



# SECURITY COUNCIL REPORT UPDATE REPORT



4 June 2009 No. 1

## SRI LANKA

### Expected Council Action

The Council members are expecting a briefing on 5 June by the Secretary-General on his 23 May visit to Sri Lanka. The format is likely to be an interactive dialogue involving all Council members, the Secretary-General and the Sri Lankan permanent representative. It will not be a Council meeting as such. It will be an informal, closed event held elsewhere in the UN—not in normal Council meeting rooms.

There is interest in hearing the Secretary-General's eye-witness account of the humanitarian situation and the conflict zone and his assessment. Among the main points likely to be covered are the situation in the internally displaced persons (IDP) camps, estimates of the number of civilians killed, commitments made by the Sri Lankan government and prospects for political reconciliation.

### Recent Key Developments

#### *Developments in Sri Lanka*

On 18 May the Sri Lanka government declared that the 26-year conflict between the government and the Liberation Tamil Tigers of Eelem (LTTE) was at an end following a three-week intensive final onslaught. It also announced that LTTE leader Velupillai Prabhakaran had been killed.

Following that announcement aid agencies called for “unfettered access” to IDP camps. The UN said that access was critical due to the fragile state of health of the people who had just arrived. The International Committee of the Red Cross also stressed the need to obtain access to IDPs. By the end of the month reports indicated that aid was slowly being allowed in.

On 22 May Indian National Security Adviser MK Narayan and Foreign Secretary Shiv Shankar Menon met with Sri Lankan President Mahinda Rajapaksa in Colombo.

At the end of May, the French newspaper, *Le Monde*, and the British paper, *The Times*, cited a figure of 20,000 civilians killed during the Sri Lanka government's final offensive against the LTTE. *The Times* editorial said that the “UN has no right to suppress the appalling evidence” of a government-led massacre of civilians. (The figures were calculated using unconfirmed UN figures of 7,000 for the first four months of the year and assuming an increase of 1,000 deaths per day given the intensity of shelling in May.) In response, during a briefing to the General Assembly on 1 June, the Secretary-General categorically rejected any suggestion that the UN

has deliberately underestimated the figures. He said, however, that whatever the total, the casualties in the conflict were “unacceptably high”. Under Secretary-General for Humanitarian Affairs John Holmes also disputed the figure and said that it was based on questionable assumptions.

There has also been criticism from NGOs. Amnesty International has called for an independent probe and accused both sides of war crimes. It has asked the UN to disclose a full account of the number of civilians killed.

### *The Secretary-General’s Visit*

The Secretary-General visited Sri Lanka on 23 May, just days after the Sri Lanka government declared victory over the LTTE, together with Holmes and Under Secretary-General for Political Affairs B. Lynn Pascoe. Some observers were concerned that the timing of this visit might be seen as an endorsement of the Sri Lankan government’s actions. However, the Secretary-General felt that the end of the conflict was an important opportunity to press home his key points. On arrival in Colombo the Secretary-General met with the foreign minister and spoke to the local press. He said that now was the time for Sri Lankans to heal the wounds without regard to ethnic and religious identity. He also said that the purpose of his visit was to offer assistance from the UN and to emphasise the need for:

- humanitarian assistance and immediate and unimpeded access to the population in need by the UN and humanitarian agencies;
- rapid rehabilitation, reintegration and resettlement of IDPs and reconstruction of their lives and livelihoods; and
- a political process of dialogue, accommodation and reconciliation.

The Secretary-General flew by helicopter from Colombo on the morning of 23 May to Manik Farm, an IDP camp in Vavuniya in northern Sri Lanka. He was taken on a tour of two of the camps within Manik Farm. The four IDP camps in this area house a total of approximately 220,000 IDPs and the camps are run by the military. Barbed wire fences and armed soldiers make it impossible for the civilians to leave the camps. The Secretary-General described the visit as sobering as he had seen for himself the circumstances in which the survivors found themselves and the suffering they had experienced.

Next on the agenda was a fly-over of the former “no-fire zone”, near Mullaitivu, where the Secretary-General and accompanying journalists were the first independent observers to see the wide-spread devastation of the area where civilians had been trapped for several months.

On the afternoon of 23 May, the Secretary-General met Sri Lankan President Rajapaksa and Foreign Minister Rohitha Bogollagama in Kandy. Following the meeting the Secretary-General and Bogollagama held a joint press conference during which the Secretary-General said he had reiterated the need for immediate and unimpeded access to the camps and for rehabilitation, reconstruction, reintegration and resettlement. He also urged the government to initiate a political process of accommodation, dialogue and reconciliation and to undertake confidence-building measures and warned that if reconciliation and social inclusion are not dealt with there was the danger of social disruption and possibly renewed violence.

At the conclusion of his visit the Secretary-General and the government of Sri Lanka issued a joint statement in which they agreed that addressing the aspirations and grievances of all communities and working towards a lasting political solution was fundamental to ensuring long-term socioeconomic development. The Secretary-General welcomed the president of Sri Lanka's assurances that he would work towards a national solution acceptable to all sections of the society. Rajapaksa expressed his firm resolve to begin a broad dialogue with all parties and proceed with the implementation of the thirteenth constitutional amendment which relates to devolution of power. (This amendment was adopted following the Indo-Sri Lanka accord of 1987 in which the Sri Lankan government agreed to a devolution of power to the provinces and the LTTE rebels were to withdraw to the north.)

The joint statement between the Secretary-General and the Sri Lankan government also said that the UN would continue to provide humanitarian assistance to the IDPs in Vavuniya and Jaffna and that the government of Sri Lanka would provide access to humanitarian agencies. It also highlighted the reintegration of child soldiers forcibly recruited by the LTTE and rehabilitation and reintegration of ex-combatants as important issues.

### *Meetings on Sri Lanka*

Sri Lanka is not formally on the Council's agenda. However, the Council has met on Sri Lanka four times since the end of February 2009. Three meetings were held during informal consultations under "Other Matters" and two were under a new informal, private format now referred to as "interactive" dialogue held in a room other than the Council chamber.

The most recent event was on 13 May. The Council held closed consultations to discuss the humanitarian situation in Sri Lanka. Following the meeting it issued a press statement which expressed grave concern over the humanitarian crisis in northeast Sri Lanka and called for urgent action by all parties to ensure the safety of civilians (SC/9659). The press statement also condemned the LTTE for terrorism and the use of civilians as human shields, and demanded it lay down its arms and allow civilians to leave the conflict zone. It also expressed deep concern at reports of continued use of heavy calibre weapons and conveyed the expectation that the Sri Lankan government would fulfil its commitment not to use such weapons. (The interactive dialogue sessions have not been reflected on the Council's programme of work, posted on the UN website.)

On 11 May in New York, the foreign ministers of the UK, France and Austria hosted a meeting on Sri Lanka of humanitarian organisations and concerned UN members, including eight Council members.

#### **Developments in the Human Rights Council**

The Human Rights Council held a special session on Sri Lanka on 26 and 27 May, at the initiative of Germany, supported by members of the European Union and Argentina, Bosnia and Herzegovina, Canada, Chile, Mexico, Mauritius, the Republic of Korea, Switzerland, Ukraine and Uruguay.

The UN High Commissioner for Human Rights, Navanethem Pillay in opening the session called for an international investigation into alleged war crimes by the government and LTTE. At this session the Human Rights Council adopted a resolution, tabled by Sri Lanka and

backed by countries that included China, Russia, Indonesia, Saudi Arabia, Pakistan, Malaysia, Bahrain, Philippines, Cuba, Egypt, Nicaragua, Bolivia and India, which welcomed the government of Sri Lanka's commitment to promote and protect human rights, encouraged it to pursue existing cooperation with the UN to provide basic humanitarian assistance and welcomed its announcement that it would resettle the bulk of IDPs in six months. Several nations, among them France, the UK, Germany, Bosnia and Herzegovina and Ukraine, had wanted a resolution calling for an investigation of both the actions of the LTTE and the government of Sri Lanka. However, the final resolution contained no mention of an international investigation nor did it express concern for the IDPs. Human rights groups voiced their disappointment that the resolution did not address allegations of human rights and humanitarian law by government forces and only focused on abuses by the LTTE.

## **Options**

One option is for the Council members to use the interactive dialogue after the briefing to reinforce the Secretary-General's message and press the Sri Lankan government to follow-up its undertakings in the 23 May joint statement.

Another option is a press statement following the briefing reflecting the Council's views on recent developments in Sri Lanka. Possible elements could include:

- stressing the need for humanitarian assistance and unrestricted access to the UN and international NGOs;
- encouraging the Sri Lankan government to hold firm to its commitment to resettle IDPs by the end of the year;
- stressing the importance of moving quickly on the path to political reconciliation;
- welcoming the Sri Lankan government's announcement that elections would be held in early August for two town councils in Vavuniya and Jaffna in northern Sri Lanka;
- suggesting the need for some form of investigation into civilian casualties during the conflict in order to help settle the issue; and
- emphasising that the UN is ready to assist in clearing land-mines, election monitoring and political reconciliation if asked.

Other options include:

- a letter to the Secretary-General requesting him to keep monitoring progress in rehabilitation and reintegration of IDPs as well as the political process and to brief the Council periodically; and
- addressing this issue in the open debate on protection of civilians scheduled for late June, including the possibility of the effective use of the Secretary-General's Good Offices and perhaps by appointing a Special Envoy.

## **Key Issues**

A key issue is the role for the UN in a post-conflict situation in Sri Lanka. Currently there does not appear to be great interest from the Sri Lankan government for any UN involvement other than in assistance with demining.

Security concerns remain an issue. It is not known how many former LTTE soldiers are still on the loose and how many possible stores of weapons hidden in the jungle there might be. There

are also worries that LTTE living abroad may try and resurrect the group under new leadership. The atmosphere in the north is still one of military alert with checkpoints and soldiers on the look-out for LTTE soldiers emerging from the jungle.

Another key issue is whether a long-term political solution that will satisfy both communities will be seriously pursued. The Secretary-General on his visit warned the Sri Lanka government that without true reconciliation the potential remained for violence to erupt again. The Sri Lanka government appears keen on a “home-grown political process” which would not involve international assistance. It has indicated that it may use a version of the thirteenth amendment of the constitution.

Accountability for possible crimes committed by both sides during the conflict is likely to continue to be an issue. There are questions about the number of civilians killed, those gone missing and violations of humanitarian law.

Also a significant issue is winning the trust of the Tamils, who account for 18 percent of the population. Failure to do this would make it difficult to convert military victory into sustainable peace. Related to this is the need for serious attention to be given to the humanitarian and development needs of the Tamil population.

Another related issue is ensuring protection against possible repression against the Tamil population and those suspected of being LTTE members.

Also an issue is how to deal with former LTTE members who are now in the camps. About 9,000 suspected LTTE fighters have been identified. There are conflicting reports about where they are and how the government is handling this issue.

It still remains to be seen whether the Sri Lankan government will provide unrestricted access to the UN and international aid agencies to the IDP camps as requested by the Secretary-General and aid agencies. Restrictions on vehicle traffic make it difficult to deliver aid and restricted access had made it difficult to determine the true extent of the problems in the camps.

A related question whether the government is meeting minimum humanitarian standards in IDP camps such as ensuring adequate supplies of food, medicine and water.

A potential issue if elections are held in the north is how to ensure that it will be a free and fair process that meets international standards.

### **Council Dynamics**

The UK, France, Austria and Mexico requested a briefing on the Secretary-General’s trip on 28 May. Russia was not keen to have the briefing, particularly during its presidency in May, and it was agreed that the issue would be taken up by Turkey during its June presidency. Besides the European members, the US, Japan, Croatia, Costa Rica and Uganda were also in favour of a briefing.

China continues to maintain that this is a domestic issue and not one that the Council should be involved in. It has a close relationship with the Sri Lankan government and there are reports that last year it provided Sri Lanka with \$1 billion in aid.

Those who were keen to have stronger action from the Council during the conflict (for example on the grounds of responsibility to protect) admit that in the current circumstances it is more difficult now to make the case for formal Council involvement. The Human Rights Council outcome has also created a feeling among some members that pushing for a formal outcome can backfire.

Most members are also keenly aware that any proposal for the Council to vote on a formal document would be divisive and few are willing to go down that path for now.

Although not on the Council, India is a key player on this issue given India's Tamil population and its history with Sri Lanka. The visit by the Indian foreign minister to Sri Lanka just four days after the defeat of the LTTE was an indication of its keen interest, although it is unclear how open the Sri Lankan government is to receiving input or assistance from India in the political process.

#### UN Documents

- A/HRC/S-11/2 (2 June) was the unedited version of the report of the Human Rights Council on its eleventh special session.
- A/HRC/S-11/L.1/Rev.2 (27 May 2009) was the Human Rights Council resolution on Sri Lanka.
- SG/2151 (26 May) was the joint statement by the UN Secretary-General and the Government of Sri Lanka.
- SC/9659 (13 May 2009) was the Council's press statement on Sri Lanka.

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