

The Conflict in Sri Lanka and the Responsibility to Protect

e-International Relations

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In mid 2008, the Sri Lankan government began a military offensive against Liberation Tigers of Tamil Eelam (LTTE) rebels known as amil Tigers. That offensive escalated at the beginning of this year as towns and cities fell to government forces. By April 2009, the rebels had been pushed into a small area of jungle near Mutulivu. Alongside the igers, however, were approximately 150,000 civilians (and around half that number at the time of writing, 1 May 2009). Many of these civilians have been prevented from fleeing to safer ground by the LTTE, which is determined to use them as human shields and bargaining chips, and subjected to aerial bombardment and mortar fire directed against the LTTE by Sri Lankan government forces.

According to the UNs Office for the Coordination of Humanitarian Affairs (OCHA), by April 2009 around 2,600 civilians had been killed by the fighting. Civilians trapped by the fighting therefore face a double peril: if they flee, they risk being killed by the LTTE; if they stay, they are in danger of becoming victims of the governments bombardment. To make matters worse, the Sri Lankan government has limited the access of humanitarian agencies and the UN to the disputed territory. As a result, trapped civilians have little hope of accessing vital medical help and life sustaining supplies. And finally, even if they do manage to escape, ad hoc camps for displaced persons are anything but safe havens. Not only are there scant supplies and medical support, but there have also been reports of isappearances and other violations inside the camps. The UNHCR has had some access to populations through its relief centers for the displaced populations, but has reported limited access to humanitarian supplies and an inability to protect the populations seeking access to camps.

All this has inevitably prompted some humanitarian advocates to call for urgent international action. A few have invoked the **esponsibility to Protect (RtoP)** principle. For instance, writing in the Washington Post, James Traub described Sri Lanka as xactly the kind of cataclysm that states vowed to prevent when they adopted the **responsibility to protect**

. Traub called for the UN Security Council to take matters into its own hands by threatening to refer the matter to the International Criminal Court, dispatching a UN envoy and considering the imposition of sanctions. In contrast, Mary Ellen OConnell rejected

RtoP

as a istraction likely to increase mistrust and provoke opposition to international engagement aimed at protecting the civilians who remain in peril. Which of these perspectives is right?

The first thing we need to do is be very clear about what we mean when we talk about **RtoP**. All too often, global debate about

RtoP

has been hampered by confusion about what the principle actually says - and what it does not say. There are, of course, multiple accounts of

RtoP

circulating today, but the definitive version is found in Paragraphs 138-140 of the 2005 UN World Summit. It is this version of

RtoP

-and no other-that the worlds states have agreed to. ()

What does **RtoP** contribute to how we think about the crisis in Sri Lanka, and how the international community should engage with this issue? The first port of call is the Sri Lankan governments **responsibility to protect** its own population - including, and in this case especially, its Tamil civilians. In this context, RtoP represents a unanimous and unambiguous political commitment to see that the specific responsibilities associated with sovereignty are properly adhered to. Among other things, the Sri Lankan government has a duty to three things immediately:

1. Ensure that its use of force is discriminately targeted against combatants and military objects only, and where it cannot discriminate between combatants and non-combatants treat everyone in its sights as civilians (in line with the Geneva Conventions). Where this rule is broken, the government has a duty to investigate and prosecute. If it fails to do this, the Security Council could consider referring the matter to the ICC. ()

2. Allow humanitarian agencies and the UN unhindered access to the conflict zone in order to deliver life-sustaining assistance to the civilian population. The General Assembly has passed several resolutions on this matter. () Humanitarian access requires that the government respect a humanitarian ceasefire and open a protected corridor that allows agencies into the affected areas and permits civilians to evacuate safely. For its part, the LTTE has a duty to observe the humanitarian pause, allow civilians to flee and respect the sanctity of humanitarian agencies.

3. Ensure the protection of displaced persons who have managed to flee the war zone. The treatment of displaced persons should be consistent with the Guiding Principles on Internal Displacement, which has been welcomed by the UN Human Rights Council and General Assembly. Significantly, Sri Lanka is one of only a handful of states to have developed a national policy based on the Guiding Principles. The government therefore has a duty to fulfill the pledges it has freely made to the displaced in its care. This includes ensuring that the displaced do not suffer discrimination, are provided with humanitarian assistance, and protected against violent and non-violent crimes.

What is the appropriate role of the international community here? First and foremost, the international community should encourage the Sri Lankan government to fulfill its responsibilities. This is a specific duty enunciated by the 2005 World Summit. Thus, it was appropriate that the UN Secretary-General, Ban Ki-moon, condemned the LTTE for placing civilians at great risk and reminded the Sri Lankan government of its responsibility to protect civilians by avoiding the use of indiscriminate heavy weapons in areas densely populated with civilians, treating the displaced in accordance with international law, and working closely with

the UN to meet their protection and physical needs. The Secretary-General could also consider dispatching a high-level mediation to broker an agreement whereby the LTTE permit the safe evacuation of civilians and the Sri Lankan government facilitates the process by observing a ceasefire and opening a corridor. Should the LTTE fail to act in good faith, it should find itself subjected to punitive measures by the UN Security Council. The most helpful things that other world leaders could do would be to underscore the UN Secretary-Generals messages. ()

RtoP represents a global consensus on the three pillars discussed earlier. As a global consensus, it provides a universal and enduring standard by which to hold governments to account. This standard is not a foreign imposition. It is only what governments themselves have agreed to. But **RtoP** also provides a lens through which to view crises such as that in Sri Lanka; one that focuses on the rights of the victims and the international community's

responsibility to protect

them. These rights are already enshrined in international law but

RtoP

represents a universal political commitment to protect those rights and turns attention to what needs to be done in order to protect civilians at risk. In future, let us not ask whether

RtoP

applies but instead focus on what measures can reasonably be taken by reference to the three pillars identified above to protect those in need. And more importantly, to paraphrase Ban Ki-moon, let us focus on translating our fine words into deeds.

Source:

<http://www.e-ir.info/?p=1053>

Please see below for the articles referred to by Alex Bellamy by James Traub and Mary Ellen O'Connor, respectively.

At Risk in Sri Lanka's War:

<http://www.washingtonpost.com/wp-dyn/content/article/2009/04/21/AR2009042102970.html>

Sri Lanka Needs Peace, Not R2P:

<http://www.e-ir.info/?p=998>