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STATEMENT

by

Hon.Mahinda Samarasinghe M.P.

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on Human Rights, and
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On the Resolution on Sri Lanka

Madam President,

Thank you for this opportunity, as the country concerned, to outline our position in respect of the draft resolution before the Council.

Many in this Council would agree that Sri Lanka has been a role model of, consistently and unambiguously, engaging with everyone in the Council; not just on this occasion but over the years. This engagement has been voluntary and was not restricted to a period in the aftermath of the conflict, but occurred even during the height of the long-drawn-out armed conflict, against one of the worst manifestations of terrorism.

This transparent policy of sharing information has been out of a sense of responsibility as a member of the international community and in the face of a systematic and organized campaign aimed at distorting and misinforming this Council and the outside world of the situation in Sri Lanka. May I assure you, Madam President, that we will continue to actively engage.

Despite this exemplary interaction, Sri Lanka has been selectively targeted by certain countries at the behest of some who, we believe, still bear resentment at the clear and decisive decision taken at the Special Session in 2009. This attempt to undermine the Resolution of 2009 is unacceptable especially because of the continuing improvement in Sri Lanka during the intervening period. A resolution that dwells on the past will impose on this Council the character of an adjudicatory body, with no limitation as to its competence to reopen and revisit matters of the past, which could have consequences affecting many others. Those who live in glass houses, Madam President, are best advised to exercise caution before throwing stones.

Madam President,

We are a nation proud of our history, heritage and values as much as any other nation state. We take our responsibilities as a member of the international community very seriously and

needless to say, are more concerned about ensuring sustainable peace and reconciliation and further promoting the unity of our nation that is multi-cultural, multi-lingual, multi-religious and multi-ethnic in its composition.

After 30 long years of instability and violence, we have achieved stability and peace. We need to be given time to further consolidate the clear progress that has been achieved in a short period of three years.

Madam President,

It is against this backdrop that my country is compelled to face a misconceived, unwarranted and ill-timed draft resolution, which embodies several harmful elements that clearly violate important principles that will have adverse ramifications, not only for my country, but many other countries.

This is why, Madam President, we took a decision, on a matter of principle, that we will not accept such a Resolution, in an endeavor to also ensure that a bad precedent is not established by this Council.

The way in which we will deal with this matter today will decide whether or not purely parochial, if not political, agendas far removed from the promotion and protection of human rights, will be permitted to prevail.

Madam President,

When we look at this draft resolution, it is clear that the founding principles of the Human Rights Council which are anchored in universality, impartiality, cooperation, non-selectivity and objectivity, are being assailed. If we are true to our consciences, it is not difficult to concede that the situation in Sri Lanka does not warrant the attention and criticism in this Resolution. We are clearly justified in asserting that we require time to realize comprehensive reconciliation.

Madam President,

This Resolution also runs counter to the principle of international law that domestic remedies must be exhausted and should be the first resort, prior to superimposing external mechanisms. In respect of Sri Lanka's situation, it is barely 3 months since the presentation of the domestic mechanism's report. Is it fair for this Council to pre-judge our commitment to all aspects of the domestic process at this juncture? Shouldn't we be given the time and space to continue this process of implementation and of reconciliation without undue interference?

If this proposed intrusion is accepted by this Council, no domestic process would be free to deliver on its mandate unimpeded. Instead, a superimposition of an external mechanism would become the order of the day. I ask the question: Madam President, would all delegations in this Council subscribe to such abdication of sovereign responsibility and permit a usurpation of an independent nation's prerogative to act in its people's paramount interests?

Madam President,

We are aware that many delegations in this Council have consistently taken a principled stand on the appropriateness of country-specific resolutions in keeping with the spirit of the UN Charter. It is clear that the Resolution before us is inconsistent with this principled position. We call upon all countries who value this principle to vote against this draft Resolution.

In conclusion, Madam President, we ask Members of this Council to take an objective view of the Sri Lankan situation in its entirety and grant our people the necessary latitude to complete a process that has already begun. In keeping with past practice, we will voluntarily keep the Council informed of the progress made. The Universal Periodic Review is the established procedure for this, and it should not be subverted.

The draft Resolution, as presented, seeks to create doubt in a sovereign and independent country's intent, resolve and capacity to implement the recommendations of its domestic mechanism, without according to it a reasonable time for implementation. It also fails to

acknowledge the steps taken and the progress made in the implementation process. Accordingly, the intentions of the government in question are being prejudged, deliberated and concluded upon by the Council even before such government has had the opportunity to fulfill the recommendations of a domestic mechanism. Furthermore, this Resolution if adopted, would undermine the principle of non-interference in matters within the domestic jurisdiction of a country.

This resolution if adopted will not add value to the implementation process in Sri Lanka; on the contrary, it may well be counter-productive and, as such, those who have been using extreme pressure tactics in garnering support for this ill-timed and unwarranted initiative should be mindful of the responsibility that accompanies it.

Let me assure you Madam President that the Government of Sri Lanka will spare no effort to safeguard the sovereignty and independence of the motherland. As we defeated terrorism through resolute and united action, we will dedicate our efforts to guaranteeing equality, dignity, justice and respect of each and every Sri Lankan, who have reposed their trust in our vision for the future. May I add, Madam President, that no one has to remind us of this responsibility.

We have defeated one of the most ruthless terrorist outfits after 30 years of conflict to free our people. Ironically, proponents and sponsors of this resolution are among those who have proscribed the LTTE and who now seek to give comfort to the proxies of the organization. The impact would be to encourage them to resume their activity under the protective umbrella of these countries and also to undermine a long-standing, well established democracy such as Sri Lanka.

Finally, Madam President, the resolution before this Council for consideration is not acceptable to Sri Lanka as the country concerned. To the sponsor and co-sponsors of this resolution, I say: "Physician, heal thyself".