

Security Council Debate on Protection of Civilians  
in Armed Conflict – 11th November 2009  
Statement by Ambassador Palitha Kohona  
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Mr. President,

I join previous speakers in expressing appreciation to you for convening today's open debate and for the useful concept paper highlighting the thematic issues in focus. We also thank the Secretary-General, Under-Secretary-General Sir John Holmes and the Deputy High Commissioner for Human Rights for their briefings.

Mr. President,

During the debate in June this year, we focused on the Secretary General's report. My delegation takes the view that the protection task cannot be understood and addressed solely in humanitarian terms, as it requires us to examine a multiplicity of different areas ranging from politics to human rights to disarmament. As we mark the 10th Anniversary of the Security Council's initial consideration of this issue, we can acknowledge that progress has been achieved in establishing a normative framework. However, unfortunately the politicization and selectivity that characterizes the debate has affected credibility. This has called into question the humanitarian concerns expressed by some for the plight of civilians affected by armed conflict. Even the Secretary-General's Report does not manifest a consistent approach to protection issues.

Mr. President,

At the outset, let me state categorically that Sri Lanka is deeply committed to the protection of human rights and the implementation of International Humanitarian Law. During almost three decades of combating terrorism in our country we have taken utmost care to draw a clear distinction between civilians and terrorists. We have engaged closely with the international community and related human rights and humanitarian mechanisms, the UN Agencies, the ICRC and local and international NGOs. This close cooperation has extended to the aftermath of the conflict, in providing for the needs of the displaced population. We also welcome the progressive strengthening of this concept by the international community over the past decade, including through focusing on vulnerable categories such as women and children.

Mr. President,

The normative framework on civilian protection cannot be applied in a theoretical manner regardless of the circumstances. The nature of contemporary conflicts has posed new challenges to the commitment of the international community towards the protection of civilians. Many of today's conflicts take place within States, and involve non State armed groups. Sri Lanka's observations relate, in particular, to the challenges we have faced in protecting civilians in the context of an internal conflict involving a ruthless terrorist group, the LTTE. In Sri Lanka, the LTTE terrorist group made the Tamil civilian population a part of their military strategy. This posed extraordinary operational challenges to our security forces engaged in combating this terrorist group while ensuring civilian protection. The terrorists' inhumane strategy was to create a situation conducive to large scale civilian casualties by herding the civilians to form a human shield and by placing heavy guns in their midst. This terrorist group continued to forcibly conscript these civilians, including children, some of whom were under 12 years of age, and used them as combatants and forced labour. They even withheld food supplies sent to the civilians by the Government and diverted these supplies for use by their armed cadres. This challenged our Govt. in many ways. The civilians being held hostage by the terrorist group were our own people towards whom we had consistently applied a zero casualty policy. Our troops were trained to distinguish between combatants and civilians and the protection and liberation of the civilians from the clutches of the terrorist group was their highest priority. Our security forces, consistent with their orders, had no choice but to intervene to rescue the civilians by creating a safe passage for them. This operation was done at tremendous cost to the lives of our own service personnel as only infantry action was used in order to ensure the rescue of civilians. Our security forces at all times did not use disproportionate force. The eagerness with which the civilians fled to Govt. controlled areas bears testimony to the reputation they had established for themselves. At the same time, we established facilities to host these internally displaced persons well ahead of their rescue and in this way averted the humanitarian catastrophe that some had predicted.

In this context, the challenges posed by terrorism in many parts of the world today may necessitate a re-evaluation of the rules of military engagement. Much of the rules of war are based on the presumption that the parties to the conflict are conventional armies of responsible states engaging other state parties. But terrorists totally disregard these laws and principles as they wage asymmetric warfare. They mingle with and use civilians to achieve their goals. Once again, the practical realities based on the experiences of Member States must be seriously looked at instead of a theoretical application of humanitarian norms to all situations.

Mr. President,

It is also necessary to examine the causes for the escalation of armed conflicts. The proliferation of illicit arms has contributed significantly to the spread of violence and terrorism everywhere. Unless we are able to stop the proliferation of arms as agreed by the Council Resolution 1612 (2005), civilian safety will be at issue and our best efforts to deal with the humanitarian consequences of conflicts will soon exceed existing capacities and available

resources. Many States in our region are affected by internal armed conflicts. Whilst control measures can be imposed, albeit selectively, on States legitimately engaged in protecting their civilian population from terrorists, non state actors such as terrorist groups have relatively easy access to illicit weapons. This is because there is no dedicated international regime to monitor and conduct surveillance, let alone interdict, such illicit arms. On the other hand, external actors such as diaspora communities openly fund arms purchases aimed at destabilizing States whilst receiving support and protection in their host countries and their criminal agents cross international boundaries at will. The legal frameworks of democracies designed to safeguard the rights of law abiding citizens are exploited to carry out their illicit activities. The smuggling of arms across international waters and across boundaries continues to render such regimes as the Council Resolution 1373 rather in-effective in this area.

Mr. President,

The Secretary-General, in his report refers to “enhancing compliance by non State armed groups” as one of the challenges in strengthening the protection of civilians. In our experience, this expectation has proved to be unrealistic, when dealing with a ruthless organization which, in its perverted logic, advances its political objectives by causing large scale civilian casualties. While the report encourages engagement with the non State armed groups, terrorist groups pay lip service to humanitarian principles and often ruthlessly misuse such principles as a cover for further violations.

Mr. President,

There is also a need to recognize the legitimate role of the military in civilian protection. It is noteworthy that protective responsibilities are part of the mandate of UN peacekeeping forces as per Resolution 1674 (2006). The role of Governments in civilian protection should be respected as it is their primary responsibility to protect their own citizens. The UN and the humanitarian agencies must support and assist Governments and in doing so be sensitive to ground realities, including respect for the sovereignty of States. Access for humanitarian personnel must be respected but one cannot disregard the State’s responsibility to ensure the safety and security of humanitarian personnel. Terrorists do not distinguish between military and humanitarian personnel. The assumption that civilians can best be protected and cared for only by civilian humanitarian workers from overseas and specific INGO’s which originate in particular regions of the world contradicts the training provided to our armed forces to respect humanitarian law at all times and to handle peace keeping responsibilities. Often local NGO’s and their local staff who render yeoman service don’t get the recognition they deserve.

Mr. President,

An inevitable consequence of armed conflict is internal displacement. The Secretary-General’s report brings out the concern that internal displacement globally is on the rise. There are some

26 Million IDP's worldwide according to UN reports. Internal displacement poses several challenges, key among them is that armed groups use displacement to exploit civilian populations sometimes by hiding among them and seeking to regroup and recruit. The State has the primary responsibility not only to provide for the welfare of displaced civilians in terms of food, clothing, medical care and shelter, but also to ensure their safety, in keeping with the provisions of the Guiding Principles on Internal Displacement. The Guiding Principles fully recognize the right of national authorities to screen IDP's and where their safety and security is at stake to restrict their movement for a temporary period. The Resettlement issue is also politicized. In my country, we have resettled nearly 156,000 of the IDP's, from a total displaced number of 294,000, within 5 months of concluding a 27 year long conflict. Further resettlement necessitates clearance of uncharted mine fields laid by the terrorist group in civilian areas, farmlands and roads. It is estimated that the terrorist group laid around 1.5 million landmines. We also have to remove unexploded ordnance and booby traps quite apart from the reconstruction activities that would create favourable conditions for resettlement in secure surroundings that meet UNHCR criteria for resettlement. Later this week, Under-Secretary-General Holmes will travel to Colombo on the invitation of our Govt. to witness and assess the resettlement of IDP's. We are confident that most of the Internally Displaced Persons will go back to their homes by the end of January making it one of the fastest resettlement operations in history. We hope this could soon be cited as an example of best practice.

Mr. President,

My delegation hopes that the Council discussion on the Protection of Civilians will facilitate practical decisions based on ground realities. It is for this reason that my delegation has sought to share our experience during the early part of this year, 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.

In conclusion, we would like to acknowledge the valuable contribution of the United Nations agencies particularly the Office of the Emergency Relief Coordinator and OCHA, and other national and international partners in providing support and assistance to Governments including Sri Lanka and the Austrian Presidency for convening this discussion today.

Thank you Mr. President.