

# Sri Lanka - Question for Short Debate in House of Lords – lead by Lord Naseby,

British Baron Lord Naseby has said Sri Lanka is not a country that has to be monitored by the Western countries almost everyday, the Politics Home reported today.

He said now is the time for closure and to let Sri Lanka stand on its own two feet.

“Is this really a country that has to be monitored by the West almost every day. My view as President of the All Party British Sri Lanka Parliamentary Group is no. I shall put all these points and more in a Debate. I shall finish by reminding Her Majesty’s Government of the old adage ‘keep your friendships in repair’. We may well need Sri Lanka’s friendship again soon over Brexit,” he said.

He said about six months ago, he was conscious that the UN Motions on Sri Lanka would be reviewed in March 2019 by the UNHCR in Geneva.

“I decided I should try to initiate a debate as near to Independence Day on February 4th as I could. After all it is nearly four years since these resolutions were passed; being originally moved by the USA and the UK and co-sponsored by the Government of Sri Lanka who welcomed help.

Specifically two resolutions were adopted by the UNHCR in September 2015 & again in March 2017. The resolutions were entitled ‘**Promoting reconciliation, accountability and human rights in Sri Lanka**’.

The motivation for the alleged need for the resolutions at all was the very heavy lobbying by that section of the diaspora in the USA, UK and Canada who in their heart of hearts still wanted an independent state ‘Eelam’. They had lost the war when the LTTE Tamil Tigers terrorists were finally defeated on the battlefield on May 18th 2009. It was no secret that many of those lobbying had been closely associated with the LTTE Tamil Tigers indeed some were actual members.

My reading was they wanted to see some sort of revenge against the leadership of the democratically elected Government who according to the Diaspora and their media friends had carried out War Crimes in particular the alleged killing of 40,000 Tamil civilians in a genocide along with a host of other allegations. We now know from the UK military attache that the real numbers of civilians killed were about 6,000 and further more the Sri Lanka armed forces took real trouble to look after the fleeing Tamil Civilians.

Interestingly the USA has recently withdrawn from being a sponsor. My guess is the US Government assess the Sri Lankan Government has done a huge amount to meet the UN requirements, so sees little purpose in prolonging what is in effect almost a policing surveillance of the actions of another sovereign state now 71 years old.

The UK government has been helpful in the reconciliation process through its Conflict, Security and Stabilisation Fund. Halo Trust have done a wonderful job helping with clearing the near 1 million mines left by the Tamil Tigers. I have visited Halo in action twice and marvelled at the painstaking, dangerous work of a Sri Lanka operative clearing a square metre a day.

The UK have assisted in setting up the Office of Missing Persons. I reflect that hundreds if not thousands of Tamil Cadres or sympathizers vanished abroad claiming asylum or were just winkled out through Tamil Nadu in India or wherever. Even recently a whole activist Tamil family believed missing came to light in France.

The Sri Lanka government themselves has passed an Act to establish an Office for Reparations and a proposal to establish a Truth and Reconciliation Commission.

In reality, Sri Lanka has taken positive steps on the four pillars of transitional justice—truth, reconciliation, accountability and guarantees of non-recurrence which must be taken into account by the Human rights Council. Add to this the continuing cooperation Sri Lanka has maintained with UN Human Rights mechanisms and the international community, the question has to be asked what is the point of the continuation of this resolution,” he said.

The text of the short debate conducted in the House of Lord is as follows:

### Lord Naseby Conservative 7:23 pm, 5th February 2019

To ask [Her Majesty's](#) Government, following the resignation of the government of the United States from the [United Nations Human Rights Council](#) where they co-sponsored with the United Kingdom Resolution 30/1 in 2015 and Resolution 34/1 in 2017, in regard to Sri Lanka, and given the progress made towards many aspects highlighted in the resolutions, what assessment they have made of whether to annul or withdraw those resolutions.



### Lord Naseby Conservative

My Lords, it is my privilege to introduce this debate this evening. In doing so, I declare an interest in that I started the [All-Party Parliamentary Group](#) on Sri Lanka in 1975 and had the privilege of being made its honorary president four years ago.

In a sense, this evening is almost an auspicious day in Sri Lankan terms. Yesterday was the 71st anniversary of the independence of Sri Lanka, so it is no young nation—indeed, it is a very senior nation—and, in democratic terms, it is looked upon as the leading democracy in that part of the world, with regular elections, Governments changing here and there, and so far, thankfully, no sign of any dictator.

The reason for this evening's debate is very straightforward. I thought about this six months ago and realised that the UN Motions on Sri Lanka will be reviewed in March 2019—that is, next month—by the [UNHCR](#) in Geneva, and I decided to initiate a debate. It is, after all, nearly four years since the resolutions were passed, having originally been moved by the US and the UK. They were co-sponsored by the [Government of Sri Lanka](#), who welcomed help along the way.

There are two resolutions: one was adopted in September 2015 and the other in March 2017. The key point about them is that they promoted reconciliation, accountability and human rights in Sri Lanka. The cause was really the war in Sri Lanka, and the end of that war has resulted in Eelam being something that nobody in Sri Lanka, other than the [Tamil Tigers](#), really wants. Certainly it is not wanted today and it is not wanted by India. However, unfortunately the UN received the Darusman report, which indicated that 40,000 civilians had been killed.

I have done a great deal of research. Nearly three years ago I made a request under the [Freedom of Information Act](#) and secured the publication of Colonel Gash's dispatches to the United Kingdom. I have 40 pages of them here, some of which have been totally redacted, and I shall quote from one this evening. It is the dispatch of 16 February 2009 and concerns 400 [IDPs](#) being transferred from the fighting area to Trincomalee. Colonel Gash writes:

“The operation was efficient and effective, but most importantly was carried out with compassion, respect and concern. I am entirely certain that this was genuine—my presence was not planned and was based on a sudden opportunity”.

There are many more references in the dispatches to the fact that it was never a policy of the Sri Lankan Government to kill civilians.

I have one other reference that I think is useful. It comes from the [University Teachers for Human Rights](#), which is essentially a Tamil organisation. It says:

“From what has happened we cannot say that the purpose of bombing or shelling by the government forces was to kill civilians ... ground troops took care not to harm civilians”.

There is a host of other references but I shall quote one more:

“Soldiers who entered the [No Fire Zone](#) on 19th April 2009 and again on the 9th and 15th May acted with considerable credit when they reached ... civilians. They took risks to protect civilians and helped ... the elderly who could not walk. Those who escaped have readily acknowledged this”.

Again, that provides proof.

Interestingly, the US has now withdrawn from being a sponsor. My personal guess, following some inquiries, is that the [US Government](#) now assess that the Sri Lankan Government have done a huge amount to meet the UN requirements, so they see very little purpose in prolonging what is in effect almost a policing surveillance of the actions of another sovereign state which is now 71 years old. Nevertheless, I think it is right to evaluate what has happened over the last four years.

I pay tribute to [Her Majesty's](#) Government for some of the help they have given, particularly in the reconciliation process, through their [Conflict, Stability and Security Fund](#). [The HALO Trust](#) has done a

wonderful job. I have visited the de-mining operation on two occasions and have seen the very careful work of a Sri Lankan individual clearing one square metre a day. It is very dangerous work and is being done beautifully, so I thank all those involved and look forward to the day in 2020 when the million-plus mines will have been removed.

[The UK](#) has also assisted in setting up the [Office on Missing Persons](#). Reflecting on the work I have done, I have noticed that more and more missing persons have reappeared. I received notification three weeks ago of a well-known Tamil activist appearing in the middle of France, complete with wife and children. I believe that this is not terribly unusual, but it is quite some time since the war ended and people are still reappearing.

[The Sri Lankan Government](#) have set up their Office for Reparations, which is useful and doing good work. They have also set up a framework for a truth and reconciliation commission. This is absolutely vital in my judgment. It means that all those who were involved have to be prepared to come and give evidence, including members of the [LTTE](#) who have disappeared to Canada, the [USA](#) or Australia. They must be subpoenaed to attend; otherwise the process will be totally one-sided. Even in the UK, we still have people such as Mrs Balasingham who was a real activist for the LTTE in the recruitment of child soldiers.

I understand why the Sri Lankan Government believe that the judges should be Sri Lankan; I think that they are right. If nothing else, the recent argument in the Supreme Court indicated that the Supreme Court rules supreme in Sri Lanka, whatever the politicians might think. There is a new counterterrorism Act on the way; 90% of the land requisitioned during the war has now been returned to the original citizens; 880,000 displaced people have been resettled, which is a huge achievement, by any yardstick, for any country; and 12,000 former LTTE cadres have been rehabilitated and integrated back into society—I have met some of them, and they are most grateful for what was done for them.

In reality, Sri Lanka has taken positive steps on the four pillars of transitional justice: truth, reconciliation, accountability and guarantees of non-recurrence, which must be taken into account by the Human Rights Council. Add to this the continuing co-operation, almost on a daily basis, with human rights people on the ground in Sri Lanka and the question has to be asked: what is the point of continuing with these resolutions?

It is 10 years, almost to the day, since the end of the war. Surely now is the time for closure and to let this proud country stand on its own two feet. Is it really a good use of resources for Sri Lanka to be monitored by the West almost every day? My view as president of the all-party group is: no, it is not. Frankly, I say to my noble friend on the [Front Bench](#), too easily do we forget what a good friend Sri Lanka has been to the UK over decades. When it was a colony, thousands of [Sri Lankans](#) volunteered for the two [World Wars](#). Indeed, the eighth-largest number of people who gave their lives for us in the United Kingdom were from this small island; and, as my noble friend must know, Sri Lanka was one of just seven countries to support us over the [Falklands War](#).

There is a very old adage, “Keep your friendships in repair”. Today, there is peace in Sri Lanka. You can go wherever you like. In the north, the infrastructure is repaired—that is pretty crucial—and the trains run on

time. They do not run on time on the Peterborough line, I can tell you. The final proof of the normality of life are the 254,176 visitors from the UK who went to Sri Lanka in 2018—up 20%. They voted with their money and feet. I submit that Her Majesty's Government should do the same in Geneva: recognise the good, genuine work done, show some leadership, bring closure to the UN resolution and, in doing so, make it quite clear that there were not 40,000 civilians killed—and, if it helps, I will give all the evidence I have to my noble friend on the [Front Bench](#), so that he can be totally convinced that that is indeed the case.



**Lord Framlingham** Conservative 7:34 pm, 5th February 2019

My Lords, I start by congratulating my noble friend [Lord Naseby](#) on obtaining this most important and timely debate. It is many years since I visited Sri Lanka as part of an all-party delegation led by him. I am not an expert on Sri Lankan affairs and do not pretend to speak with any authority but simply as someone who cares for Sri Lanka and who has watched with great sadness as it has gone from being an idyllic island, through indescribable horrors, and is now in the difficult process of reconciliation and rebuilding.

Our visit gave us an opportunity to undertake a comprehensive survey of the island at that time; I have the most vivid memories of what we saw and the people we met. Everyone was extremely welcoming, the politicians were helpful, the tea plantations were fascinating and the landscape and beaches were beautiful. Even the place names were entrancing: Jaffna, Kandy, Trincomalee. I recall visiting what were called the tea lines: rows of low, whitewashed cottages where the tea pickers lived. We were there to study the workers' welfare and the conditions under which they lived. I will never forget, as we got back on our coach, looking at the somewhat anxious and drawn faces of my parliamentary colleagues and comparing them with the smiling and contented faces of the tea pickers, about whose welfare we were so concerned.

We had, of course, a comprehensive series of political meetings. We were made well aware of the dark clouds that were gathering and the reasons for them. The situation became even more obvious to us, and a little threatening, when we were warned to take great care when visiting the city of Jaffna; [the army](#) based there at that time were so beleaguered that they left their barracks only to buy cigarettes and then only under armed guard. Soon after we left Colombo, there was an explosion in the hotel in which we had stayed. I believe that was the beginning of all the tragic events that followed and which are now only too well known by everyone. I still find it hard to imagine the people I met enduring the suffering that ensued.

After such terrible times, the task of rebuilding both trust and structures is huge. Sadly, this is not new to the world. [South Africa](#) and [Northern Ireland](#) are just two examples that remind us of all that is needed to make it work—to bring people together and rebuild co-operation and confidence.

In all this, the role of the United Nations—the subject of this debate—is very important. It must of course bring pressure to bear to maintain stability and move the various processes forward. These are the principal

reasons for the resolutions that we are debating this evening. But the UN must always be prepared to provide assistance, understanding and an acknowledgement of progress being made. It is surely right at this juncture that, in taking any decision on its resolutions, the United Nations should take account of the progress to date and ask itself what purposes its resolutions are designed to achieve.

It is now 10 years since the end of the conflict, and much progress has been made. My noble friend has listed many of the advances: an independent and permanent [Office on Missing Persons](#) has been set up and is working; the Parliament has passed an Act to establish an Office for Reparations; a draft framework on the establishment of a truth and reconciliation commission has been submitted to the [Cabinet](#) of Ministers; new counterterrorism legislation is under consideration; 90% of state and private land used by the security forces has now been handed back for civilian use; around 800,000 displaced people have been resettled; and Sri Lanka is due to be declared a mine-free zone in 2020.

Alongside politics and the restoration of civic life, trade helps enormously to get a country back on its feet. [The UK](#) remains the second biggest market for Sri Lankan exports after the [USA](#). We account for around one-third of Sri Lankan exports to the EU and are one of the major investors in Sri Lanka.

Tourism of course plays a major role in the life and economy of the country. Sri Lanka was rated by the [Lonely Planet](#) guide as a top destination for travellers in the coming year 2019, and in 2017 there was a 20% increase in tourists from the UK. There was an almost 30% increase in the number of cruise ships calling at Colombo port in the first 10 months of 2018, and it is now one of the world's fastest-growing ports. So great strides have been and are being made on all fronts. It is in the light of that progress that we are asked to consider the UN resolutions.

[The Irish Times](#) described Sri Lanka as:

“A tear-drop-shaped island that’s heaven on earth”.

In recent years, through civil war and tsunami, it has had its share of tears. The hope must be that everyone who cares for this wonderful island, including our own Government and the UN, will do all that they possibly can to help it to continue on its way to a safe and prosperous future.



**Lord Low of Dalston** Crossbench 7:41 pm, 5th February 2019

My Lords, I too am grateful to the noble Lord, [Lord Naseby](#), for asking this Question for Short Debate.

I first became involved with Sri Lanka shortly after I joined this House, when I was invited to become a patron of DABAL, Deaf And Blind Aid Lanka, a small organisation of highly committed people in this country who raised funds for the support of schools for deaf and blind children in Sri Lanka. I declare my interest as a vice-president of the Royal National Institute of Blind People. Thanks to the good offices of the members of DABAL, I had the opportunity to visit Sri Lanka last summer and see for myself some of the schools that it assisted. Although the schools were staffed by highly dedicated individuals, it was clear that in all but two cases that had the benefit of private funding, the schools were chronically short of resources. We left hoping that the Government would do more in future to support the education of deaf and blind children in Sri Lanka.

I turn to the matters that are the specific subject of this debate. Like the noble Lord, [Lord Framlingham](#), I am not an expert on the politics of Sri Lanka, so I shall just speak quite briefly. The essential question is how far a peacetime regime has truly replaced the kind of things that go on during war. As we have heard, in September 2015 and March 2017 the [UN Human Rights Council](#) adopted two resolutions requesting the [Government of Sri Lanka](#) to set up transitional justice mechanisms to address issues of reconciliation. The resolutions were co-sponsored by the Sri Lankan Government. If we look at what has happened since the end of the conflict in 2009, it is clear that the Sri Lankan Government have taken significant steps towards reconciliation, yet I am aware that Sri Lanka remains the object of considerable criticism from the international community. According to Amnesty International, Sri Lanka continues to pursue the commitments that it made in 2015 to deliver justice, truth, reparation and guarantees that crimes under international law will not recur but progress has slowed. There is still evidence of torture and other ill-treatment in police custody, while the [Prevention of Terrorism Act](#) is still used to arrest and detain suspects.

However, the positive steps that Sri Lanka has taken on the four pillars of transitional justice—truth, reconciliation, accountability and guarantees of non-recurrence—need to be recognised. We have heard about some of them already. An independent and permanent [Office on Missing Persons](#) has been set up. An Act to establish an Office for Reparations has been passed by the Parliament. Proposals have been brought forward for the establishment of a truth and reconciliation commission. New counterterrorism legislation that will repeal the existing Act and bring legislation into line with human rights standards is under consideration by the Parliament. As we have heard, 90% of state and private land used by security forces in the north and east of the island has been released for civilian use. As we heard from the noble Lord, Lord Naseby, around 880,000 displaced persons have been resettled, and around 12,000 former [Tamil Tigers](#) have been integrated back into society.

From this, I think it is clear that the Sri Lankan Government have done a great deal. However, there is still more to do and the Government cannot yet completely relax their efforts to bind up the wounds of a society that has so recently been riven by a protracted period of civil strife.



**Lord Sheikh** Conservative 7:46 pm, 5th February 2019

My Lords, I thank my noble friend, [Lord Naseby](#), for this timely debate regarding Sri Lanka and Resolutions 30/1 and 34/1.

I have visited Sri Lanka on three occasions. I have travelled to various parts of the country and met Sri Lanka's leadership and other senior figures. My travels to and around Sri Lanka also allowed me to see first-hand the situation on the ground. Sri Lanka suffered a 26 year-long civil war that produced a great deal of suffering. The conflict ended 10 years ago and [Sri Lankans](#) are well on their way to reconcile, rebuild and reform.

During my visits to Sri Lanka I visited the Northern and Eastern provinces, where some of the land was occupied by the security services. The Tamil politicians were against the Government. I visited the [Menik Farm](#) camp for displaced Tamils. While much of the propaganda at the time was that they were confined to the camps, I observed that even at that time the displaced persons could come and go as they wished, and in fact I spoke to some of them. It is important that the displaced persons should be settled and rehabilitated. During my discussions with various Sri Lankans, I was made aware that there was a great deal of concern about missing persons.

I went to Kilinochchi, where demining was being undertaken by the HALO Trust, and I noted that it was indeed a very slow process. In Jaffna, I talked to ex-combatants who were being trained by the Government to obtain skills. Even today I closely follow the developments in Sri Lanka, and I cannot help noting the tremendous progress that the country has made to tackle burning issues, especially over the last three years.

I shall outline some of the key achievements of the country since then. [The UK](#) has now become the sponsor of the resolutions, which makes it imperative for us to take stock of those developments. [The Sri Lankan Government](#) have now declared that the country will be free of landmines by 2020, and Sri Lanka is part of the landmine ban convention signed in Ottawa in September 1997, which was supported by the UK as well. Over 880,000 displaced persons have been resettled since the end of the conflict in 2009. Sri Lankan security forces have returned 90% of the state and private land they had been occupying and the remaining figure is less than 10%. Over 12,000 ex-combatants, including around 600 child soldiers, have been rehabilitated and reintegrated into society, with some pursuing higher studies or other vocations.

As I said earlier, I have spoken to some of the ex-combatants. Sri Lanka has now taken ownership of mechanisms created under the four pillars of transitional justice: truth, reconciliation, accountability and guarantees of non-recurrence. This includes the [Office on Missing Persons](#), which has been set up and is now functioning well. It is due to open 12 regional offices. Sri Lanka has also ratified the International Convention

for the Protection of All Persons from Enforced Disappearances and, incidentally, the country is now party to all nine core United Nations human rights instruments.

Another mechanism of transitional justice is the Office for Reparations, established and passed in Parliament on 10 October 2018. Today, the commissioners are in the course of being appointed. The draft framework for a truth and reconciliation commission has been submitted to the [Cabinet](#) Ministers by the [Prime Minister](#).

An area for reform which has had national and international attention is the review and repeal of the [Prevention of Terrorism Act](#). This will be replaced by the counter terrorism Act, which is in line with human rights standards. A Bill was presented in Parliament last year, after which it was challenged by some parties in the Supreme Court. [The Supreme Court](#) of the country has proposed some amendments which are now being considered at the committee stage in Parliament.

The Government have also become party to the optional protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which shows that they are taking allegations of torture very seriously and remain committed to carrying out investigations and prosecuting perpetrators. Sri Lanka has also retained a moratorium on the death penalty since 1976; I very much appreciate this action, as I am totally against the use of the death penalty.

These are some of the steps Sri Lanka has undertaken to engage fully with UN conventions on human rights. Sri Lanka respects the UN's systems and processes, has transparent processes and legislation regarding human rights and welcomes UN investigations into compliance. Furthermore, there is reconciliation between political parties where moderate Tamil parties play a significant role in democracy and government. As I mentioned earlier, the Tamil politicians were previously totally against the Government. I also add that, during the recent constitutional problems, the [Tamil National Alliance](#) played a key role and supported the democratic institutions in the country.

After 10 years of conflict, I feel it is fair to say that Sri Lanka is now graduating to upper middle income status. It is a recipient of the [GSP+](#) tariff concessions of the European Union, which are based on adherence to core UN conventions on human rights, labour rights and the environment. [Lonely Planet](#) has termed Sri Lanka the best destination to visit for 2019, and I hope to visit as soon as I can. With the upcoming Port City on its western coast, it is fast becoming a hub in the [Indian Ocean](#). It will bring more trade to the country and wealth and prosperity to all Sri Lankans.

Last October, I had the pleasure of receiving a personal briefing on Sri Lanka's development plans from the [Minister](#) in charge, Mr Ranawaka. I have developed a good relationship with the Sri Lankan High Commission here in London and I would like to make a personal comment on Sri Lanka's spirit for reconciliation between the communities. Throughout the year, the high commission holds different functions to celebrate religious holidays. Last year, I attended and spoke at the Christmas celebration held at the high commission. Even though Christians are a minority in Sri Lanka, making up 8% of the population, Christmas is celebrated in the country and at the high commission in London. It was significant that the diaspora attended the function at the

Sri Lanka High Commission; it was a good example of promoting reconciliation, with the Sinhalese and Tamil chaplains of the [Catholic Church](#) in attendance.

Finally, I ask the Minister whether the Government appreciate the important progress Sri Lanka has made. What is being done to help Sri Lanka and what more can be done? I also ask whether there is any point in the resolutions being continued. Can there now be closure?



**Baroness Northover** Liberal Democrat Lords Spokesperson (Foreign and Commonwealth Affairs) 7:57 pm, 5th February 2019

My Lords, the noble Lord, [Lord Naseby](#), has a long record of engagement in Sri Lanka, and over the years, the Governments there will have been very grateful to him for that support. I thank him for his detailed briefing documents, which other speakers have clearly derived information from, even though these do not quite square with the material I received from the [House of Lords](#) Library and elsewhere.

It was very welcome when the long-standing conflict in Sri Lanka came to an end. Its conclusion was very brutal, as the Government sought the total defeat of the Tamils. [The UN](#) claims that during this final offensive as many as 40,000 civilians were killed. The human rights abuses allegedly committed against the Tamils included enforced disappearances, torture and arbitrary arrest, though both sides have been accused of war crimes.

When President Sirisena, although a former ally of Rajapaksa's, was elected in 2015, it was a surprise win over the former President, who had a reputation for having encouraged severe repression of the minority Tamils. It was seen as a step in the right direction. The new President was backed by the [Tamil National Alliance](#), as well as [Tamil-speaking Muslims](#), largely due to his expressed commitment to reconciliation and government accountability. In coalition government, Mr Wickremasinghe—I apologise if I have not pronounced that correctly—became his [Prime Minister](#), and halting but insufficient steps were taken toward addressing issues of accountability, missing persons, governance and land usage.

The last year has seen a move away from this settlement. [The President](#) dismissed the Prime [Minister](#) in October 2018 and, astonishingly, installed Rajapaksa instead. The original [Prime Minister](#) refused to step down. MPs voted to reinstate him twice, upon which the President tried to dissolve Parliament. He also attempted to call a snap election. Rajapaksa began operating with his own newly formed [Cabinet](#), but an appeals court restrained this. In December, the Supreme Court ruled that the President had acted unconstitutionally; the original Prime Minister was reinstated. One of the encouraging features of this crisis has been the way in which the courts have played a key role in upholding the Sri Lankan constitution. In this

unstable situation, should the international community back away from the Human Rights Council resolutions in the light of the US withdrawal, which three noble Lords have just indicated should happen?

Resolution 30/1 in 2015 outlined many steps that the Government should take towards truth, justice, reparation and the prevention of human rights violations. Resolution 34/1 in 2017 called for any outstanding elements of the original resolution to be fully implemented. Sri Lanka co-sponsored both resolutions alongside the UK, the US, Macedonia and Montenegro. These resolutions will expire in March 2019, which is why this debate is indeed timely.

The implementation of these resolutions has been very slow. The first resolution committed to establishing four transitional justice mechanisms, including an [Office on Missing Persons](#), an Office for Reparations, a truth and reconciliation commission and a judicial mechanism to investigate violations of human rights and international humanitarian law. So far, only one of these goals has been partially met, with the formation of the Office on Missing Persons in September 2018. However, the recommendations in the interim office's reports have not been implemented by the Government, although the briefing of the noble Lord, Lord Naseby, tells us that the [Ministry of Finance](#) is looking to include necessary funds in this year's budget. Can the Minister say whether the [UK Government](#) understand that to be the case? Does he have any explanation as to why this is taking so long?

A Bill to create an Office for Reparations was narrowly passed in October 2018 but no concrete steps towards implementation have yet been taken. The briefing of the noble Lord, Lord Naseby, states that nominations to this office will be approved by the President. Is the Minister concerned about that? The draconian [Prevention of Terrorism Act](#) remains in place, despite the recommendation to review and repeal it. New anti-terror legislation is under review but is still not up to international legal standards. Some steps have indeed been taken on returning land. In October 2018, the President finally called on authorities to return land in the north and east by the end of the year. The noble Lord's briefing reiterates this. However, Amnesty notes that the authorities are yet to comply fully with this request and emphasises that many communities remain displaced.

Amnesty also notes that welcome investigations have been opened into attacks on journalists, human rights defenders, religious minorities and civil society organisations. These investigations, however, have not resulted in any convictions. It describes,

*“dismayingly limited progress on accountability for torture, rape, sexual abuse and gender-based violence”.*

Sri Lanka established a consultative task force on reconciliation in January 2016. Over 7,000 [Sri Lankans](#) were consulted for the task force's report, which urged the Government to chart a road map for fulfilling the [UNHRC](#) resolutions. But according to Amnesty the Government have ignored the task force's findings, with the [Minister of Justice](#) saying that he had “no confidence” in them.

Under Resolution 30/1, a judicial mechanism—including the participation of Commonwealth and other foreign judges, also referred to as hybrid courts—was proposed by the Sri Lankan Government. To date, there has been no progress on this front. In fact, the Government have backtracked on their own commitments. In 2018, the President called for the international community to give Sri Lanka the room to solve the problems it is facing on its own. Government officials have rejected the involvement of foreign nationals in the hybrid courts. This kind of hybrid court surely must be held to, as was the case in Cambodia.

Many Tamils and most of the international community feel that reconciliation has stalled. For example, the President was meant to bring about a new constitution that would devolve more powers to the provinces, including land registration and police power, which would increase Tamil self-determination. Talks on constitutional reform have been gridlocked and devolution is now seen as a broken promise. The Tamil advocacy group Together Against Genocide has said that the [Foreign Minister](#)'s international statements are contradicted by what senior government officials do in practice; the Verité Research Group has echoed this.

In 2017, after a fact-finding mission, UN special rapporteur Pablo de Greiff said that the reconciliation process had become increasingly ethnicised, with transitional justice,

*“represented as if it were essentially a threat to the [majority community](#)”.*

[The UK](#) has supported implementation of the resolutions through the [Conflict, Stability and Security Fund](#). The programme's mandate will expire in 2019. What plans are there to renew it? With the US's withdrawal from the Human Rights Council, there is concern that there will be less pressure put on Sri Lanka to implement the resolutions. [The US](#) has said that it will continue to engage with Sri Lanka on truth and reconciliation, despite its withdrawal, but no concrete steps have yet been announced. Can the Minister report on any discussions with the US on this matter?

Amnesty notes:

“As the tenth anniversary of the end of Sri Lanka's internal conflict looms in May, progress on [UN Human Rights Council](#) Resolution 30/1 has proceeded at a glacial pace, the hopes of the victims of crimes under international law and human rights violations and abuses during the conflict have been reduced to a flicker”.

This does not argue for the international community to back away. Clearly, as we saw last year, Sri Lanka is in an unstable political situation. Progress thus far is of course to be welcomed, particularly the role of the courts in last year's political manoeuvres, but progress must be put in the context of what has been promised and needs to be achieved. It would be premature to remove any of the pressure on Sri Lanka to adhere to the Human Rights Council's conclusions and I hope that the Minister will share that view.



**Lord Collins of Highbury** Opposition Whip (Lords), Shadow Spokesperson (Foreign and Commonwealth Affairs), Shadow Spokesperson (International Development) **8:07 pm, 5th February 2019**

My Lords, I too welcome the opportunity that the noble Lord, [Lord Naseby](#), has given us to address the issues in Sri Lanka. There is no doubt that there has been progress but, as the noble Baroness, Lady Northover, said, it has been glacial. When we talk about truth, reconciliation and—the most important element—peace, we must not forget accountability. That is vital to ensure that reconciliation is sustainable. From the response to a number of Written Questions, it certainly seems clear that the United Kingdom remains committed to the full implementation of the [UN Human Rights Council](#) resolutions, particularly Resolution 34/1. As the noble Baroness also highlighted, there has been such limited progress on accountability.

There is therefore a clear expectation among the Sri Lanka core group in Geneva, consisting of the United Kingdom and Germany, to ensure the adoption of a further rollover resolution at the upcoming Human Rights Council session, with the co-sponsorship of the [Government of Sri Lanka](#). However, there is a great deal of concern that support from the Sri Lankan Government, which emanates largely from their [Prime Minister](#)'s office and is perhaps better described as grudging acquiescence, could be derailed in the light of the open conflict between the [Prime Minister](#) and [President of Sri Lanka](#), especially after the events of last December, as described by the noble Baroness, Lady Northover.

It would be easy to see the President seeking to gain political advantage by making a stink of the notion that the [Prime Minister](#)'s party, the [UNP](#), is selling out war heroes. The fact that we are having this debate leads me to think that there is absolutely no room for complacency. It is important to refocus our minds on the central reason that Sri Lanka came before the HRC in the first place: allegations of atrocity crimes. The fact is that these have not in any sense been addressed.

In his debate in October 2017, which I also participated in, the noble Lord, Lord Naseby, argued that the Government should drop their call for a credible accountability process to look into the wartime violations in Sri Lanka, in view of the exonerating contents of a series of confidential wartime British diplomatic dispatches obtained from the [FCO](#) via FoI request. The noble Lord referred to that again this evening. As it happens, in June 2018 [Private Eye](#) referred to the [Sri Lanka Campaign](#)'s similar request for FoI over these dispatches. Its assessment suggested in particular that the casualty figures to which the noble Lord referred did not represent the independent assessment of the UK military's attaché, but rather were derived from UN Country Team estimates, which have been in the public domain since 2009 and remarked upon by subsequent UN investigations for the conservative nature of their methodology.

The other thing in that debate was giving the wrong impression that the statement “no cluster munitions were used” was attributable to, and represented the independent assessment of, the UK military attaché. As [Private Eye](#) revealed, this was in fact a description of the position of the then Sri Lankan Defence Secretary, Gotabaya Rajapaksa, an alleged perpetrator of grave human rights violations. Sadly, your Lordships' debate of 14 months ago continues to be used by hardliners in Sri Lanka to erode efforts to bring about a meaningful process of accountability and reconciliation for wartime atrocities. For example, in July last year, [GL Peiris](#), a member of the former regime and [Mahinda Rajapaksa](#) ally, wrote to the new [UK Foreign Secretary](#), calling on

him to withdraw the UN Human Rights Council resolution on Sri Lanka, in view of the “entirely flawed” basis for it, as revealed by the noble Lord, Lord Naseby.

Many are concerned about how that FoI request and the dispatches will be used to sway international public opinion at crunch time at the Human Rights Council in March— next month. Therefore it is important to correct the dangerous and unhelpful narrative that the original debate of the noble Lord, Lord Naseby, has helped to foment in Sri Lanka.

If we are talking about anniversaries, as documented in great detail by the [United Nations High Commissioner for Human Rights](#)’ 2015 investigation—

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**Lord Naseby** Conservative

My freedom of information request was duly passed to me. It is my privilege, according to the judge of the First-tier tribunal, to use that information as I see fit. I am more than happy to give copies to all Front-Bench persons present, and will make sure that happens immediately. However, those dispatches are not written by me, they are written by the official attaché from the United Kingdom who served throughout the war and was at the front line during that war.



**Lord Collins of Highbury** Opposition Whip (Lords), Shadow Spokesperson (Foreign and Commonwealth Affairs), Shadow Spokesperson (International Development)

I am grateful for the offer. I am sorry it has come 14 months late, but I would have appreciated—and certainly the campaign for Sri Lanka would have appreciated—copies earlier. That is why, according to [Private Eye](#), it put in its own FoI requests and has got the material. The important point about the narrative that we have heard this evening, which the noble Baroness, Lady Northover, also made, is that we want to see the full implementation of the resolution, which has not been properly addressed and certainly in no way can be considered fully addressed.

I want to point out something in that report of the [UN High Commissioner for Human Rights](#) in 2015 into the final stages of the civil war. On this day—5 February—10 years ago, the UN, the [International Committee of the Red Cross](#) and medical workers were finally forced to evacuate from [PTK](#) hospital. For three weeks, the hospital had been subjected to intense shelling by suspected government forces, which continued despite—or perhaps because of—the [GPS](#) co-ordinates having been communicated to them. It was the only hospital in the war zone that was equipped with an operating theatre, where hundreds of patients were being treated. To quote the report:

“Witnesses told investigators that as shells fell, people ran to take cover, including several patients who ran towards bunkers located outside the hospital, carrying their intravenous drips with them”.

An attack on 3 February,

*“hit a ward with women and children, killing at least four patients and injuring at least 14 others. The hospital was hit again during the following evening, damaging the children’s ward, reportedly killing seven people, including one medical staff member and a baby ... One hospital worker described the situation in the hospital by 4 February as ‘carnage’, the likes of which she had never seen before”.*

As we approach the 10th anniversary of these events, I hope the [Minister](#) will join me in expressing concern that, despite the various promises made by the [Government of Sri Lanka](#) before the Human Rights Council in October 2015, they have not yet succeeded in holding accountable a single member of the Sri Lankan armed forces for those appalling atrocities. I hope that he will reassure us that we will seek full implementation of those UN resolutions.



[Lord Ahmad of Wimbledon](#) Minister of State 8:19 pm, 5th February 2019

My Lords, I join all noble Lords in thanking my noble friend [Lord Naseby](#) for securing this timely debate. I pay tribute to his long-standing commitment to Sri Lanka, including in his current role as president of the all-party parliamentary group. I thank all noble Lords for their thoughtful contributions to this debate, which, as we have been reminded, comes at an important point in the run-up to the 40th session of the [United Nations Human Rights Council](#) in Geneva, which my [right honourable friend](#) the Foreign Secretary and I hope to attend, and its assessment of progress made by Sri Lanka in implementing its commitments under Resolution 30/1. As my noble friend is aware, that resolution, together with Resolution 34/1, set out a number of actions to be taken by the [Government of Sri Lanka](#) to further accountability—a point well made by the noble Lord, Lord Collins—reconciliation and human rights following the end of the decades-long civil war.

I make the Government’s position clear from the outset: [Her Majesty’s](#) Government have no plans to annul or withdraw those resolutions. [The UK](#) continues to believe that full implementation is essential, as the noble Baroness, Lady Northover, and the noble Lord, Lord Collins, made clear. Without truth, justice, and guarantees of non-recurrence, there can be no lasting reconciliation. In co-sponsoring Resolution 30/1, the Government of Sri Lanka also sent a clear signal that they recognised this.

My noble friend Lord Naseby rightly noted that the United States co-sponsored the resolutions. As I have said before from the [Dispatch Box](#), we deeply regret the decision of the [United States Government](#) to resign from

the Human Rights Council. However, as leader of the resolutions core group, we remain determined to see them implemented in full. To that end, and following consultation with the core group, I am pleased to notify your Lordships' House that Canada and Germany have agreed to join the United Kingdom, Macedonia and Montenegro as alternate sponsors. Both Canada and Germany share our understanding of the importance of achieving reconciliation in Sri Lanka. At the same time, the US remains a strong external supporter of the resolution and an advocate for progress, a point made by the noble Baroness, Lady Northover.

On 21 March 2018, the [UN High Commissioner for Human Rights](#) rightly recognised the steps taken since January 2015 to improve the human rights situation in Sri Lanka, a point well made by my noble friend [Lord Framlingham](#). We echo that report. As the UK's Human Rights [Minister](#), I welcome progress on the restoration of important democratic checks and balances, improvements in respect for freedoms of expression and movement, the return of land held by the military to civilians, the establishment of the [Office on Missing Persons](#), the ratification of the convention on enforced disappearances, and the passing into law of, and budget allocation for, the Office for Reparations Bill.

My noble friend [Lord Sheikh](#) raised the important issue of land rights. We welcomed the Sri Lankan Government's instruction to the military in 2016 that all land obtained from civilians should be released at the latest by 2018. However, as of January 2019, some land is still to be released. We encourage land returns. I assure noble Lords that, as a friend of Sri Lanka, we continue to support the return of land to civilians through direct funding for demining activities—mentioned by my noble friend—in the north of the country. In August 2018, my [right honourable](#) friend the Minister for Asia, Mark Field, announced a further £1 million increase in funding to support family resettlement and peacebuilding. From a governance perspective, while progress clearly still needs to be made, it is clear that [Sri Lankans](#) do not live in the same climate of fear that existed under the former Government, and that people now have greater confidence to speak openly and honestly, and with rising media freedom, about the challenges faced by the country. This point was well made by the noble Lord, Lord Low.

On the issues that confront the country, it is clear that the pace of change has been disappointingly slow, as the noble Baroness, Lady Northover, recognised. We must see further and faster progress by Sri Lanka towards implementing its commitments under Resolution 30/1. I will outline the further steps on four key issues. First, as the noble Lord, Lord Collins, reminded the House, is the establishment of a transitional justice mechanism, including a truth and reconciliation commission. Second is the urgent repeal and replacement of the [Prevention of Terrorism Act](#). I assure the noble Baroness, Lady Northover, that the British high commission in Colombo is in regular contact with government officials, including [Tamil National Alliance](#) MPs and civil society representatives, about the situation of detainees held under the [PTA](#). We also continue to work on this issue with other diplomatic missions, including the EU and UN bodies.

The noble Baroness also asked whether funding for the Office on Missing Persons has been included in the budget. I understand that that office has now been established and is operating. However, a final decision has yet to be taken on funding the establishment of the Office for Reparations.

This underlines the important fact that the legacy of Sri Lanka's recent conflict can be addressed and lasting reconciliation achieved only if we see further progress in this regard. As the noble Baroness also rightly pointed out, there were deep concerns over recent political developments at the end of 2018, when President Sirisena dissolved the Parliament, in an apparently unconstitutional manner, in an attempt to dismiss [Prime Minister](#) Wickremasinghe and install former [President Rajapaksa in his place](#). Ultimately, the peaceful resolution of the 51-day crisis was a welcome indication of resilience, as noble Lords have recognised. We need to recognise the progress that has been made in Sri Lanka's judicial and democratic institutions and on the effective checks and balances between state powers. This is an important step forward, but there were 51 more days when progress towards reconciliation came to a halt.

We have repeatedly urged the Government of Sri Lanka to go further and faster. On 21 January, I met the Minister of Finance and Mass Media, Mangala Samaraweera, in London. He has been a strong supporter of Sri Lanka's commitments to Resolution 30/1. It was a pleasant and constructive meeting, during which he took the opportunity to engage directly with representatives of the diaspora in the UK, including members of the Tamil community. My [honourable friend](#) the Minister for Asia and the Pacific did the same when he met [Foreign Minister](#) Marapana and a number of other Sri Lankan Ministers and officials in Colombo last October. Last September, the UK led a statement on behalf of the core group at the 39th session of the Human Rights Council, urging Sri Lanka to prioritise and drive forward the implementation of its commitments.

The noble Baroness, Lady Northover, asked questions about [CSSF](#) funding. We are providing £8.3 million for the current period and are evaluating projects and proposals for continued funding. She also asked whether the President would appoint commissioners for the Office on Missing Persons. We hope and expect that President Sirisena will appoint commissioners who command the full support of all communities.

The noble Lord, Lord Collins, asked an important question about the current situation in terms of accountability. There has been progress. [The British Government](#) are a friend of Sri Lanka and have supported projects to ensure a zero-tolerance approach to rape and gender-based violence in Sri Lanka. This has included the funding of a helpline for victims of domestic abuse and increasing police support for women and children. I assure him that the UK continues to support efforts by the Sri Lankan Government to develop a more professional and accountable police force, including increasing gender-sensitive policing. We have raised issues across the whole spectrum of human rights and continue to support various [NGOs](#) working in the community, including support for the Sri Lankan [LGBT](#) community.

Let me be very clear and assure all noble Lords that the United Kingdom is a friend of Sri Lanka. We have made a long-term commitment to work with Sri Lanka on improving human rights and supporting the rebuilding of the country after three decades of conflict. Our £8.3 million of funding over three years is an example of this. On the strength of our relationship, I know that my noble friend Lord Sheikh mentioned the positive outreach conducted by the high commission here in London. I very much look forward to paying tribute to the breadth and strength of our bilateral relationship with Sri Lanka when I speak at the Sri Lankan high commission tomorrow to recognise and celebrate [Independence Day](#).

The UK remains convinced that Resolution 30/1 must be implemented in full if Sri Lanka is to achieve the long-term reconciliation that all its people need and, we all recognise, truly deserve. We recognise that progress has been made, as my noble friend highlighted in tabling this debate, but we also believe that—with a concerted effort by Sri Lanka and support from co-sponsors including the United Kingdom, as well as external advocates including the United States, the European Union and the [UNHRC](#)—Resolution 30/1 can be fully implemented, allowing Sri Lanka to realise the true potential we all seek, as a stable prosperous country providing growth and opportunities for all Sri Lankans.

*House adjourned at 8.30 pm.*