

Security Council Open Debate on the Protection of Civilians in conflict

November 9th 2011, Security Council Chamber

Statement by H.E. Mr. Kabona, Representative of Sri Lanka

Let me join the previous speakers in thanking Portugal for convening this open debate under its presidency. I would also like to thank the Secretary-General, the United Nations High Commissioner for Human Rights, the Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator, and the Director for International Law and Cooperation of the International Committee of the Red Cross for their presentations.

The Sri Lanka delegation associates itself with the statement delivered on behalf of the Non-Aligned movement by the representative of Egypt.

The Secretary-General's most recent report on the subject (S/2010/579), issued in November 2010, focuses on recurring and emerging concerns regarding the protection of civilians, the proliferation and fragmentation of non-State armed groups, the displacement of populations within and across borders, the predicament of women and children, and the continuing impunity in certain situations. By all accounts, in 2011, the state of civilians in conflict situations has not qualitatively improved despite the concerted efforts made by the United Nations, and the Security Council, in particular. Ad hoc approaches do not appear to achieve the desired results.

The slow change underlines that the protection task cannot be addressed solely in theoretical terms, as it requires us to be conscious of a multiplicity of different factors, ranging from political realities, socioeconomic factors and basic individual rights to the proliferation of small arms and the increasing sophistication of terrorists. The use of modern technology and subtle propaganda tools by terrorist groups and their networks of sympathizers are becoming an increasing challenge in protecting civilians and require the detailed attention of the Organization. Many a time, the reality is obscured by clever terrorist propaganda. Based on the experiences of Member States, particularly those that have successfully countered terrorism, the practical realities must be seriously looked at, instead of theoretically applying a one-size-fits-all humanitarian framework.

Sri Lanka has taken serious account of the principles underlined in the Council's thematic resolutions since 1999. Its commitment is demonstrated by the manner in which Sri Lanka addressed civilian protection issues during the conflict with the very ruthless terrorist Liberation Tigers of Tamil Eelam (LTTE) and its aftermath. While adopting a zero civilian casualty policy, at a cost to itself, despite the use of vast numbers of civilians as human shields by the terrorists, it subsequently addressed the question of the resettlement of internally displaced persons (IDPs) with remarkable speed and efficacy. The robust nature of its ongoing post-conflict reconstruction and rehabilitation and the committed pursuit of accountability and reconciliation processes are noteworthy.

In the post-conflict phase, the State has invested heavily in an ambitious development programme in the former conflict-affected areas, focusing on civilian infrastructure and livelihood development. Billions of dollars have been committed for the purpose. Sri Lanka set up special women's protection units with female police officers and women's centres in

former IDP camps, and continues to provide counselling services in the north and east. The Government has given special consideration to raising the social and economic status of war widows. Bilateral assistance has already been obtained to initiate a self-employment programme for war widows in Batticaloa, in collaboration with the Self Employed Women's Association of India.

Children have been a special focus, and over 900 schools damaged during the conflict have been restored, largely using State funds. The protection of war-affected women and children is a priority for the Government, and every effort is being made to ensure that their lives are returned to normalcy as soon as possible. The role of UNICEF has been vital in that respect.

The nature of contemporary conflicts has posed new challenges to the concept of the protection of civilians. The LTTE terrorist group, for example, made the civilian population under its control a part of its military strategy. During almost three decades of combating LTTE terrorism in our country, we took the utmost care to draw a distinction between civilians and terrorists, while the terrorists callously used the civilians as a human shield. Their objective was Machiavellian. The coerced presence of thousands of civilians around the retreating terrorists was designed to slow the advance of the security forces and as a means of formulating an escape strategy for its leadership. If all else failed, it would provide a useful foundation to later develop allegations of breaches of global humanitarian standards.

Throughout the final phase of the armed conflict, from 2006 to 2009, Sri Lanka engaged with the United Nations, its agencies, the International Committee of the Red Cross (ICRC) and representatives of the international community and civil society, both in Sri Lanka and outside. The challenges that Sri Lanka faced in protecting its civilians was a challenge to the State itself and its institutions. Yet, the Government remained committed to its zero casualty policy. Our troops underwent training to distinguish between combatants and civilians. Assistance was obtained from the ICRC in the training of troops in human rights law. However, the inevitable casualties of a conflict imposed on the State, ruthlessly affected by the terrorists, are now the basis of a massive propaganda campaign.

I specifically wish to address the question of the Lessons Learnt and Reconciliation Commission, to which some delegations have referred. In keeping with the principle that it is first and foremost the responsibility of the State itself to investigate infractions of global humanitarian standards, the Government established the Commission to address a range of issues relating to the conflict — reconciliation, confidence-building, accountability, and so on.

The Lessons Learnt and Reconciliation Commission was given a wide mandate that allowed it to recommend measures to ensure reconciliation and restitution for victims and to address the root causes so as to discourage the repetition of any internal armed conflict. The independent Lessons Learnt and Reconciliation Commission conducted an exhaustive inquiry and is due to submit its report this month, which will subsequently be presented to Parliament. The Commission has made interim recommendations, many of which have already been implemented by an inter-ministerial mechanism. Sri Lanka will submit itself to the Universal Periodic Review of the Human Rights Council in October 2012, and looks forward to that interaction with the Council.

Sri Lanka takes the view that it needs to be given the time and space to deal with such issues. As President Rajapaksa said in his address to the General Assembly in September:

“I am deeply mindful that the battle for peace is every bit as important and difficult as the struggle against terror. After the eradication of terrorism, my Government has turned its undivided attention to building anew the foundations of a unified and vibrant nation, drawing upon the inherent strengths of our country”. (A/66/PV.19, p. 15).

My delegation hopes that the Council discussion on the protection of civilians will facilitate practical outcomes based on ground realities, which differ from situation to situation. It is also hoped that the Council’s efforts will be channelled towards assisting countries to achieve the noble goals to which we all subscribe. For that reason, my delegation has sought to share our experience, and for all of us to invest greater efforts in preventing conflicts and their recurrence and to respond practically and proportionately to situations affecting civilian populations.