

Extended Abstract

The international community's human rights based approach towards post-war Sri Lanka; a critical analysis

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Background

An unrelenting influx of international pressure was exerted on post-War Sri Lanka following the immediate aftermath of its military victory over the LTTE. This internationally exerted pressure was molded on the basis of human rights concerns and thereby the inextricably unarguable power to encroach upon the territorial integrity and sovereignty of a state entity provided the inspirations for this research. The need to unravel the actual motives for such pressures prompted the examination of the proactive underlying reasons for the adoption of several eye-opening Resolutions by the United Nation's Human Rights Council in the recent past with regard to Sri Lanka.

Research Problem

This study arises from the main research problem which probes the specific motivations giving rise to the International Community's Human Rights Based Approach towards Sri Lanka. Based on the above research problem, the following sub research questions were sought through this study: What is the strategy followed by the global-West on the advocacy of Human Rights?, What are the features of the global-West's Human Rights foreign policy?, How has Sri Lanka and the global-West reacted towards each other in the recent past in the context of Human Rights concerns?, How has the International Community responded towards Sri Lanka's LTTE terrorism issue and what changes has such response undergone during the final years of the conflict?, Are there any 'double standards' in the manner in which the International Community has responded to certain Human Rights concerns pertaining to 'pet' nations when compared with its attitude towards the Sri Lankan issue? and How legitimate and justifiable is the International Community's Approach towards post-War Sri Lanka?

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Research Objectives

The main objective of this research is to examine and analyse the Human Rights based international approach towards Sri Lanka in order to ascertain the actual reasons that motivated the so-called International Community to exert pressure on Sri Lanka to undertake investigations and prosecutions based on the alleged Human Rights violations said to have occurred during the civil war situation of Sri Lanka. This research also subjects to scrutiny the Sri Lankan state's response to the alleged Human Rights issue raised globally and questions the appropriateness of such response whilst also exploring the nature of relations between Sri Lanka and the primary state actors who are critical of post-War Sri Lanka's Human Rights platform.

Research Methodology

The research methodology for this study will primarily include empirical and qualitative methods along with the usage of secondary data due to the nature of the study. Since the subject matter relates to a behavioural science which deems it impossible to be scientifically tested, the data accumulated and extracted through such secondary sources shall thereafter be subjected to a qualitative analysis with a view to establishing or dismissing the hypothesis.

Key Findings

The hypothesis of the study was proven; thereby establishing that the International Community's Human Rights based approach towards Sri Lanka is a manipulation of the paradigm of Human Rights with a view to attaining vested interests. Such vested interests range from individual domestic electoral compulsions to geo-political strategic aspirations to desires for regional hegemony. Hence, the findings of this research unearth the possible motivations leading to the International Community's Human Rights based approach towards post-War Sri Lanka, which have less to do with genuine concerns for Human Rights and more to do with attaining individual geo-political and electoral agendas; the achievement of which appears to be possible only through the pursuit of a Human Rights based international approach.

However, the findings of this research also brings to light, the Sri Lankan Government's failure to adequately respond to such allegations of Human Rights violations at the outset, which failures in turn led to and thereafter even aggravated the attempts by the International Community in its approach towards post-War Sri Lanka.

The above findings in turn indicate that while the international approach towards Sri Lanka is a manipulation of Human Rights initiated in order to attain vested interest; the same is also the result of varied flaws on the part of the Government of Sri Lanka ranging from a partially implemented truth seeking and reconciliation mechanism to short sighted foreign policy strategies. Therefore, the findings indicate that the only way the on-going international campaign against Sri Lanka can be properly countered is by correcting flawed strategies of the past which left room for such an intrusive approach in the first place.

Conclusion

The research finds the International Human Rights based approach against Sri Lanka to be unwarranted and inappropriate given the brief period of time concerned within which Sri Lanka was expected to resolve issues stemming from a thirty year old armed conflict; while the realities of an exhaustive domestic inquiry mechanism leading to an overall delayed response is also comprehensible. It is further understood that the vested interests of states responsible for the on-going Human Rights based approach have played a key role in the materialization of the approach itself. Although the lacklustre attitude of the Sri Lankan Government may have fuelled the International approach, it is however understood that the exertion of international pressure on a country prior to such country exhausting its domestic mechanism of inquiry is ethically inappropriate and unlawful in the context of International Law.

Key Words

International Community, Human Rights, Human Rights Council, Resolutions

References

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