

Open Debate on the Protection of Civilians During Armed Conflict
Monday, 22nd November 2010, Security Council Chamber (GA-TSC-01)

Statement by H.E. Dr. Palitha T. B. Kohona, Permanent Representative of Sri Lanka to the United Nations

At the outset, I wish to join previous speakers in thanking you, Sir, for having convened this timely debate on a matter that increasingly demands the focused attention of the international community. I should also like to thank the Secretary-General, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the High Commissioner for Human Rights and the Director General of the International Committee of the Red Cross for their helpful briefings.

We welcome the emphasis put by the Secretary General on the need to achieve a more tangible improvement in the protection of civilians most affected by conflicts. In that context, we would like to propose that, where satisfactory and successful experience exist with regard to the care and protection of civilians, including in post-conflict situations, best practices from such national cases should be compiled as an annex to the Secretary-General's future report on the topic.

While encouraging non-State actors to adhere to the principles of international humanitarian law in order to better ensure the protection of civilians is a laudable objective, this may prove to be a double edged sword, as it could also confer unintended legitimacy on violent perpetrators of terrorism and terrorist groups. That might pose a political dilemma for legitimate Governments fighting terrorist groups and seeking to protect their sovereignty, territorial integrity and, in many cases, their cherished democratic way of life, and might thereby add a further confusing element to ongoing conflicts. Despite the brutal onslaught unleashed by a terrorist group that laboured for over 27 years to undermine our Government economically and its ability to function effectively as a State, my country, Sri Lanka, has taken determined measures to establish a credible national human rights framework through a range of domestic legislative and administrative measures that are fiercely enforced by the courts. The legislation gives expression to seven core human rights treaties and other related international instruments, including the four Geneva Conventions, to which Sri Lanka is a party.

Sri Lanka respects and firmly identifies with the principles underlined in the thematic resolutions adopted by the Security Council since 1999. It will continue to strengthen its human rights framework as the security situation further improves. Sri Lanka's commitment is illustrated by the manner in which broad civilian protection issues were addressed during the conflict and the speed and efficacy with which it is now confronting the challenges of resettling internally displaced persons (IDPs), rehabilitating former Liberation Tigers of Tamil Eelam combatants and child soldiers, post-conflict reconstruction and development, and accountability and reconciliation issues. Even cynics will have to acknowledge the professional commitment with which the Government has approached those issues.

Sri Lanka's decision to engage the Liberation Tiger terrorists militarily in 2006 followed their arrogant refusal to return to peace negotiations and their persistent resort to unbridled terrorism. The massive toll on civilian lives, public assets, religious and world heritage sites, vital economic assets and the immense suffering of civilians could no longer be tolerated by a responsible and democratically elected Government.

As has been repeatedly emphasized, our military engagement with the Liberation Tigers was clearly based on a well defined distinction between the terrorists and the Tamil civilians, and its goal was a humanitarian rescue operation to relieve approximately 300,000 civilians held as human shields and used as a bargaining chip by the terrorists. The terrorists were not averse to locating heavy weapons amidst those innocent civilians.

The Government policy of zero civilian casualties had a deep impact the country's professional armed services, which were trained in humanitarian standards by the International Committee of the Red Cross (ICRC). The ICRC also assisted in evacuating over 7,000 injured and their care-givers to Government-run hospitals. These policies paid dividends as expected, as thousands of Tamil civilians fled to Government-controlled areas, once the terrorists lost their coercive hold on the civilian population, and all were fed, clothed, sheltered and otherwise cared for in camps prepared in advance to receive them.

Pivotal to civilian protection is the partnership based on trust that was established with United Nations agencies and other humanitarian actors on the ground. Trust is the first casualty of any subtle politicization or assumption of a judgmental approach by external entities, which invariably upsets the delicate balance between the parties in such situations. It is therefore imperative that humanitarian agencies and their workers carry out their work on the basis of the principles of neutrality and impartiality; that they conform to national laws; that their activities match the identified policy priorities of host Governments; and that they be cognizant of local political, cultural and social sensitivities. No one size fits all, and experience and expertise gained elsewhere may not fit a given situation on the ground. A tendency to grandstand or be paternalistic will invariably have negative consequences. Public perceptions matter enormously, particularly where public opinion influences political dynamics and where the public is literate and politically conscious. Public order and political stability are also critical. Therefore, neutrality, impartiality, sensitivity and trust assume a seminal importance in such contexts.

Today in Sri Lanka, 78 non-governmental organizations (NGOs), including local NGOs, and 11 United Nations agencies, are working in partnership with the Government on rehabilitation, resettlement and reconstruction programmes. Sri Lanka takes the policy view that NGOs establishing parallel services to those of the Government that are not sustainable cannot have long term benefits for the welfare of the people. NGOs must have the capacity to deliver programmes and self-generated funding to work with the Government on prioritized policy areas and activities. Post-conflict needs and requirements are even more complex and sensitive than the needs that were felt earlier. Sri Lanka does not fancy being converted into a laboratory for an NGO industry, a testing ground for post-conflict theories or prime learning ground for those seeking internships.

Sri Lankan society — which has experienced two violent youth insurgencies and a 27-year terrorist onslaught during the critical part of its development trajectory — is one that is now gradually coming into its own. Sri Lanka as a State party to seven core human rights treaties and other related international instruments in the area of international humanitarian law, including the four Geneva Conventions, is deeply committed to the principles underpinning those instruments. The multidimensional revitalization programme being implemented in the country is now laying the foundations for fostering justice, security and opportunity for all. The culture of respect for human rights and humanitarian standards will be revitalized in this progression, ensuring the further consolidation of the protection principle in our law and society.