

UN Human Rights Council: Will Sri Lanka filibuster this time around too?

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Despite one of the UN panel of experts who visited Sri Lanka recently saying, that he was doubtful whether the SL question would be on the agenda in

Geneva this month, once again the disturbing topic of alleged human rights violations will be taken up at the United Nations Human Rights Council's (UNHRC) 32nd Session from 30 June to 1 July.

A vast number of the Tamil Diaspora from all corners of the world are (supposedly larger in number this time around) gearing up to hold a mass protest in Geneva demanding the UNHRC to move for genuine justice to the SL Tamils. Several print and online newspapers in those countries are advertising to join the group in Geneva if they wish to seek justice for Sri Lankan Tamils.

Ceylon Today learns it's going to be yet another tough challenge for Sri Lanka as the Tamil Diaspora and worldwide Tamil organizations such as the Transitional Government and Tamil Eelam (TGTE) and are steering to meet up with UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein, prior to his oral report to discuss the status on Sri Lanka with regard to the implementation of the resolution.

A Monitoring and Accountability Panel (MAP) of TGTE – a group of jurists comprising renowned international human rights experts and war crimes prosecutors working with the TGTE will hold discussions with Zeid causing enormous pressure on Sri Lanka and testing the credibility of UNHRC.

The MAP of the TGTE is issuing the report on an assessment of SL in compliance of UNHRC resolution. This will be issued before High Commissioner's report followed by an event at the UN to discuss their findings. Though the date is not scheduled as yet it will be in the week of 20 June, before Zeid's report which is expected by 27 June. From the island nation, Minister of External Affairs Mangala Samaraweera will lead his delegation or go solo to Geneva while another pack of MPs from the Tamil National Alliance (TNA) is getting ready to meet UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein, prior to his oral presentation on Sri Lanka.

This June's Session is an Oral report by High Commissioner and this is kind of an interim step to check the progress of the Resolution. Final report by High Commissioner will be in March 2017. The reviewing of the US/Sri Lanka co-sponsored mandate, many of the local civil societies and



international human rights bodies say Sri Lanka is on the right track (by cosponsoring and agreeing to work with the international community) but slow in progress mainly due to the lack of the political will, may lead Sri Lanka to hear some strong wordings in Geneva.

Sri Lanka Campaign-UK, a global non-partisan movement tells Ceylon Today the main issue with Sri Lanka is not about lack of time but the lack of political will. Campaign Director Fred Carver says, "I don't really know what the position of the Sri Lankan Government will be, but judging by past behaviour at the HRC they will attempt to demonstrate that they are fully on track with respect to their commitments." He added that "We, and I hope other campaigners, will certainly pressurize Sri Lanka to fulfil their obligations from the co-sponsored resolution.

The Council will hear an oral update at the end of the June session and after the update States will have the opportunity to put their thoughts on record as part of an 'interactive dialogue'. States may well use that opportunity to raise concerns about how the resolution is being implemented but equally they recognize that the process will run until March of next year and so they will not be expecting the resolution to be fulfilled yet. He added, "Our concern, which we hope to pass on states, that when it comes to some matters, it seems that the problem is not time but the 'political will'. The International Crisis Group that has a say at the UNHRC, last month said, Sri Lanka Progress on the UN mandate "has been slower than key constituencies expected and lacks the coherence and resources needed to sustain it. The 'National Unity' Government expanded the political centre and isolated hard-line nationalists, but the window for change has begun to close".

The new Office of National Unity and Reconciliation (ONUR) with its Chairperson Chandrika Bandaranaike Kumaratunga and Secretary-General for Coordinating Reconciliation Mechanisms Mano Tittawella already met US Permanent's Representative to the United Nations Ambassador Samantha Power on 11 May 2016, at the Sri Lankan Mission to the United Nations in New York only discussed the work and plans of the ONUR and the challenges and critical importance of bridging old divides and reconciling with the past. Is the office functioning or still in the planning stage is not disclosed to any. Will the ONUR announcement be enough is in doubt, however as long as the US is still officially positive, Sri Lanka probably 'may' scrape through though, an analyst on Sri Lanka Human Rights says.

As far as the US is concerned they wanted a regime change for geopolitical reasons and therefore will go along with SL new regime with 'lip-service' for the Tamils. The TGTE seems to be depending on the MAP at Geneva while sticking to its position for a referendum and self- determination.

But the 'eyewash' cannot continue as the Tamil polity in the home-land and the Tamil Diaspora will hold the International Court (IC) to its commitments. Although many think that Zeid will give a balance oral report by accepting the change in political climate with the new regime in Sri Lanka to be big plus, the emphasis on the lack of sufficient progress in the details of the commitments such as Tamil prisoners' release, land release, military withdrawal in the North and the credibility of the UNHRC will be at stake as the Tamil Diaspora along with the TNA is not going to compromise anything other than the UN mandate.

Despite the TGTE being blacklisted in Sri Lanka, it is fully active and well represented in the West working along with renowned human rights experts and international war crime prosecutors.

At a recent event held at the UN Human Rights Council in Geneva, one of the MAP members, Peter Haynes QC, an internationally renowned legal expert stated that the absence of a proposed legislative framework of a Special Court in Sri Lanka was remarkable. He said some 'baby' steps were taken, notably the creation of the Task Force and Witness Protection Act, but these steps are not enough and not soon enough.

Whether Zeid is trying to compromise on the issue of foreign judges, the UNHRC credibility will be severely criticized and Zeid will be obviously aware of that debacle. According to the Tamil Diaspora, the US may take a softer approach but it will not compromise with the mandate. It all depends on how strong High Commissioner's oral report is.

As far as who is going to be convinced, the recorded statements made by President Sirisena and Premier Wickremesinghe that no foreign judges and that the disappeared are no more alive will come on strong at the June Session and if the Commissioner's report is not positive enough then it will be up to the UNHRC to take some stringent steps in the future is very likely. Spokesperson of the Global Tamil Forum (GTF) says, "The Government of Sri Lanka has committed to the UNHRC resolution by co-sponsoring it in Geneva back in September 2015. What that international commitment means is that the Government of Sri Lanka including the President, Prime Minister, Foreign Minister, the Cabinet of Ministers and the people of Sri Lanka have accepted the resolution in letter and spirit in its entirety.

Post that co-sponsorship and internationally binding commitment, one cannot whether you are the President or Prime Minister go back and renegotiate or misinterpret the resolution's conditions and try to deviate from it. "GTF will be there in Geneva. We are in the process of organizing briefing sessions to highlight the lack of progress in relation to the commitments made by the Government of Sri Lanka when they co-sponsored the resolution. We will highlight the confusing and contradicting messages that are being said by the President and the Prime Minister recently." Looking at Britain, which is a strong backer of the US resolution, lately their presence in the Sri Lanka affairs has minimized whereas US has turned to be mingling too much in local affairs and assisting the island nation at every step it needed help. Britain's Foreign and Commonwealth Office Minister Hugo Swire, while in New Delhi several days ago said that Sri Lanka is yet to fulfil the commitments made to the international community.

Summing up the entire human rights issue, definitely the government is trying its best, yet with regard the UNHRC mandate, it has to be top in the priority list. The entire world knows that there isn't a political will in implementing many of the criteria in the mandate. In that case what is next? Is it calling for more time, as usual?

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