

A close-up photograph of a pink and white flower, possibly a lily, with its petals in various stages of bloom. The background is a soft, out-of-focus grey.

Humanitarian Crisis in Sri Lanka

British Tamils Forum

"You can chain me, you can torture me, you can even destroy this body, but you will never imprison my mind"

- Mahatma Gandhi



Hon Robert Evans MEP – 01 September 2008



GSP+ Qualifying Conditions

In order to benefit from GSP+, countries must have:

- **Ratified and implemented key international conventions. 23 of the most important international conventions relating to core political, human and labour rights must have been ratified**, including: the elimination of discrimination against women; the prohibition of torture; the right to strike; the banning of child labour, the environment, good governance and the fight against drug production and trafficking, must have been ratified by the end of October 2005. The remaining conventions must be ratified within the lifetime of the regulations i.e. by December 2008. These conventions include the Kyoto Protocol, the Convention on International Trade in Endangered Species and the UN Convention against Corruption. The new GSP is therefore a concrete incentive for developing countries to promote best practice in key areas and support sustainable development policies.
- **Provided comprehensive information concerning ratification of the conventions, the legislation and measures to implement the conventions required for GSP+**
- **Demonstrated that their economies are "dependent and vulnerable"**. Dependence is defined as meaning that the five largest sections of its GSP-covered exports to the Community must represent more than 75% of its total GSP-covered exports. In addition, GSP-covered exports from that country must also represent less than 1% of total EU imports under GSP



Precedence & Consistency

Belarus

Temporary withdrawal of the GSP tariff preferences either totally or partly is possible in case of a serious and systematic violation of the provisions relating to freedom of association and collective bargaining rights, as determined in the relevant conventions of the International Labour Organization (ILO).

In early 2003, international trade associations notified the EU Commission about alleged serious and recurring failure to comply with the right of association in Belarus. Based on received information, the Commission decided in December 2003 to launch an inquiry into the situation in Belarus. The outcome of the Commission's inquiry supported the claim that Belarus violates ILO Conventions No 87 and 98, and the violations are serious and recurring. The Commission launched a six-month monitoring and review process on the situation in Belarus between September 2005 and March 2006. In accordance with the Commission, the situation in Belarus had not improved, and a proposal was sent to the EU Council concerning temporary withdrawal of the GSP preferences of Belarus as from the beginning of December 2006. **On 21 December 2006, the Council decided to temporarily withdraw access to the generalised tariff preferences from the Republic of Belarus (Council Regulation 1933/2006). The withdrawal entered into force on 21 June 2007.**

Unless a clear message is sent by withdrawing the GSP+ privilege from Government of Sri Lanka for being in breach of qualifying conditions like the decision taken by the Council on Belarus, Sri Lanka and other States that enjoy such privileges will continue with human rights violations, lack of systems and governance and maintain status qua. The fundamental idea of assisting with development of these countries will be lost if such opportunities are missed to put these Governments on the right track!



Sri Lanka is in breach of GSP+ conditions

- Sri Lanka's Supreme Court ruled in 2006 that 'the rights under the International Covenant on Civil and Political Rights (ICCPR) are not rights under the Constitution of Sri Lanka. President Rajapakse recently sought an advisory opinion on the subject from the Supreme Court through a presidential reference under Article 129(1) of the Constitution. However, the EU has already informed the government that it would have to introduce a constitutional amendment to ensure the rights under the ICCPR are rights recognised by the constitution, or seek a reversal of the Supreme Court Decision of 2006
- An international panel (International Independent Group of Eminent Persons – IIGEP) set up to monitor a Sri Lankan probe into human rights abuses says the government lacks political will to investigate the cases with vigour – BBC (15/04/2008)
- The public report gave following reasons for IIGEP's decision to terminate the mission "with profound regret that more could not have been achieved":
 - ❖ A conflict of interest in the proceedings before the Commission
 - ❖ Lack of effective victim and witness protection
 - ❖ Lack of transparency and timeliness in the proceedings
 - ❖ Lack of full co-operation by State bodies
 - ❖ Lack of financial independence of the Commission

The above proves that although Sri Lanka may have ratified all of the key international conventions, however in reality they are far from being implemented effectively!

- In 2005 when GSP+ was under review Romano Prodi challenged why Sri Lanka should be granted GSP+ status instead of say India or Pakistan of the region. Sri Lanka's case on the strength of the then peace process and the existence of an Internationally sponsored Ceasefire Agreement of 2002, which position found resonance with the EU. – There is no peace process and the Government of Sri Lanka has unilaterally abrogated from the CFA of 2002 on 17/01/2008.
- In April 2008 inflation is reported as 29.9%. Government of Sri Lanka is pursuing a militaristic approach to fundamentally a political problem. The Sri Lankan Government has increased its defence expenditure by nearly 20% to 166.4bn rupees (\$1.48bn) from 139.6bn in 2007. In 2005 Sri Lanka's defence budget was \$0.6bn – Over doubled by 2008 which by virtue makes any economy vulnerable



British Tamils Demands to the International Community

- ✓ UK Parliament & House of Lords must formally and collectively echo the same sentiments as the German Economic Co-operation and Development Minister Heidemarie Wieczorek-Zeul (e.g. EU Sanctions, Freeze all development aid, **WITHDRAW the GSP** (Generalised System of Preferences) offered to SL) to bring economic pressure on GoSL to abandon the militaristic approach to a fundamentally political problem
- ✓ **International Arms Embargo** against Government of Sri Lanka
- ✓ Creation of a '**Safe Haven**' to protect the Tamil civilians (similar principles adopted to protect the Kurdish population from Iraq's indiscriminate bombing - **Initiative successfully implemented by the then Conservative PM John Major & his Government through the UN**)
- ✓ EU sponsored UN Security Council Resolution condemning the militaristic approach by GoSL to a fundamentally political problem, particularly condemning the **indiscriminate AERIAL bombardment**

