



STATEMENT ON THE UNHRC RESOLUTION

October 1, 2015, Colombo, Sri Lanka: The Centre for Policy Alternatives (CPA) welcomes the adoption of the resolution titled 'Promoting Reconciliation, Accountability and Human Rights in Sri Lanka' at the 30th Session of the United Nations Human Rights Council in Geneva. In a paradigm shift from past positions, the Government of Sri Lanka co-sponsored the resolution with Macedonia, Montenegro, United Kingdom, the United States of America, Australia, Japan, Sierra Leone, Albania, Norway, Switzerland and several others. This signifies a major change in position with regard to acknowledging the violence and systematic failures in the past, and the need for credible initiatives aimed at addressing the truth, justice, reparations and guarantees of non-recurrence. CPA acknowledges this bold move and notes the challenging work ahead in implementing the government's own commitments, and the political will required for accountability and reconciliation.

The resolution signals one of the key steps in a transition towards a new Sri Lanka mandated by two historic elections in 2015. CPA sees the present resolution as providing a framework for the government to initiate a comprehensive transitional justice policy and package involving both judicial and non-judicial initiatives with the constructive participation of international actors. The resolution calls for the establishment of several entities including a special court and a truth telling commission, action on Sri Lanka's significant caseload on disappearances, and specific legal reforms. The resolution also notes several other commitments including a political settlement and the devolution of political authority. In addition, the resolution encourages the government to take several significant steps towards transitional justice and building the confidence of all the peoples of Sri Lanka, including the introduction of security sector reforms, to accelerate returning land to rightful civilian owners, and conducting independent investigations into a range of attacks.

The government's recent commitments relate to a larger reform agenda in Sri Lanka, with the promised constitutional reforms and transitional justice processes likely to shape a new Sri Lanka. While moving forward with reforms, it is also critical to reflect on the findings of the Office of the High Commissioner for Human Rights (OHCHR) investigation on Sri Lanka (OISL) report, which documents horrific violations amounting to international crimes. The report also notes past failures and structural flaws with accountability measures and protection issues. In dealing with this past, it would be necessary to revisit the findings and recommendations of the OISL report, including its call for the establishment of a hybrid court, effective witness and victim protection, and genuine consultations with victims and all other stakeholders.

In the coming weeks and months, there must be space to discuss and debate without fear of reprisals the findings of the OISL report, the resolution, and government's own commitments. It is also a time for collective introspection by all, so that the full potential of this unique opportunity to achieve peace and reconciliation may be realised. The resolution hopefully signifies an end to a dark chapter in Sri Lanka. The government must act swiftly and decisively to demonstrate its willingness and commitment to follow through with its promises. As citizens, we must seize this historic moment and continue to actively partake in shaping our future, recalling that it is the robust political participation of all of Sri Lanka's peoples that mandated the democratic change of direction for our country in the two elections of 2015.

Those who oppose the resolution in particular and the more constructive new course of our relations with the world in general rely on hyperbolic and misleading arguments about a loss of state sovereignty. Aside from the obsolescence of these conceptions of sovereignty and the contemporary international order, they forget that the belligerent and uncooperative foreign policy of the previous regime increased rather than ameliorated the international community's scrutiny of Sri Lanka. Most importantly, they seem to disregard the underlying fact that the current reform measures, including those that are embodied in the resolution, are democratically mandated not once but twice by all of Sri Lanka's peoples coming together to forge a new and united future for our country based on constitutional democracy, pluralism, truth, justice, and reconciliation. Sovereignty means nothing if it does not mean that a democratic country has the capacity to determine its future according to its own wishes. The crucial importance of purposefully carrying through these fundamental reforms, and dealing meaningfully with the past, therefore lies in the unavoidable need to address and transcend the violence and deep divisions of the past. Only then can we establish the fundamentals of the political consensus based on freedom and tolerance that lies at heart of every successful pluralist democracy.