Sri Lankan Response to the Report of Mr. Walter Kälin,Special Representative of the SG of IDP

Tuesday, 03 June 2008
Last Updated Thursday, 05 June 2008

Sri Lankan Response to the Report of Mr. Walter Kälin,Special Representative of the Secretary-General on the Human Rights of Internally Displaced Persons. The Eighth Session of the United Nations Human Rights Council is currently being held at the Palais des Nations in Geneva, Switzerland. During the Interactive dialogue held today on the reports of the UN Special Rapporteurs, Sri Lanka responded to the report Walter Kälin, Special Representative of the Secretary-General on the Human Rights of Internally Displaced Persons. Given below is the statement made on this occasion by Prof. Rajiva Wijesinha, Secretary-General of the Secretariat for Coordinating the Peace process.
03 June 2008 “The Government of Sri Lanka is grateful to the Special Representative on the Human Rights of Internally Displaced Persons for visiting Sri Lanka, and for providing a generally helpful report. A few clarifications of fact may be useful, some of which were sent to the Special Representative, but this was too late for them to be taken into account. They are attached as a schedule to this response. Most important perhaps, relating to some points made in the schedule, but also confirmed by recent developments, is the fact that the situation in Sri Lanka is improving apace. The Eastern Province, which was the scene of most of the displacements with which the Special Representative was concerned, held Provincial Council elections in May, the first time this could happen after LTTE intransigence, coupled with the implicit support of the then government, led to the fall of the Provincial Council government elected in 1988. The success of the recent process of democratization had much to do with the willingness of a wing of the LTTE to abandon terrorism and engage in political activity. Though the Special Representative draws attention to continuing tensions because of fears of violence, which contributes to insecurity, we are light years away from the problems of a year ago. Resettlements continue apace, and in coordination with UNHCR, which has been immensely helpful, assistance is provided both for those going back, and the few who are still unable to return. The Special Representative noticed increasing attention to livelihood development, and this is an area in which Sri Lanka believes progress could be better. Understandably, as the Special Representative noted, there was earlier greater attention on emergency humanitarian relief, for which the UN finds it easier to procure funds, but Sri Lanka has kept asking for qualitatively rather than quantitatively more, and this is reflected in recent developments. Meanwhile, Sri Lanka appreciates the Special Representative noting that the government is acting on the need to find durable solutions for the long term displaced, some of whom have been displaced for seventeen long years, since the LTTE tried to cleanse the North of Sri Lanka of its Muslim population. Dealing with these problems is even more difficult than the problems of the recently displaced, but we are confident that, with appropriate assistance, we will overcome them. To deal in particular with the recommendations of the Special Representative – National Response a) The government has already prepared a draft act that will clarify and develop policy in this regard, and is grateful to the Special Representative for having advised the Project Manager, IDP Project, of the National Human Rights Commission who has been entrusted with management of this task. In a context in which some agencies have washed their hands of the NHRC, we are especially appreciative of the Special Representative’s encouragement of local capacity, and we look forward to a mutually satisfactory result. b) This is obviously desirable, but has to be seen in the light of other commitments, and in particular, the government’s determination to maintain the high quality of social indicators islandwide, including in areas under terrorist control, where nevertheless salaries and facilities for health and education – and for IDPs, - continue to be provided. c) This is also being pursued, with plans also to establish a targeted radio channel, for which a questionnaire is being administered amongst IDPs. d) This already happens, but can be improved, which will be done. e) It should be noted that, because of the concern for civilians manifested by the armed forces during their operations, displacement of civilians has been much less than initially feared. However contingency planning is proceeding, which include arrangements for humanitarian corridors as required. f) As records of regular meetings indicate, this is being done, and has proved comparatively effective. However it must be noted that security concerns are paramount, and even a few instances of abuse of trust can have grave repercussions, so that we hope, all actors are aware of the obligations they must live up to, in the context of ruthless terrorist machinations. The discovery of a pen pistol recently in the possession of a UNDP employee testifies to the difficult conditions under which we all operate. We also urge all humanitarian actors to ensure that their employees do not lay themselves open to criticism – the recent case of a UNICEF employee overdosing on heroin did not help arguments against the assumption that some assistance causes more harm than damage. Recent IDPs a) Obviously the government must and will seek to address these problems, but again it is necessary to bear in mind ongoing security threats. It should be noted that IDPs are minimally affected by abductions and disappearances, according to all available statistics, but of course we should aim at no instances at all. The increasing normalization of the East has contributed to fulfillment of this aim, and with greater empowerment of elected politicians of all communities and political persuasions, room for arbitrary authority will shrink. It should be noted that much more assistance with demining is desirable, since some agencies still confine their activities to the North, where it has been clearly established that the LTTE engages in remining almost as soon as mines are removed, with pressure on some workers to hand them over the removed mines so that they can be redeployed. Categorical condemnation of this practice would be useful, pledged previously by Geneva Call after its last visit, but for some unaccountable reason not forthcoming. b) Progress is being made on clarifying procedures with regard to Civil-Military Liaison, while for the first time ever the government recruited Tamil policemen specifically. Though LTTE threats to these have to be guarded against, this policy will continue, and will help to restore confidence. c) It is agreed that allegations of impunity must be dealt with, though again it should be noticed that these have not arisen with regard to IDPs. d) This is obviously totally acceptable, though it should be registered that it has rarely been violated in terms of needs and

expectations in Sri Lanka. e) This is acceptable, while principles in this respect need to be formulated clearly. Sri Lanka is grateful to the Special Representative for agreeing to conduct a workshop in this regard, to supplement work now being done, and looks forward to this being arranged expeditiously. f) This is really two separate questions. Whilst much has been done with regard to basic services, the importance of livelihood development has been urged upon partners, who have finally begun to respond more actively to such requests. While it is understandable that assistance with basics is easier, and more likely to attract donors, it must always be kept in mind that livelihood development will restore dignity to displaced persons, and also enhance the general development, which will in turn minimize some problems, such as those mentioned at a) above. Those in protracted displacement a) Sri Lanka is pleased that the Special Representative noticed that finally this question is being addressed, though it notes that much needs to be done. It hopes international agencies will respond as positively to requirements in this respect as they did for instance to the tsunami, and with better management skills all round, it is possible that fewer resources will go much further. b) This also is unquestionably acceptable, and we look forward to well organized assistance in this respect. Appeals to United Nations and relevant organizations are endorsed, and Sri Lanka appreciates the manner in which the Special Representative has made them. The appeals addressed to all parties to the armed conflict are also endorsed, and will be responded to actively by Sri Lanka. It urges the international community to support its efforts to eradicate the terrorism that inhibits ready fulfillment of the ideals the Special Representative has enunciated, and which Sri Lanka shares.”