



## **Statement by Sri Lanka**

delivered by

**Hon. Mahinda Samarasinghe, MP,**

Minister of Plantation Industries,  
Special Envoy of H.E. the President of Sri Lanka  
on Human Rights

Leader of the Delegation of Sri Lanka

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UN Human Rights Council, Geneva**

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Mr President,

The Resolution before the Council today is premised upon Resolution 19/2 of 2012 which was not recognized by Sri Lanka.

Despite our dissociation with that initiative, I must point out the salient features of that Resolution which called for Sri Lanka to implement the recommendations of its domestic mechanism, the Lessons Learnt and Reconciliation Commission (LLRC) and to formulate an action plan for implementation. Since its adoption, Sri Lanka has shown clear progress towards comprehensive reconciliation including by the preparation and implementation of the action plan called for by the Resolution.

L.19/2 also mandated [quote] *"the Office of the United Nations High Commissioner for Human Rights and relevant special procedures mandate holders to provide, in consultation with and with the concurrence of the Government of Sri Lanka, advice and technical assistance on implementing the above-mentioned steps, and requests the Office of the High Commissioner to present a report on the provision of such assistance"* [end quote] to the Council. The steps referred to were in connection with the implementation of Sri Lanka's domestic reconciliation mechanism, i.e. the LLRC. Accordingly, the OHCHR was to report to the Council on the nature of the assistance provided in this sole context.

That Report made pursuant to L.19/2 was presented yesterday (20 March). We have voiced our concerns and displeasure and have made clear our position that the High Commissioner's report is flawed and we have adduced reasons in support of our categorical rejection of the Report. These include the fact that the Report contains factual inaccuracies, that the mandate given by the Council has been exceeded and that the Report seeks to bring in extraneous elements and substantive recommendations which were never sought. Moreover, the recommendations were never made in consultation with and with the concurrence of the Government of Sri Lanka.

Mr President,

For these reasons and due to the inherent flaws in the present text, the Resolution before us today is unacceptable to Sri Lanka. I will briefly deal with the content of the Resolution and make it clear to the Council why this is so.

It may be noted that the present draft moves dramatically away from the ambit and scope of the previous Resolution 19/2 adopted by the Council.

Firstly, the preambular part of the text is highly intrusive, is replete with misrepresentations and, in its overall scope, accentuates the negative and eliminates or is dismissive of the positive. It also casts aspersions upon domestic processes that are ongoing, without any foundation. Insofar as a preamble sets the backdrop for the ensuing substantive portion of a text, the tone set for the rest of the document is overwhelmingly pessimistic.

Mr President,

The paragraph dealing with progress achieved, fails to mention the successful rehabilitation and reintegration of nearly 12,000 ex-combatants. This includes 594 child soldiers. It also fails to acknowledge gains in livelihood development and reinvigoration of economic activity which enabled the economy in the North to grow by 27% in 2011 as opposed to a national average of 8%. It refers to demilitarization of the North as a recommendation of the LLRC which never made explicit reference to such – except to state that the civil administration should be restored – something which has already taken place. It seeks to allege continuing reports of discrimination on the grounds of religion or belief when this is manifestly not the case and forms no part of Government policy or practice. Delegations in this room will acknowledge that, in pluralistic societies, issues will be raised and that these issues are resolved in time. Sri Lanka's constructive engagement through the UPR process as recently as November 2012 through March 2013, has been ignored.

Secondly, Mr President, I will deal with the operative paragraphs of the text which are indicative of an initiative that is based on a politicized process, violative of the principles of Resolutions 5/1 and 5/2, that should guide all member states in facilitating the method of engagement and the mandate of the Council. This is not mere rhetoric, but is based on principled objection and rejection of the motivation underlying this initiative. We are addressing the substance of the text and are not merely seeking to point out double standards adopted by some proponents.

With reference to operative paragraph 1, I have already set out our concerns with regard to the High Commissioner's Report. I reiterate that this Report exceeds the original mandate given by the Council.

I also wish to highlight that the Report introduces new elements such as an international inquiry and invidiously smuggles in, by reference, the discredited report of the UNSG's Advisory Panel of Experts. That was an initiative that was never requested nor sanctioned by any intergovernmental process or forum. Moreover, as I stated, there was neither consultation nor concurrence by the Government of Sri Lanka as to this Report or its contents.

The reference to the POE Report in the Council which was not sanctioned by an intergovernmental process set a dangerous precedent which can be manipulated by those with vested interest to introduce unsubstantiated reports against any member State of the Council. The GoSL totally rejects attempts by the OHCHR and the proponents of this resolution to introduce elements of the POE Report to the Council, thereby attempting to legitimize its recommendations and seek to impose them on Sri Lanka. As to truth seeking, we are satisfied that the LLRC, through its hearings and follow up processes, did elicit much of the objective truth relating to the causes and outcome of the conflict. Objective truth seeking is an evolving process and does take time as we are seeing with regard to other conflict situations.

Mr President,

With regard to operative paragraphs 2 and 3, we have every confidence in our domestic processes and mechanisms. These paragraphs tacitly assert that the processes we have set in train are somehow deficient. I must stress that our efforts in this regard are ongoing and have not reached a conclusion. Read with relevant preambular paragraphs, the overall impact of these paragraphs is to undermine or devalue ongoing processes that the Government of Sri Lanka has set in motion.

The text of paragraphs 4 and 5 seek to impose on Sri Lanka cooperation with the Office of the High Commissioner and Special Procedures in violation of the letter and spirit of 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'.

We await dates from the High Commissioner in response to our invitation of April 2011. We regret that, in the statement made by the Deputy High Commissioner yesterday in the Council, there were new conditionalities attached for the High Commissioner to consider accepting our invitation.

Unfortunately, this is inconsistent with what the High Commissioner communicated to the Government of Sri Lanka previously.

In fact her assertion was that the Technical Mission's visit was to prepare the ground for her visit to Sri Lanka in the latter half of 2012. Also the text does not recognize nor acknowledge that Sri Lanka has consistently engaged, and is at present engaging, with Special Procedures and has stated that it will continue to do so. It is our position that requested visits by Special Procedures will be considered and sought to be scheduled following the visit of the High Commissioner, expected this year.

With reference to operative paragraph 6, I must point out that the Sri Lankan conflict ended 3 years and 10 months ago. There are other ongoing conflicts and reported violations of rights in several other parts of the world. Our concern is: why this preoccupation with Sri Lanka? Why is this inordinate and disproportionate level of interest in a country that has successfully ended a 30 year conflict against terrorism and has demonstrated so much progress in a relatively short space of time? Repeated requests to the High Commissioner to present updates and reports are hardly warranted, given our open engagement with the Council at each Session. 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. Efforts may have been directed to persuade the elected representatives of Tamil parties and the Tamil Diaspora to engage genuinely with the Government in the reconciliation process, which has not taken place thus far.

Given the background and anomalous nature of this initiative, many countries would naturally have concerns relating to the draft Resolution as it could establish a bad, even dangerous, precedent in the annals of the Human Rights Council. Our main interest should be to keep the Council relevant, vital and focused rather than straying down

deleterious paths in pursuit of political agendas. Stakeholders may be forewarned that, if the current tendency towards politicization and the pursuit of parallel agendas continues, the Human Rights Council may well suffer the fate of its predecessor – the UN Human Rights Commission.

Mr President,

In conclusion, I must stress that those genuinely concerned about the future wellbeing of the people of Sri Lanka, should encourage the country in its ongoing reconciliation process, rather than single it out for disproportionate attention in the Council.

We expect that the proponents 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. The resolution is also potentially damaging of regional relationships and South Asian solidarity.

No one has the wellbeing of multi-ethnic, multi-lingual, multi-religious and multicultural people of Sri Lanka closer to their heart, than the democratically elected Government of Sri Lanka. It is this motivation that guides our commitment and resolve to move towards comprehensive reconciliation and an era of stable peace and prosperity for our people.

We call upon Members of this Council to safeguard the paramount principles this Council stands for; which are: universality, impartiality, objectivity, non-selectiveness, constructive dialogue and cooperation and predictability, among others. Today it is Sri Lanka; tomorrow, it may be any other country in this Council which does not adhere to the political objectives of some who profess to promote and protect human rights the world over, but pursue agendas other than human rights.

I thank you.