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To: Delegations

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Subject: Sri Lanka
- Council conclusions (16 November 2015)

Delegations will find in the annex the Council conclusions on Sri Lanka, as adopted by the Council at its 3426th meeting held on 16 November 2015.

Council conclusions on Sri Lanka

1. The Council welcomes the significant advances made by the Government of Sri Lanka since the presidential elections held in January 2015 to restore democratic governance, initiate a process of national reconciliation and re-engage with the international community and the United Nations (UN) system.
2. Following the invitation by the Government of Sri Lanka, the European Union deployed an Election Observation Mission (EU EOM) to observe the parliamentary elections in August, which were assessed positively by the EU EOM. The elections saw a strong endorsement of the change in policies initiated since January. In line with the Government's commitment for electoral reform, it will be key to implement the recommendations provided by the EU EOM.
3. There are now new opportunities for the EU to engage with the Government of Sri Lanka in making further progress on reconciliation, strengthening good governance and tackling corruption, promoting respect for human rights and the rule of law, and fostering inclusive economic growth and sustainable development, while continuing work to reduce poverty and addressing global issues such as climate change and sustainable development. The EU and its Member States actively support the new reform-oriented dynamism in Sri Lanka in order to overcome underlying causes of the past conflict. In this spirit, they will review their respective assistance programmes to support these objectives, including ensuring coordination with other donors.

4. The Council welcomes the resolution "Promoting reconciliation, accountability and human rights in Sri Lanka" adopted at the 30th session of the UN Human Rights Council in Geneva as a crucial step towards a credible transitional justice process in the country. The Council commends the Government of Sri Lanka and the Tamil National Alliance for respectively sponsoring and supporting the resolution. Continued political leadership will be needed from all sides to ensure the implementation of a comprehensive approach to deal with the past and at the same time establish a lasting foundation for a peaceful future. In this regard, the Council takes positive note of Sri Lanka's proposal to establish a Commission for Truth, Justice, Reconciliation and Non-Recurrence, and to set up with the expertise from the International Committee of the Red Cross, an Office on Missing Persons.
5. Accountability is essential to uphold the rule of law and build confidence in the people of all communities of Sri Lanka in the justice system. The EU welcomes Government of Sri Lanka's proposal for the establishment of a judicial mechanism to investigate allegations of violations and abuses of human rights, including allegations of sexual violence. The participation of foreign judges, defence lawyers, prosecutors and investigators will be important in ensuring that the process is both credible and perceived as such by all sides. The Council underlines the importance of continued cooperation with the Office of the High Commissioner for Human Rights.

6. Addressing the underlying causes of the conflict will be key to uniting the people of Sri Lanka. The EU welcomes the steps that have been taken to strengthen civilian administration in the North and East and calls on the Government to move swiftly to find durable solutions for all Internally Displaced Persons. The devolution of political power to the provinces, as originally envisaged in the Thirteenth Constitutional Amendment, will be a vital step in allowing communities to have their say in how they are governed and a positive contribution to the reconciliation process. The EU takes note of the Government's plans for a new Constitution. Initiation of a broad domestic dialogue and consultation on wider constitutional change will be vital to ensure the sustainability and popular support for any changes that are ultimately proposed.
7. The Council encourages the Government of Sri Lanka to take early steps to build the confidence of communities, including releasing the identity of the detainees and accelerating their prosecution or release, repealing the Prevention of Terrorism Act, calibrating the military presence according to identified security needs and returning land sequestered by the military to its rightful owners. Further action is also needed on a number of human rights concerns, including sexual and gender based violence, torture and the protection of persons belonging to religious, ethnic and other minorities, Human Rights Defenders and journalists.
8. The Government of Sri Lanka has indicated its intention to apply at the appropriate time to be granted the tariff preferences provided under the special incentive arrangement for sustainable development and good governance (GSP+). The Council reiterates that the purpose of GSP+ is to encourage beneficiary countries to effectively implement the core international conventions on human and labour rights, environmental protection and good governance. It takes positive note of the progress recently achieved and encourages Sri Lanka to undertake all remaining necessary preparatory work. The Council calls on the High Representative and the European Commission to continue to engage with Sri Lanka to support its efforts to lay the groundwork for a renewed application for GSP+.

9. The Council commends the steps Sri Lanka has taken to comply with the regulations of the Indian Ocean Tuna Commission and encourages the Sri Lankan authorities to take the further measures necessary to address the shortcomings established in the context of the EU legislation on Illegal, Unreported and Unregulated (IUU) fishing, so that the ban on fishery exports to the EU can be lifted as soon as possible.
 10. The Council looks forward to regular updates on future progress and welcomes continued dialogue between the EU and the Government of Sri Lanka, including through meetings of the joint bodies established under the Cooperation Agreement on Partnership and Development.
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