



**Statement by Ambassador H. E. Dr. Palitha Kohona
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**UN General Assembly Informal Interactive Dialogue on
The Report of the Secretary-General on the Responsibility to Protect:
State Responsibility and Prevention**

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Mr. President,

Let me join the previous delegations in thanking you for convening this informal interactive dialogue on the report of the Secretary-General on “The Responsibility to Protect”. We also thank the distinguished panelists for their presentations.

Mr. President,

After years of discussion, the evolution of the R2P concept can be seen as an effort by the international community to address egregious violations of international human rights and humanitarian standards. While such gross violations repel us, the concept of “R2P” continues to be the subject of debate, and at times, controversy. It is a concept that is still to be clearly defined in a manner acceptable to the entirety of the international community. The circumstances under which the R2P could be exercised continues to generate uncoordinated views. The 2005 World Summit Outcome Document addressed the issue against this background of uncertainty. Significantly, it did not seek to facilitate arbitrary interventions.

Interventions were to be limited to defined circumstances and with the agreement of the international community. The responsibility to deal with violations should remain with the international community, where the State itself is unable or incapable of doing so.

- Sri Lanka, for its part, has a very strong fundamental rights chapter in the Constitution.
- It is in the process of formulating legislation on hate crimes.

The need to protect civilians in times of conflict and civil disturbance goes back a long way. The arbitrary targeting of civilians in war, and in conflict, in the past had given rise to much justifiable concern. The Geneva Convention and its Protocols were designed to protect non-combatants and civilian installations. Further developments have occurred through other multilateral accords. What is sad to note is that in the years since the adoption of the Geneva Convention and its Protocols, the protection of civilians has regularly been subject to the needs of military planners, sometimes to their whims. Certain Non-State armed groups have and continue to pay scant regard to the admirable principles of the Geneva Convention and the Protocols.

My delegation identifies with the concerns expressed by other delegations on the thrust of the Secretary - General's current report and its conclusions. As to whether the creeping expansion and consolidation of the R2P concept, as advocated by elements outside States is appropriate, is open to question. Its expansion only in one direction is of further concern. We still live in a world of Sovereign States where rules applicable to the international community are developed by them. The views of civil society play an important role. But the final adoption of fundamental rules of conduct is for States. When hallowed principles are to be modified or expanded, it is necessary to have substantial buy - in from the international community. As has been articulated by several delegations, much remains to be clarified through intergovernmental negotiations on the definition of the R2P, its scope, implications and ways of implementation.

Particularly disconcerting is the insertion of the nebulous term "atrocities crimes" into the R2P lexicon. The concept of the R2P was contained within very clearly determined principles in the Outcome Document. It may be recalled that paragraph 139 of the 2005 World Summit Outcome stated, "We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and

international law.” Therefore, the idea of lumping the above specific crimes into one hastily concocted “atrocities crime” has serious implications.

My delegation takes strong exception to the unsubstantiated inclusion of a number of countries in the concluding segment of the Secretary-General’s Report. Throwaway lines, repeated often enough, acquire a life of their own. This does not encourage the international community to repose great confidence in reports of this nature when subjective individual assessments find creeping credibility through official reports. Our concern is that the R2P concept or its “atrocities crimes” manifestation may be used, to target small countries without credible justification or reasonable explanation.

As a concept that is still being developed, we hope that discussions will continue at State level, to elaborate rules that are widely supported by the international community.

Thank you, Mr. President.