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India's vote on Sri Lanka - a responsible choice

April 6, 2014, 8:53 pm



By Dr. Bhaskar Balakrishnan

On March 27 the UN Human Rights Council (UNHRC) adopted resolution 25/1 on Sri Lanka. India abstained in the main vote, while the resolution got the support of only 23 countries out of 47 members of the HRC. India's decision to abstain has been a sensible, responsible and balanced choice, taking into account a host of factors. The new resolution could adversely affect the process of national reconciliation in Sri Lanka.

Lanka.

Earlier in a procedural motions tabled by Pakistan, India had voted for a "no action" motion, and against operative paragraph 10(b) calling for an investigation process by the Office of the High Commissioner for Human Rights (OHCHR), on the grounds that there were no budgetary resources for such an activity. Both these moves failed, and the resolution itself was carried by 23 for, 12 against, and 12 abstentions. The voting was along predictable lines, with the US and European countries lining up as a solid bloc, while the developing countries were split. Argentina, Austria, Benin, Botswana, Brazil, Chile, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, France, Germany, Ireland, Italy, Mexico, Montenegro, Peru, Republic of Korea, Romania, Sierra Leone, The former Yugoslav Republic of Macedonia, United Kingdom, and United States of America voted in favour. Voting against were Algeria, China, Congo, Cuba, Kenya, Maldives, Pakistan, Russian Federation, Saudi Arabia, United Arab Emirates, Venezuela and Viet Nam. Burkina Faso, Ethiopia, Gabon, India, Indonesia, Japan, Kazakhstan, Kuwait, Morocco, Namibia, Philippines, and South Africa abstained. Significantly the Resolution managed to secure only one vote from the Asian region. It also seems that there were no serious intentions on the part of the sponsors to reach a consensus by negotiations.

India's position is seen as critical, being the closest neighbor to Sri Lanka with the greatest engagement and influence on Sri Lanka. India was opposed to the inclusion of the operative paragraph 10(b) which for the first time called on the OHCHR to "to undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties in Sri Lanka during the period covered by the Lessons Learnt and Reconciliation Commission, and to establish the facts and circumstances of such alleged violations and of the crimes perpetrated with a view to avoiding impunity and ensuring accountability, with assistance from relevant experts and special procedures mandate holders". The Indian view is that such a decision is highly intrusive and undermines national sovereignty, and would not be a constructive approach. The limitation of scope to 2002-2009 (period covered by the LLRC) was also criticized by the Sri Lankan government as seeking to leave out crimes committed before that period by the LTTE.

Should India have voted for the resolution as demanded by groups in Tamil Nadu? This would have damaged India's relationship with Sri Lanka further. India's substantial programme of assistance to the Tamil community in Sri Lanka needs the cooperation to Sri Lanka's government to succeed. India is the one country that can make a big difference to the lives of the Tamil population in Sri Lanka through its direct assistance and through its constructive engagement with the Sri Lanka government. Keeping this effort going must be top priority and Tamil groups in India and elsewhere should appreciate this. India's votes on the two procedural motions clearly indicate its opposition to the intrusive mechanism suggested. Its abstention on the main vote was therefore an attempt to strike a balance. An early positive fall out has been the release of over 100 Indian fishermen detained in Sri Lanka.

Much media attention has focused on the question of India's vote being a strategic choice, to avoid losing ground to China and Pakistan, who have been strong supporters of the Sri Lankan government position. But clearly India's relationship with Sri Lanka has its own dynamics and cannot be hyphenated with any other country. Pro LTTE elements in the Tamil diaspora have been strongly lobbying governments especially the UK, Canada, and Australia to condemn Sri Lanka's government in the UNHRC. Despite this Australia, a non-member of the HRC, has taken a

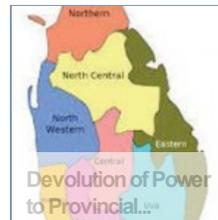
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stand similar to India against the international enquiry process.

The Resolution has led to greater polarization within Sri Lanka. The Tamil National Alliance, Sri Lanka's leading Tamil political party has welcomed the adoption of the Resolution. Sri Lanka's government has banned the Transnational Government of Tamil Eelam and 15 other groups (based in the U.S., Canada, Australia, the U.K. and Norway) under U.N. Security Council Resolution 1373, which sets out strategies to combat terrorism and control terrorist financing.

The question of human rights violations during a major counterterrorism operation is a highly sensitive matter. Violations can and are indeed committed by government forces as well as terrorist groups. Countries such as the US, UK, Argentina, Mexico, Chile, Peru, etc have witnessed such episodes. The international community must ensure that actions to protect human rights of the population do not undermine the international struggle against terrorism. There is an unfortunate tendency to apply double standards and geopolitical interests in this game.

At the end of the day, the UNHRC Resolution is a Pyrrhic victory. Sri Lanka will have no incentive to cooperate with an investigation which will be literally a trial in absentia with a predetermined conclusion. If this happens the credibility of the UNHRC will be damaged. It is unfortunate that so many Latin American states and developing countries have yielded to Western pressure and supported such a resolution.

The task of helping to heal the wounds of the 26 year long civil conflict in Sri Lanka will have to be undertaken by Sri Lanka's Asian neighbours among which India has a prominent place. It will be a challenge for India to find constructive ways to engage with Sri Lanka to move forward towards national reconciliation.

[The writer is a former

Ambassador of India]

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