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Intervention by Ambassador Ravinatha Aryasinha, Permanent Representative of Sri Lanka to the UN in Geneva, at the Informal Meeting by the U.S. on the Draft Resolution on 'Promoting Reconciliation and Accountability in Sri Lanka' - Geneva, 8 March 2013

1. GOSL does not recognize resolution 19/2 and maintains its consistent position that, through resolutions of this nature, what is being perpetuated is a politicized process in a manner which is unfair, biased, unjust, and contrary to the principles of cooperation, genuine dialogue and the founding principles of universality, impartiality non selectivity, that should guide all member states in facilitating the method of engagement and the mandate of the Council.
2. This said, I am here today, as I do not wish to dismiss the interest taken in Sri Lanka by member and observer states, representatives of international organizations and civil society, irrespective of whether such interest is justified or not. GOSL always has, and continues to remain engaged with all parties seeking a respectful and constructive dialogue on how to move the process of reconciliation in Sri Lanka forward. We hope this spirit of engagement will be reciprocated, and that member and observer states of the HRC will view developments in Sri Lanka with an open mind.
3. The pith and substance of resolution 19/2 was to mandate the OHCHR to provide in consultation with, and with the concurrence of the GoSL, advice and technical assistance, and for the OHCHR to report to the Council on the nature of the assistance provided on the implementation of Sri Lanka's domestic reconciliation mechanism, the LLRC.
4. With reference to the OHCHR Report (A/HRC/22/38), it may be noted that the High Commissioner has gone beyond her mandate in making recommendations which are arbitrary, highly intrusive and of a politicized nature, which have not given due regard or recognition to the work of Sri Lanka's ongoing mechanism of reconciliation through the National Action Plan on the implementation of the recommendations of the LLRC.
5. We note a paradigm shift in the draft text of the resolution which was circulated yesterday (7th March 2013) by the U.S. Mission, whereby the pith and substance of the resolution 19/2 has been completely disregarded and clearly deviated from, and there is a call to implement the recommendations contained in

the OHCHR report (A/HRC/22/38) which is by itself outside the ambit of OP3 of 19/2. In the new draft, substantive provisions have been introduced which are totally unrelated to the mandate given in 19/2, and steers completely away from the spirit and substance of 19/2 into a new realm.

6. The new resolution therefore:

- i. Is based on a misconceived and arbitrary premise and does not have a nexus to 19/2, although it recalls 19/2.
- ii. is also far from a "procedural resolution", as it was originally claimed and is substantive, intrusive and political in nature.
- iii. contravenes UNGA resolution 60/251 and HRC resolutions 5/1 and 5/2. For example, there is blatant contradiction of resolution 5/2 [specifically Article 11(b)] which calls upon mandate holders to ensure that the field visits are conducted 'with the consent or at the invitation of the state concerned'.
- iv. also ignores resolutions 5/1 and 21/21 which identify the UPR as a channel to constructively explore avenues for technical assistance.
- v. despite acknowledgement by member and observer states at successive sessions of this Council, the last occasion being the Sri Lanka UPR in November 2012 - only 4 months ago - there is no acknowledgment in the new draft of the substantial progress made by Sri Lanka through the ongoing reconciliation process. For example, there is significant progress made by the GoSL in the reconciliation process since the restoration of peace in 2009 including in IDP resettlement, rehabilitation of ex-combatants including child soldiers, demining, infrastructure development, livelihood development, etc.
- vi. is intrusive, politicized and in clear contravention of accepted principles of conduct in the Council.
- vii. is precedent setting, and can in the medium-to-long term have an adverse impact on all developing countries.

7. Sri Lanka therefore is firmly of the view that country specific resolutions of this nature, intent on singling out countries for "naming and shaming", and paying disproportionate attention towards Sri Lanka, is unwarranted. This is particularly so, at a time when notwithstanding the complexity of challenges following the end of a 30 year long terrorist conflict in 2009, and having averted what many feared would

be a “humanitarian catastrophe”, Sri Lanka in a brief period of less than 4 year has made substantial progress in implementing a comprehensive process of reconciliation involving all communities. Especially those countries that have faced the challenge of emerging from protracted conflict or continue to be embroiled in such conflict, would particularly appreciate the significance of Sri Lanka's achievements since the ending of terrorism.

8. Those genuinely concerned about the future well being of the people of Sri Lanka, should encourage the country in its reconciliation process, rather than single it out for disproportionate attention in the Human Rights Council. Resorting to the latter, could result in the Council undermining itself and loosing its relevance.

9. Earlier today, I met with US Ambassador for Human Rights, Eileen Donahoe, and intimated to her GoSL's position on the resolution. I conveyed to Ambassador Donahoe, that GoSL rejects entirely the premise on which this resolution is based, and as has been its consistent position, does not intend negotiating with the US on the text. I expressed the hope, that the US government and possible co-sponsors of this resolution, would do nothing to endanger the delicate reconciliation process ongoing in Sri Lanka, as well as the constructive engagement Sri Lanka is presently pursuing with the United Nations, the Human Rights Council, the High Commissioner and the OHCHR, as well as our bilateral partners.

10. Madam Ambassador, I thank you for having provided GoSL an opportunity to present its views, and would like to add that this would be the only intervention we will make at this informal meeting. (ends)