

Reconciliation: Two Views

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Foreign Minister Mangala Samaraweera at the UN Human Rights Council, Sept. 2015

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RECONCILIATION IMPORTANT IN SHARED FUTURE

BY NUGO DWIRE SIP

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Sri Lanka has come a long way since President Sirisena's election in January 2015. I have been struck by the progress made. No one should underestimate the challenge of dealing with the legacy of a 30 year conflict. Sri Lanka is in a far better place now than even the most optimistic could have imagined, only 18 months ago. Yet much remains to be done.

It is encouraging that, in a marked change of approach to that of its predecessor, Sri Lanka's Government has begun to work with the international community rather than against it. This was shown most clearly last October, when Sri Lanka co-sponsored a historic resolution at the UN Human Rights Council.

In that resolution, the Government agreed to promote reconciliation, accountability and human rights. It accepted many of the recommendations made by the Office of the High Commissioner for Human Rights. It committed itself to a comprehensive approach to deal with the past, and to ensure confidence in the institutions of the State.

The UK welcomed this. We have encouraged the Government to stay the course and to implement fully its UN commitments. We have supported it through targeted UK funding.

The UN High Commissioner for Human Rights, Prince Zeid Ra'ed Zeid Ra'ad, recently delivered his first report of progress to the UN Human Rights Council. I agree strongly with his assessment. Sri Lanka has



taken some encouraging steps towards implementing some of its commitments.

There have been significant steps on the return of some military weapons held to civilians. There is an improved human rights environment. The Sri Lankan Government has launched a constitutional reform process which will consider the devolution of political authority. It has called a Bill to establish an Office for Missing Persons, and set up bodies to design and consult on a wider framework for truth and justice.

The Sri Lankan Government's renewed engagement with the UN means that Sri Lanka now has access to international expertise. The recent visits by UN Special Rapporteurs on Torture and on the Independence of Judges, together with NGO reports, have highlighted areas of concern. Shortcomings must be addressed, but it is encouraging that the Government is willing to engage and has committed to do so.

The High Commissioner also set out very clearly the need for a comprehensive strategy to help

coordinate, integrate and sequence future progress. This needs to be supported by a concerted public information campaign, public consultations and, a respected and clearly engaged National Human Rights Commission.

As a friend of Sri Lanka, it is important that the UK is prepared to discuss these difficult issues.

More lead returns will be revealed, both on a confidence-building measure and to allow the investigation. This needs to be accompanied by adequate housing and support for reunited

families. The UK will continue its support for demanding and for funding and resourcing through our contributions to multilateral agencies.

We will also continue to encourage the Government of Sri Lanka to prioritise the report of the President of Transition Act and to reform the security sector. It must address all reports of sexual and gender based violence and war crimes. Constitutional reform that delivers on the commitment to devolve judicial authority will be crucial for Sri Lanka's long term governance and prosperity. This will require courageous and determined political leadership.

We hope the Sri Lankan Government will continue to engage with the UN and that the Office of Missing Persons will meet its obligations. It must develop credible processes for truth, justice and reparation, based on reconciliation with victims and their families, in Sri Lanka and the diaspora. Women's needs to be protected. The UK will provide support where we can.

Sri Lanka has come a long way in a short time, and it is encouraging that the government recognises more needs to be done. I welcome High Commissioner Zeid's assessment of what has been achieved, and more to and the tangible progress in the coming months. The Sri Lankan Government will need to continue to make the case for why reconciliation with the past is an important part of a shared future. I hope the people of Sri Lanka, and its friends, seize this unique opportunity to put Sri Lanka on a sustainable path to stability, growth and equality for all.

SRI LANKA: WHY THE SEARCH FOR RECONCILIATION REMAINS A MUST

BY MARK SALTER

In a brief glance away from the political obsession with Brexit, the Guardian ran an interesting report on 20 June. It detailed fresh allegations, photographic evidence included, of the Sri Lankan military's use of cluster bombs during the final stages of the country's 26 year long civil war.

Characteristically the allegations were rapidly picked up by the Sri Lankan media, although, not as widely as might have been expected. The online Colombo Telegraph immediately picked up and published the Guardian report too. What I want to focus on here, however, is the response that this report elicited in the paper's discussion forum.

The leading picture was of a menacing operative defacing what looked to be a cluster bomb in Dubai. This was the case where the civil war reached its bloody apex in May 2009. The first statement simply stated, "It is from another country Perhaps, Singapore". Reaction, the next day fired back, "No chief of staff would risk reality admit his guilt. Let us independent and credible investigation determine that". He continues to add, "No cluster bomb had it, tries to smug those things under the carpet, the world seems to continue to ignore it for its 'evil', 'Hilbaku', 'reverts to child'. Either this is another ploy by the terrorists to gain international support or some country is looking for an excuse to invade".

Now all this could simply be dismissed as standard online posturing, but the factoring in of evidence that regularly rights such exchanges, in this case,



however, I think it also points to something deeper: Sri Lanka's crying need, over seven years after the civil war's end, for dedicated efforts to promote genuine reconciliation.

RECONCILIATION - TOUGH, BUT NECESSARY

They 'permeate' adversely, because if there's one thing that experience around the world has shown to create people in the aftermath of violent conflict, it's that this takes time.

That said, the fact that reconciliation isn't easy and doesn't happen through a

one-off event is no reason to not attempt it. On paper at least, the current Sri Lankan Government (Sri Lanka has committed itself to being exactly that. One of the constitutional justice mechanisms proposed at the UNHR in Geneva last September by Foreign Minister Mangala Samaraweera, was to set up a 'Commission for Truth, Justice, Reconciliation and Non-recurrence' (CTJR).

Eighteen months on, however, no movement on making this Commission's ability to prosecute the guilty clear. While an official UN member Reconciliation Commission Task Force

was set up in January, progress with getting things moving on the ground has been minimal. Both the CTJR and other mechanisms, including an Office of Missing Persons envisaged by Samaraweera, have been stagnant. The upcoming Geneva session of the UN Human Rights Council (UNHRC) will undoubtedly have the effect of focusing minds on these issues in Colombo. But even if the impetus of moving forward the inquiry with reconciliation does create increased official attention, the next question will be the shape and form that this attention assumes.

At the very least, we must hope that it

learns from the mistakes made in the recent roll-out of the Office of Missing Persons. Virtually none of the public consultation with victims of the disappeared and other concerned civil society organisations (which was earlier promised by the government) was carried out. Instead, without further comment, a new bill was sent straight to the Parliament. Those mistakes need to be kept in mind as they are critical.

ACKNOWLEDGEMENT AND ACCOUNTABILITY

From South Africa to Peru, to Colombia and Mozambique today, the experience of Truth Commissions (TCs) points out the importance of a well-organised public consultation over both - the design and implementation - of a Commission's mandate. As a Peruvian Commissioner once said to me, "we are building a mirror to our society". If a Sri Lankan TC-type body has any ambition to do something similar, it needs to do all it can to ensure that a wide range of people - Sinhalese, Tamil and Muslim - have access to the source of the Commission. They should be able to see their reflections and those of family members and friends they lost during the conflict.

Let's come back to the online disputes. If their responses indicate anything in this context, it is that for all the progress achieved on paper from since the war's end, Sri Lanka remains a divided society with many deep scars yet to be healed. Getting up and should be out, properly functioning TCs would be a good place to begin the process of addressing this point. There could not be a better time for the government to begin doing so than now.

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