

Impact of the Human Rights Council's Sri Lanka Resolution on the Reconciliation Efforts in a Post-war Context

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Abstract: The United Nations Human Rights Council (UNHRC) adopted a resolution in March 2012 pertaining to the promotion of the reconciliation and accountability in post-war Sri Lanka. The crux of the resolution focused on the expeditious implementation of the constructive recommendations made in the report of the Government appointed Lessons Learnt and Reconciliation Commission (LLRC) and to take all necessary additional steps to fulfil its relevant legal obligations. The Government of Sri Lanka opposed the adoption of this resolution claiming it as an unwarranted intervention to domestic affairs of a sovereign State. The objective of this paper is to examine and evaluate the impact of the Human Rights Council's Resolution on the reconciliation efforts in post war Sri Lanka. At present, Sri Lanka is transforming from war to peace and attempts to establish rule of law and foster reconciliation to the country in the aftermath of a deadly armed conflict. Therefore, it is the utmost obligation of the country to take all the viable and appropriate steps to achieve the said purposes. However, the strong unwillingness demonstrated by the Government in Geneva against the adoption of the UNHRC resolution warrants a careful examination of the background that compelled the international community to pass a stern resolution on Sri Lanka requesting to achieve meaningful accountability upon which lasting reconciliation efforts could be built. Based on these developments, this paper wishes to discuss the following issues mainly: Can Sri Lanka reject the fulfillment of her obligations under the Resolution passed by the UNHRC claiming the sovereignty of the State and the principle of nonintervention, and, can the international community turn a blind eye where human security of people comes under severe strain due to the conduct or absence of conduct of the instrumentalities of the State? The paper finds the striking a balance between the primary obligations of a sovereign State and the residual responsibility of the international community is as extremely difficult. This paper further evaluates the recommendations made by the LLRC report appointed by the Government of Sri Lanka in May 2010 and the need of implementing them.

Keywords: State sovereignty, Reconciliation, United Nations Human Rights Council, Lessons Learnt and Reconciliation Commission