**Is the U.N. complicit in Sri Lankan war crimes?**

By Colum Lynch

May 24, 2010

Foreign Policy

*http://turtlebay.foreignpolicy.com/posts/2010/05/24/is\_the\_un\_complicit\_in\_sri\_lankan\_war\_crimes*

Louise Arbour, the head of the International Crisis Group, called for an internal review of the U.N.'s conduct during Sri Lanka's bloody 2009 civil war, telling Turtle Bay that the organization's abandonment of national staff in a conflict zone and its failure to speak up more forcefully about abuses made it "close to complicit" in government atrocities.

Arbour said the United Nations compromised its principles for a lofty goal: to preserve the ability of aid workers to provide humanitarian assistance to those in desperate need of it. But she faulted the U.N.'s acceptance of "absolutely unacceptable" visa limitations on international staff and the U.N.'s decision to withdraw foreign staff from the northern Sri Lanka province of Vanni in September 2008, on the eve of government forces' final offensive against the rebel Liberation Tigers of Tamil Eelam, leaving behind "very exposed" local Sri Lankan employees.

Her organization also cited one case from June 2009 in which the United Nations "was slow to react" to the abduction and torture of two U.N. national staff members who were detained on suspicion of collaborating with the Tamil Tigers, and "made no serious protest at their mistreatment."

"The U.N. should look at how it behaved in the whole episode," said Arbour, a former U.N. war crimes prosecutor and U.N. High Commissioner for Human Rights. "I think it's a very sobering moment where the United Nations should reexamine the price it is willing to pay to maintain humanitarian access."

In a press conference Monday, U.N. Secretary-General Ban Ki-moon responded angrily to suggestions that the U.N. shared responsibility for the violence. "I totally reject those allegations." He said he would move forward with the establishment of a panel of advisors to counsel him on how to hold perpetrators accountable for crimes during the decisive final months of the decades-long war.

Arbour's remarks follow the release last week of a report by her organization alleging that the Sri Lankan military may have killed more than 30,000 civilians during its 2009 military conquest of the country's Tamil rebels. The report also alleges that the Tamil Tigers, one of the world's most brutal insurgent movements, also committed massive war crimes, forcing hundreds of thousands of civilians to serve as human shields, and murdering those who sought to flee to safety.

Arbour called for an independent investigation into war crimes by both government forces and the Tamil Tigers, warning that lingering bitterness fueled by the conflict will serve as an inspiration to future insurgents. She also faulted the U.N. Security Council for failing to use its powers to constrain Sri Lanka, and the Human Rights Council for issuing a statement praising the government at the end of the conflict for defeating one of the world's most ruthless insurgencies.

"U.N. agencies allowed themselves to be bullied by the government and accepted a reduced role in protecting civilians, most notably with their quick acceptance of the government's September 2008 order to remove all staff from the Vanni," the ICG report stated. "The Human Rights Council chose not to defend humanitarian law, but instead passed a resolution praising the conduct of the government. All of this has eroded further the standing of the U.N. in Sri Lanka and elsewhere."

Arbour's views hold particular weight at the United Nations, where she served in Ban's cabinet and worked alongside many of the officials she is now criticizing. Her remarks echoed her contribution to a 1990s debate on the U.N.'s role in war crimes in Bosnia and Rwanda.

The U.N. is "not a gigantic evil machine but I think there were probably some who made judgment calls that were overly cautious or prudent," Arbour said. "My own suspicion, knowing some of the players in the environment, is it's always for a good reason. It's always not to aggravate the government or make sure they can stay in the game as long as possible. That's exactly why it's so important to look at the facts and start asking are we getting to a point where we are almost complicit with the government in our desire to maintain the delivery of services."

For Arbour, the Sri Lankan war constitutes a defining moment for the United Nations and for Secretary-General Ban, who has faced criticism from rights groups for failing to push earlier for an outside investigation into possible war crimes during the conflict. Arbour said while she welcomed Ban's plan's to set to a panel of experts to explore how perpetrators might be held accountable, she wished he had done so immediately after the conflict.

She also criticized Ban for meeting with President Mahinda Rajapaksa of Sri Lanka and failing to press for an independent investigation. Ban traveled to Sri Lanka after the conflict ended and signed an agreement with the Sri Lankan leader that placed responsibility for ensuring accountability for war crimes with the Sri Lankan government. The deal was struck just as the U.N.'s high commissioner for human rights, Navi Pillay, was pressing the Human Rights Council to establish an independent inquiry into war crimes in Sri Lanka.

"The fact that the secretary-general went and stood with the president at the very end of the war when some of us had been for months screaming about what was happening in Sri Lanka -- I don't want to say it was disappointing," Arbour said. "Well, let's put it this way: I would have preferred an immediate call for accountability. I wish that what we're talking about now was a conversation that had taken place this time last year, immediately after the conflict."

U.N. officials defended Ban's response to the crisis, saying he publicly urged, and worked tirelessly to persuade, Rajapaska and the insurgents to observe a pause in fighting to allow the release of hundreds of thousands of civilians trapped between the warring camps. They say that the U.N. is frequently required to rely on local staff to deliver assistance as a last resort, noting that they have done so in Afghanistan, Iraq, Somalia and other conflict zones.

"The U.N. actually supplied the people with humanitarian assistance, at great risk to its staff," saidNicholas Haysom, Ban's political advisor. "There are times when, on grounds of safety, you have to make tough calls about whether and when to remove international staff, or even national staff, and yet how to continue to deliver humanitarian aid, and we've had to do this in Afghanistan and Pakistan."

Haysom said that Ban was among the "most vocal" leaders in the international community raising the alarm about events unfolding in Sri Lanka. "He was one of the first to do so."

U.N. diplomats and observers said that Ban was raising concerns about the violence, both publicly and privately, but admitted that his heavy reliance on quiet diplomacy had little impact on Sri Lanka's behavior.

"He put a spotlight on what was happening in Sri Lanka," said John Sawers, who was then Britain's U.N. ambassador. "So it's not perfect in Sri Lanka; far too many civilians got killed and there is still an outstanding problem with the civilians in the [Internally Displaced Persons] camps. But I believe Ban's engagement made the situation less bad than it would otherwise have been."

Hasyom said the secretary-general has little power to enforce his views on a sovereign government, particularly when he doesn't have the full backing of the Security Council. "If the council is not backing you, you only have so much independent leverage or power."

Arbour said that the failure to confront the excesses of the Sri Lankan conflict now may lead to further abuses later. The so-called Sri Lanka option -- brutal military counterinsurgency combined with a total disregard for the laws of wars or international condemnation -- has been gaining currency in countries faced with threats from insurgencies or militants. Her agency cited reports that the Sri Lanka option has seeped into the political debates in countries dealing with militants or insurgents, including Burma, Colombia, India, Israel, Myanmar, Nepal, Pakistan, the Philippines, and Thailand.

"I understand the rationale," Arbour said, referring to the U.N. decision to maintain its humanitarian operations in the face of compromises. "It's the only way we're going to get humanitarian deliveries," said Arbour, noting that Sri Lanka should prompt a full reevaluation of U.N. humanitarian policies. "But there must come a point where you really have to ask: Are you now paying a price that is so high that you become almost complicit in terrible actions by governments?"