



Ministry of External Affairs

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Explanation of Vote by the Permanent Representative of India to the UN Offices in Geneva, Amb. Dilip Sinha at the UNHRC on Agenda Item 2 on the resolution on Promoting reconciliation, accountability and human rights in Sri Lanka

March 27, 2014

1. The UN Human Rights Council has adopted three resolutions on Sri Lanka since May 2009 when the three decades old conflict in that country ended. India has always been of the view that the end of the conflict in Sri Lanka provided a unique opportunity to pursue a lasting political settlement, acceptable to all communities in Sri Lanka, including the Tamils.
2. India believes that this Council's efforts should contribute to a State's own efforts in the promotion and protection of human rights. We are strongly supportive of Sri Lanka's continued engagement with the OHCHR. We encourage the High Commissioner to continue to provide technical assistance in accordance with the relevant HRC resolutions. We are also supportive of close engagement of UN Special Procedures with the Government of Sri Lanka. It was in this spirit that India supported the resolutions adopted by the Council in 2012 and 2013, which sought to promote such cooperation.
3. During the past year, there have been some notable developments in Sri Lanka. The Government of Sri Lanka has honoured its commitment to the international community to hold elections to the Northern Provincial Council. Further, the Government of Sri Lanka has taken steps to implement some of the important recommendations of Lessons Learnt and Reconciliation Commission (LLRC), such as Trilingual Policy, promoting the official use of the Tamil language and the upgrading of schools in the Northern and Eastern Provinces.
4. The High Commissioner's report mandated by this Council's resolution of 2013 on Sri Lanka, rightly acknowledges the progress made in reconstruction, resettlement and implementation of some of the recommendations made by the Lessons Learnt and Reconciliation Commission (LLRC) established by the Government of Sri Lanka. At the same time, the report also notes that the Government of Sri Lanka has failed to ensure independent and credible investigations into past violations of international human rights and humanitarian law.
5. The implementation of LLRC recommendations lies at the core of reconciliation and accountability in Sri Lanka. India continues to underscore that the report of the LLRC and its findings and recommendations, provide a window of opportunity to forge a consensual way forward towards a

lasting political settlement. We call for effective and timely implementation of all the constructive recommendations contained in the LLRC Report including those pertaining to missing persons, detainees, reduction of 'high security zones', return of private lands by the military and withdrawal of security forces from the civilian domain in the Northern Province.

6. The elections to the Northern Provincial Council in September 2013 were a significant step forward. However, much more needs to be done by the Government of Sri Lanka towards a meaningful devolution of powers. It needs to continue to take specific measures towards broad-based, inclusive, meaningful and genuine reconciliation with the minority Tamil community. We call on the Government of Sri Lanka to make purposeful efforts to fulfil its commitments, including on the devolution of political authority through the full implementation of the 13th Amendment of the Constitution of Sri Lanka and build upon it.
7. As the closest neighbour with thousands of years of relations with Sri Lanka, we cannot remain untouched by developments in that country. Since the end of the armed conflict, India remains engaged in a substantial way in the relief, resettlement, rehabilitation and reconstruction process in Sri Lanka. We have extended substantial assistance to the Government of Sri Lanka in its efforts for resettlement of Internally Displaced Persons, de-mining, education, connectivity, livelihood restoration, economic revival, etc. This has contributed towards return of a modicum of normalcy to the Northern and Eastern provinces of Sri Lanka.
8. In asking the OHCHR to investigate, assess and monitor the human rights situation in Sri Lanka, the resolution ignores the progress already made by the country in this field and places in jeopardy the cooperation currently taking place between the Government of Sri Lanka and the OHCHR and the Council's Special Procedures. Besides, the resolution is inconsistent and impractical in asking both the Government of Sri Lanka and the OHCHR to simultaneously conduct investigations.
9. India believes that it is imperative for every country to have the means of addressing human rights violations through robust national mechanisms. The Council's efforts should therefore be in a direction to enable Sri Lanka to investigate all allegations of human rights violations through comprehensive, independent and credible national investigative mechanisms and bring to justice those found guilty. Sri Lanka should be provided all assistance it desires in a cooperative and collaborative manner.
10. It has been India's firm belief that adopting an intrusive approach that undermines national sovereignty and institutions is counterproductive. Any significant departure from the core principle of constructive international dialogue and cooperation has the potential to undermine efforts of this Council for promoting universal respect for the protection of human rights and fundamental freedoms. Moreover, any external investigative mechanism with an open-ended mandate to monitor national processes for protection of human rights in a country, is not reflective of the constructive approach of dialogue and cooperation envisaged by UN General Assembly resolution 60/251 that created the HRC in 2006 as well as the UNGA resolution 65/281 that reviewed the HRC in 2011.
11. We are, therefore, concerned that the resolution has the potential to hinder the efforts of the country rather than contribute constructively to its efforts, and hence inadvertently complicate the situation.

Mr President

It is for these reasons that my delegation cannot go along with the resolution and will abstain on the resolution under consideration.

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