resolution 25/1 adopted by a “divided” Council. It acknowledged Sri Lanka’s proactive engagement with the Human Rights Council mechanisms, despite its rejection of resolution 25/1.

**Qatar** appreciated Sri Lanka’s continued engagement with treaty bodies and special procedures mandate holders and called on the Government of Sri Lanka to pursue its efforts to finalize the national reconciliation process and to implement the national plan for reconciliation.

Stating that it had consistently spoken against the investigation on Sri Lanka, the **Russian Federation** said “we do not see any objective clarification” for having an investigation. It further stated that the process of national reconciliation and investigations into past crimes should be consulted by the Sri Lankans themselves and any interference is counterproductive and would be highly detrimental.” It added that “the OHCHR should assist States in order to promote and protect human rights and not undermine these.”

Commending Sri Lanka's continued engagement with mechanisms of the Council, **South Sudan** especially recognized "the progress made by the Government in restoration of the education system in the conflict-affected areas with 11,105 primary schools upgraded" and appreciated "the Government allocation of additional financial resources for restitution and compensatory relief in 2014."

**Sudan** stated that the commitment of the Government of Sri Lanka and its positive engagement with the OHCHR, and the mechanisms of the Human Rights Council, said that it is of the view that "the mandate for a 'comprehensive investigation' which vest on the OHCHR an intrusive external investigative authority not only exceeds its mandate, but also challenges the sovereignty and independence of a member state of the United Nations, it violates a fundamental principle of international law which requires that national remedies have to be exhausted before resorting to international mechanisms."

**Thailand** said they "commend the progress made in Sri Lanka's own domestic process of reconciliation and the Government of Sri Lanka's continued engagement with the various mechanisms of the Council. We sincerely believe that international support, rather than pressure, will truly help heal and move forward a country that just came out of a long and bitter civil war".

**Uzbekistan** noted "the progress achieved in the country in resolving the very difficult problems faced in the post-conflict situation in the Northern Province" and extended its support to "the efforts of the Government of Sri Lanka to strengthen national reconciliation to reconstruction of their country and promote and protect human rights through applying a constructive approach" while acknowledging the need to respect the sovereignty of the country.

Stating that it voted against resolution 25/1, as it was "another highly politicized process in which the country itself concerned was not heard", **Venezuela** echoed that "the High Commissioner and the Office should work with Governments in order to achieve the objective of human rights without any investigative powers over sovereign states, as was imposed through this resolution." It regretted that "there is no proper appreciation of the major efforts made by this Government to comply with its human rights commitments and in restoration of peace back in 2009."

#### Full text of the LMG statement

*"Mr. President,*

*It is the second time this year that we are engaging on the situation of Sri Lanka in this Council.*

*Sri Lanka has regularly briefed this Council on the reconciliation process and developments in that country since the end of the conflict, despite its non-recognition of the resolution 25/1. We also note that Sri Lanka has continued to engage with regular mechanisms of this Council, including special procedures, treaty bodies and the UPR.*

*We recognize these efforts and encourage Sri Lanka to continue its endeavours towards achieving reconciliation in an inclusive and comprehensive manner. We also note Sri Lanka's efforts to share experiences with its regional and international partners towards this end.*

*We therefore believe that the intrusive mandate given to the OHCHR by Res. 25/1 to carry out investigations on Sri Lanka is unwarranted, especially in the context where the country is implementing its own domestic processes.*

*OHCHR's efforts should contribute to a state's own efforts in the promotion and protection of human rights, as stipulated in the UNGA Res. 48/141, UNGA Res. 60/251, UNGA Res. 65/281 and in the IB package. These core documents do not confer any oversight authority to the OHCHR over sovereign countries. Any external assistance to countries should expressly be in consultation with and with the consent of that country.*

*However, in contravention of these fundamental principles, Resolution 25/1 calls for 'comprehensive investigation' by the OHCHR, thereby vesting an investigative authority on the office.*

*As we have observed, successive resolutions on Sri Lanka have not enjoyed the consensus of the Council members. This was amply evident by the divided vote of 14 against, 10 abstentions on OP 10 of resolution 25/1, which sought to establish the OHCHR investigation.*

*The international community should be mindful not to jeopardize the delicate process of reconciliation that is already underway in Sri Lanka. Constructive dialogue in a spirit of mutual respect and cooperation in keeping with the accepted norms of international engagement is key in ensuring and promoting universal respect for the protection of human rights and fundamental freedoms for all.*

*Naming and shaming countries through country specific action based on politically motivated agenda, neither bodes well for human rights nor the future and the credibility of this Council. We should also be mindful not to set dangerous precedents, which may adversely affect all our countries".*

Permanent Mission of Sri Lanka  
Geneva

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