

# UNHRC's New Resolution Against Sri Lanka

March 19, 2021

**In News:** In Geneva, the UN Human Rights Council is holding its 46th regular session, which will decide the fate of a critical resolution against Sri Lanka. The first draft (also confusingly termed the 'zero draft') was circulated earlier this week. The vote will take place in the last couple of days of the session, ending on March 22.

## What Is The Issue ?

- After Sri Lanka's abrupt 2020 withdrawal from a United Nations Human Rights Council resolution under which it had committed, five years previously, to a time-bound investigation of war crimes that took place during the military campaign against the Liberation Tigers of Tamil Eelam (LTTE), the country faces another resolution at the current session.

## What resolution draft says ?

- A first draft of a resolution to be tabled by the Core Group on Sri Lanka at the UNHCR – the UK, Germany, and Canada
- Incorporates some of the elements of this report, including those on strengthening the HRC's capacity on preserving evidence, devising strategies for future accountability processes, and supporting judicial proceedings in members states with jurisdiction.
- This "zero draft", dated February 19, also talks about encouraging the Sri Lankan government to implement the requirements of the previous 30/1 resolution (from which it pulled out) and two follow-on resolutions, 34/1 and 40/1.
- The draft resolution asks the High Commissioner's office

to monitor progress on national reconciliation and accountability mechanisms, and come up with updates next March, and a full report in September 2022.

### **Sri Lanka and Resolution 30/1**

- Sri Lanka's decision to become a co-sponsor of 30/1 followed the shock electoral defeat of Mahinda Rajapaksa as President in 2015, and the failure of his faction of the Sri Lanka Freedom Party in the parliamentary elections the same year.
- Some of its provisions, such as the setting up of "hybrid" courts – with non-Sri Lankan judges – as well as bringing military officers to account, proved problematic from the start.
- During his election campaign in 2019, President Gotabaya Rajapaksa made it clear that he would not put military officers on trial. And last year, Sri Lanka pulled out of the 30/1 resolution.

### **Resolution 30/1**

- It wanted Colombo to establish a credible judicial process, with the participation of Commonwealth and other foreign judges, defence lawyers and authorised prosecutors and investigators, to go into the alleged rights abuses.
- **Sri Lanka Stand:** Resolution 30/1 was against the country. The Resolution carried a host of commitments that were not deliverable and were not in conformity with the Constitution of Sri Lanka.

### **India's Stand**

- New Delhi voted against Sri Lanka in 2012 – the DMK was part of the ruling UPA at the time.
- India abstained in 2014.
- It was spared the dilemma in 2015, when Sri Lanka joined resolution 30/1.