Minister Samarasinghe addresses the 18th Session of the UN Human Rights Council in Geneva,

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In PDF Statement by Hon Mahinda Samarasinghe, M.P,Minister of Plantation Industries and Special Envoy of H.E. the President of Sri Lanka on Human Rights and Head of Sri Lanka Delegation at the 18th Session of the United Nations Human Rights Council 12 September 2011,Geneva Madam President, It is my privilege to once again address this august body as head of the Sri Lanka delegation. We come here as always, Madam President, to share with the members of this Council and the other representatives of the community of nations, our experiences in overcoming the several challenges we face in the present era – an era that offers a fresh hope of a new Sri Lanka. The dawn of this new era coincided with the end of the armed conflict in 2009 just over 2 years ago. In that time, Sri Lanka, has made considerable – some may call it astounding – progress in addressing the many challenges that nearly 30 years of conflict poses to a nation, her Government and people.
We also come here Madam President to engage in a dialogue with our friends; to hear what their views and concerns are and to respond to them fully with facts and clarifications. We have done so consistently for the past few Sessions of this body and are grateful for the level of understanding demonstrated and the level of support extended to us in what have been, on occasion, difficult times. Our approach is predicated upon the principle of constructive engagement and has never been timorous or diffident. We have been forthright and candid in our exchanges and have never adopted an evasive or equivocal approach. We have been strengthened by the courage of our convictions, secure as we are in our belief that we have always sought to do the best by all Sri Lankan people. Any Government that has this as its guiding principle has no reason to be unduly defensive. It is also our hope that reflection upon the Sri Lankan experience will enable others to deal more effectively with terrorism, separatism and extremism which sadly bedevils many regions of the modern world. Our constant engagement, Madam President, over the past few years has also been aimed at countering baseless and damaging propaganda which, unfortunately, global events with high visibility invariably seem to attract. None more so than at these Sessions - the preeminent forum for the discussion of and deliberation on human rights issues of global import. We have been vigorous in our defence of the truth as it pertains to Sri Lanka. We have been willing to accept justified criticism and helpful comment where and if it has been tendered in a constructive spirit. However, unjustified repetition of some blatant propaganda by persons or groups with an agenda inimical to that of the new Sri Lanka we are engaged in creating, we will assail with all the energy at our disposal. Any fair minded person will acknowledge that we reported incremental improvements over time and demonstrated our willingness to engage with all our friends in a spirit of openness and mutual self-respect. All we requested in return was evenhanded assessment and the opportunity to prove our bona fides. Well before the end of the armed conflict in May 2009, we had warned our international friends and partners that the remnants of the Liberation Tigers of Tamil Eelam’s (LTTE’s) international network and other elements are working tirelessly to subject Sri Lanka to unrelenting pressure. The so-called anti-Sri Lanka diaspora is well organized and is using every resource at its command to maintain and magnify this pressure. This is a tangible threat to Sri Lanka finally winning the peace and securing the better future for all her people – a benefit that they richly deserve. There are many motivating factors behind the attacks from various quarters targeting Sri Lanka. We, as a Government, have consistently warned against this trend and have urged our friends to treat these emanations with a level of caution and objectivity. We earnestly asked them to take a holistic view of the Sri Lankan situation and eschew narrow domestic political compulsions and other parochial imperatives. Those who make these statements have, perhaps, lost sight of the very real opportunities for a new Sri Lanka that the defeat of terrorism has brought into being. Through our ongoing efforts to engage, we will seek to convince them of the new reality and, if possible, co-opt them into rebuilding a new nation in which each Sri Lankan, irrespective of language, religion, ethnicity or cultural background, is welcomed and accommodated and given space to develop his/her full potential. The above is not some idle political platitude but forms the pith and substance of the vision of our President Mahinda Rajapaka and his Government. Only the other day, President Rajapaksa stated - “Sri Lanka is now in the process of Reconciliation and Reconstruction. We are diverting all our energies to put the tragic years of terror well behind us. We are building a new society, learning from the lessons of the past, and moving towards the promise of future success. We have already shown the world that terrorism can be defeated. That it can be done with a commitment to the humanitarian traditions that are part of our region’s culture and heritage. Our commitment to human rights is second to none, and with such commitment we seek to transform our society to one of peace, pluralism and equality.” This, then, is our overall goal and mission. Our immediate, medium and long term goals are a sustainable peace with equality, equity and the guarantee of human dignity. I would like, Madam President, to briefly dwell upon some of the highlights of our post-armed conflict initiatives and experience. For convenience, I will structure this brief analysis into four interconnected and inherently intertwined aspects. Firstly, with regard to reconstruction, we note that a mere two years and three months after the end of the armed conflict we have achieved tremendous successes in connection with the reconstruction effort. Caring for IDPs in welfare centres alone cost the Government USD 31 million. A further USD 2.1 billion has been mobilized for the Joint Plan for Assistance to the Northern Province – based on a tripartite agreement between Government the UN system and civil society. A vast portion of this funding is debt incurred by the Government. However, the Government has taken upon itself the responsibility of ensuring that there are resources sufficient to rebuild conflict affected areas while it also ensures nationwide economic development. The vast level of investment in rebuilding infrastructure has been universally recognized. To enable and sustain this level of expenditure and activity, the first priority was to ensure security and law and order. De-mining of conflict affected areas was carried out at a pace that compares with the best efforts anywhere in the world. Development partners tell me that they admire and acknowledge

the lead role taken by the Sri Lanka Army in this respect. The Army is responsible for around 75 to 80% of the successful demining operations. Of course, the Army’s efforts are supplemented and supported by several international agencies but the role played by the Army in giving leadership is most commendable. In 2009 alone nearly USD 20 million was committed by the Government to demining operations. Roads, bridges, public buildings, schools, health facilities, water supply and the like have been rebuilt not just to replace what existed in the past but at a vastly improved level with an eye on the future needs of people in those areas. It may be noted that almost all these facilities, the entire railway network in particular, were completely destroyed by the LTTE. Secondly, resettlement has been achieved at a pace that is perhaps unmatched elsewhere. Given the caseload of over 290,000 internally displaced persons at the end of May 2009, our achievement in bringing down the numbers to a mere 7,000 in this regard is a potential role model for other countries and conflict zones. USD 360 million has been expended by Government on the resettlement programme. Along with resettlement, restoration of livelihoods has been accorded the highest priority. It is enabling people to stand on their own and take charge of their lives that is most important. It is the cornerstone of guaranteeing human dignity – the ultimate aim of all human rights. Thirdly, we have repeatedly informed this Council that over 11,600 ex-combatants have been put through varying programmes of rehabilitation depending on need and level of involvement in terrorism. Many have been released through the judicial system. The office of the Commissioner-General of Rehabilitation, has done yeoman service in this context. A special mention must be made of the child combatants who were rehabilitated. A proper legal and institutional framework was set in place and this critical segment of Sri Lankans have been cared for, trained and rehabilitated at great cost to the State. These persons have now been given the opportunity to become useful and productive citizens – a credit to their families, communities and the country. We must continue to monitor their progress and assist them to build a secure future for themselves. Approximately 9,000 persons including child combatants have been reintegrated and just over 2,700 remain within the rehabilitation process. Every effort is being made to draw down the numbers still further. Madam President, Fourthly, reconciliation and political solutions must be found if Sri Lanka is truly to win the peace. We have pointed out that reconciliation and political solutions in other post-conflict societies have taken years, even decades, to evolve into durable systemic responses within a democratic framework. Calls from certain quarters to expedite political reforms must therefore be tempered with an appreciation of the nuances of the Sri Lankan situation. A near 30 year conflict that is multifaceted and complex and had its roots in decades of history, cannot be analyzed and dissected in a space of a few days. Currently, the Lessons Learnt and Reconciliation Commission (LLRC) is inquiring into the conflict and its causes and is evolving recommendations to ensure that such a situation never arises again in Sri Lanka. It is critical to wait for that body to finish its deliberations and come up with its conclusions in due time. Rushing these processes unduly may compromise the effectiveness of the implementation of the eventual recommendations. The persons engaged in the Commission are highly regarded professionals. They should be given time and space to come up with their findings and recommendations. We have briefed our friends in Geneva and elsewhere of the interim recommendation made by the LLRC and the measures taken by the Inter-Agency Committee to implement them without delay. To us, Madam President, reconciliation is about building trust and amity between communities and assuring them that problems and issues can be addressed and resolved in a democratic manner without resorting to violence. This consciousness has to evolve from among the people itself. Government can only ensure that the right conditions exist to facilitate this transformation. Merely prescribing solutions from above without efforts at the grassroots and community-level peace-building will be less than fruitful. We as a people, have great strengths buoyed by our culture. We are nurtured and enriched by four of the world’s great religious traditions that have, at their core, peace and coexistence. I look forward to the LLRC coming forward with creative, forward thinking and workable recommendations that we can implement with a view to buttressing our common values and ideals and celebrating our rich socio-ethnic makeup. Building a Sri Lankan identity that is overarching and inclusive and which nurtures the rich diversity of our people, is at the centre of all our efforts. All this must be achieved within a paradigm of democratic governance which is the best guarantee of peace, prosperity and security for all Sri Lankan people. This is also why our President has started the process of conducting democratic elections throughout the North and East, letting people decide who it is they want to represent them at different levels. Faith in the process and real results over time will give people the confidence to work together and rebuild Sri Lanka from the bottom up. To this end, elections were held in the East and more recently in the North, unfettered by the malevolent influence of the LTTE. The national-level discourse focusing on constitutional reforms is also under way. A Parliamentary Select Committee is to be tasked with formulating a series of measures that the vast majority (if not the entirety) of the Sri Lankan people will find acceptable. This is fundamentally important. All attempts and measures taken in the past 50 to 60 years have, at some point, broken down due to a lack of across-the-board acceptance and bipartisan buy-in. What is key is to forge a national consensus that will support and sustain the solutions proposed. Any putative solution arrived at between two or three political groupings is not going to be ultimately successful if a substantial portion of our polity opposes it. Our experience over the years teaches us this undeniable lesson. It is also necessary that everyone needs to rise above purely parochial self interest and commit to genuine national integration with a view to finally winning the peace. It is noteworthy that even after nearly three decades of armed struggle against terrorism, Sri Lanka’s democratic institutions have survived and endured. Except where the LTTE prevented their functioning, they thrived and continued to serve the people, even at the height of the conflict. In Sri Lanka, we have been fortunate and are therefore able to move forward from a position of relative stability and strength of our institutions. Madam President, Next I will touch on two recent developments that we have through our efforts managed to bring to fruition. During the Universal Periodic Review (UPR) process in May/June 2008, we took stock of what we had achieved, what our challenges were and how we were going to address them. It was an accurate snapshot of the human rights situation in the country at that time. In my then capacity as Minister for Human Rights, I oversaw the drafting of the National Report that was submitted to the Council. Our report was commended by a majority of those who participated in the UPR on Sri Lanka, in particular, the frank and candid manner in which we

presented the factual situation and the level of detail the report went into. During the UPR, we pledged to devise a 5-year National Action Plan for the Promotion and Protection of Human Rights. We worked hard on fulfilling that pledge with the assistance of key Government institutions and civil society groups. We were greatly supported by the UN system in that work. The Attorney-General gave leadership to the process of drafting and refining the final proposed Action Plan which was placed before the Cabinet of Ministers, and has now received its approval. We are now in the process of setting in motion the implementation phase, including monitoring and evaluation. Once adopted by Government, we will popularize the Action Plan and secure buy-in by every segment of society. To us, this is at the core of the National Action Planning process. Everyone at every level of society must participate in and be a constructive contributor to the successful implementation of the Plan. Underlying the Plan is the principle that we have achieved much in the sphere of human rights but there are improvements that can be made in keeping with national priorities. The Plan presents a structured framework which will take us to a higher level in the promotion and protection of human rights. Another significant development is the lapsing of the Emergency Regulations promulgated under the Public Security Ordinance in 2005 after the assassination of our Foreign Minister. There are certain points of view now being expressed that we have removed the state of emergency due to external pressure. This could not be further from the truth. As early as May 2010, we reduced the scope of the Emergency Regulations in keeping with the improving ground situation. In March and in June this year we told the community of nations in Geneva that we would consider lifting the Emergency at an appropriate time. We pledged that, as the situation gradually improves, we will make adjustments, refinements and policy changes to reflect a changing environment. This has been our consistent message. At present, the situation has improved to an extent that has permitted the lifting of the Emergency altogether. This was not done in a vacuum but with careful consideration of the needs of the country. Certain legal and regulatory arrangements have to be made to cater for any exigencies that could arise and these instruments are now in place with the framework of the Prevention of Terrorism Act, such as the proscription of the LTTE and the TRO a framework for the continued holding of detainees and remandees and the rehabilitation of surrendees. What is important to stress here is that we – the democratically elected President and Government of a sovereign and independent nation – decided and acted based on ground reality, not due to the intervention of some other agency or power. We did so in a manner that was responsible, careful, considered and consistent with good reason and common sense. The people of Sri Lanka expect no less of us. Finally, our efforts are directed towards engagement at the next cycle of the UPR. Any and all questions pertaining to developments after 2008 may be raised there and will be fully and fairly answered. We have as I have noted, engaged in Geneva and at other international fora and briefed the international community about our progress, problems and solutions that we have devised. At the last UPR in 2008, we participated wholeheartedly despite the armed conflict which was still ongoing. We expect to participate in the second cycle of the UPR in 2012 and all our friends and partners are welcome to engage in that dialogue. It is my view that it is our openness and willingness to engage that allowed us to win the support of a great majority of the Human Rights Council in May 2009 when a Special Session of the HRC was held on Sri Lanka. We, together with our friends, secured a Resolution that was supportive of Sri Lanka and her efforts in the battle against terrorism and reconstruction of our nation in the aftermath of the conflict. Madam President, I would be remiss in my duty if I fail to draw the attention of this body to a potentially worrying concern of a growing trend to depart from well established principles of procedure in the conduct of the affairs of this Council. In a surprising turn of events, Sri Lanka was confronted with some information in the most peculiar circumstances. On the 9th of this month at a luncheon briefing, we were given to understand that the High Commissioner for Human Rights had informed a group of countries that a decision had been taken by the Office of the United Nations Secretary-General to transmit the report of his Advisory Panel on Sri Lanka to your office and to hers. Previous to this communication, in the course of an interaction with you, Madam President, there was no direct reference to any such transmission. It was rather embarrassing that both you and I had to learn of it from a third party at the luncheon meeting in the presence of representatives of 29 Member States of the Council. Madam President, The failure on the part of the High Commissioner to inform the concerned state – Sri Lanka – was wholly inappropriate to say the very least. This, regrettably, may lead to a loss of confidence in the Office of the High Commissioner. We believe that she should abide by the same principles that govern the work of the Human Rights Council, such as universality, transparency, impartiality, objectivity and non-selectivity, with a view to enhancing the promotion and protection of human rights in a fair and equal manner while recognizing the importance of the elimination of double standards and politicization. This incident raises serious concerns regarding the impartiality of the High Commissioner. Madam President, this practice must be discouraged by this Council. Today it may be Sri Lanka but tomorrow it could be any other Member State faced with this predicament. Madam President, what needs to be borne in mind by all Members of this august Assembly is that this report never had the sanction of any inter-governmental body. It was purely an exercise of the prerogative of the Secretary-General to advise himself on issues concerning a Member State. How then, I ask, could such a report be brought to the attention of this Council in this unconventional and improper manner? Madam President, I am simply on a question of principle. If this kind of circumvention of procedure is allowed, it would eventually make a mockery of this august body. We strongly urge that such practice be resisted. In conclusion Madam President, Sri Lanka, like many post conflict societies, is going through a process of renewal and rebuilding. Our aim is a people who are economically empowered by the vast development initiatives, active in the democratic process and free to articulate grievances, hopes and dreams without fear of conflict and strife. The Government has paved the way for this by defeating terrorism and systematically laying foundations for democracy, peace and prosperity. It is neither apt nor useful to prematurely speculate on what the final outcome or resolution can or will consist of. There is a realistic hope of regaining of democratic space, healing and unity. This perhaps is our greatest victory. Thank you.