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The International Seminar on The Ethnic Conflict in Sri Lanka

(An Effort towards Peace by Global Peace Support Group - UK)

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**UNIVERSITY OF EAST LONDON,
(Dockland Campus)
University Way
London E16 2RD**

Message from the Chairman

I am so happy and privileged to send this message on behalf of the committee of management of the Global Peace Support Group.

Global Peace Support Group is a registered charitable organisation. It's aim are to act as a non-sectarian and non-political organisation to promote awareness through discussions and dialogues, corroborating with human rights institutions and other similar organisations to address the conflict that besets different parts of the world.

Our members are mostly affiliated to various charitable organisations. We have been involved, as part of similar organisations in their activities so far and this is the first time that we have under taken this task with the conflict that prevails so long time in the island of Sri Lanka.

The subject we have chosen for this year of 2008 seminar, is the unabating 30 or so years old conflict in this Island where to date more than 70,000 civilians have perished and in the verge of increasing the destructions in terms of human life and materials and thus the priority.

Therefore, this seminar is designed to organise to hear the voice and mobilise the opinions of independent international jurists, statemen and religious leaders with a view of finding an acceptable, permanent solution to this human suffering of , in particular the Tamil speaking people of this Island

It is our fervent hope that at the end of this two-day seminar, the world opinion will sufficiently be mobilised so as to bring about the desired actions and results, in order to bring an acceptable solution in line with democratic principle/ universally accepted norms which allow these long suffering people to look after their own interest

I hope world's order would live up to its obligations and to pave the way for a suitable solution.

K.Kunabalasingam

26/01/08

Extracts from academic studies of Sri Lanka's conflict by senior scholars:

'Sri Lanka could be seen as a textbook example of an ethnic conflict, where economic, political and cultural deprivation and grievances of a minority have provoked a violent rebellion against a state that has come to be seen as representative of only the majority ethnic group'

- Camilla Orjuela (2003)

'Sri Lanka's movement from a peaceful, indeed idyllic Ceylon to a synonym for macabre ethnic violence is the story of a majority community's attempt to fashion a nation in its own image through monopolisation of the state and of the consequent emergence of a secessionist ethnonational movement'

Sankaran Krishna (1999)

'At the heart of the Sri Lankan crisis is a crisis of the state'

- Jonathan Goodhand (2001)

'[Successive] governments embarked on a nation-building program that was based on an exclusively Sinhala-Buddhist nationalism. ... This nationalism was to become indistinguishable from a new, virulent form of Sinhala-Buddhist chauvinism'

- Valentine Daniel and Yuvaraj Thangaraj (1995)

'Increasingly since independence in 1948, a single, discrete Sinhalese Buddhist category has been rhetorically opposed to all the rest, who then are, by reduction, not Buddhists, not Sinhala speakers and, in some eyes, not true Sri Lankans.'

- Deborah Winslow and Michael Woost (2004)

'The 1956 elections, particularly the branding of Tamils as somehow not really Sri Lankan, is now seen as a turning point where anti-Tamil rhetoric became firmly entrenched in Sinhalese political positioning and major Tamil parties abandoned hope for reconciliation.'

- Deborah Winslow (2004)

'In 1962, a policy of recruiting only from the Sinhalese Buddhist community was instituted. This was the beginning of an ethnically pure army'

- Brian Blodgett (2004)

'No other academic discipline in Sri Lanka has so successfully, so comprehensively, been appropriated, disciplined and colonized by the ethnic majoritarian state as are Sri Lankan history and Sinhalese literature taught in schools and universities'

- Jeyadeva Uyangoda (1998)

The period since independence has been 'punctuated by bouts of annihilatory violence, often called pogroms, directed against the Tamils in 1956, 1958, 1977, 1981 and 1983 [in which] thousands of Tamils, including women and children were massacred, Tamil property was destroyed, and hundreds of thousands made refugees.'

- Sankaran Krishna (1999)

'A highly competitive party system dominated by two pro-Sinhalese parties [while] the Tamils ... grew increasingly marginalised politically'

- Amita Shastri (1994)

Sinhalese (numerical) majoritarian status 'need not have led to ethnocracy and ethnic conflict [but] what ultimately transpired went beyond what any self-respecting minority would tolerate'

- Neil De Votta (2004)

'Despite the fact that successive Sinhalese governments toyed with idea of concessions [to the Tamils], all promises came to nothing, since the opposition party of the moment, either the UNP or the SLFP, constantly raised the communalist bidding'

- Eric Meyer (1984)

'The fact is, that despite struggling for nearly twenty years to have the Tamils' language and other claims realised, the Federal Party's moderates had attained little [by mid-seventies]'

- Neil De Votta (2004)

'Few discussions of Tamil militancy have gone beyond horrified rejection of its methods and 'barbarism'. It has never been taken seriously and its origins and ideological reasons laid bare. As a political movement it has been denied existence, it is a movement with no past and no future, just a sordid present'

- Dagmar Hellman-Rajanayagam (1994)

First three decades of post-independence oppression

- 1505 Portuguese arrive in Ceylon to find three distinct kingdoms one Tamil-based in Jaffna, and two Sinhalese-based in Kotte and Kandy.
- 1619 Portuguese defeat Tamil king and annex Jaffna kingdom
- 1656 Dutch conquest of Ceylon from Portuguese begins
- 1796 British conquest of Ceylon from Dutch begins
- 1802 Ceylon becomes a British colony. British also start bringing in Tamil labourers from India for plantations in the central parts of the island (now the Upcountry Tamils)
- 1815 Kandyan kingdom, the last holdout against colonial occupation, falls
- 1833 British bring entire island under a single administration (Colebrook-Cameron reforms). English made official language of administration
- 1915 Ceylon's first ethnic riots: Sinhalese clash with Muslims in Kandy
- 1931 British grant Ceylonese right to vote. But Tamils frustrated by inadequacies in Donoughmore reforms (later constitution) and boycott elections
- 1936 Tamil legislator GG Ponnambalam calls unsuccessfully for powersharing whereby 50% of seats in legislator are for the majority Sinhalese and 50% for all the minorities together.
- 1940 Sinhala ministers urge state-backed colonisation of Tamil-majority eastern province
- 1948 Ceylon gains full independence on February 4.

Citizenship Act (No 4) strips a million Upcountry Tamils of citizenship
- 1949 Ceylon's first Prime Minister, DS Senanayake launches a major Sinhala colonisation scheme (Gal-Oya development) in several parts of the eastern province

Federal Party formed to defend Tamil identity and homeland. It is led by SJV Chelvenayagam.

- 1956 First elections: leading Sinhala parties compete to champion majoritarian values.

SWRD Bandaranaike's SLFP party elected on nationalist wave after pledging to make Sinhala sole official language.

'Sinhala Only' Act (No 33) passed. Tamil MPs protest at new laws, but are assaulted outside Parliament.

Civil disobedience campaign by Federal Party in north results in military crackdown. Over 100 people die in anti-Tamil rioting.

- 1958 Amid Tamil protests, the Prime Minister reaches an agreement with Federal Party. The 'Bandaranaike-Chelvenayagam' or 'B-C' pact agrees federal powersharing, parity of status for Tamil and Sinhala, end to colonisation and repeal of Upcountry disenfranchisement.

But amid Sinhala protests led by Buddhist clergy, Bandaranaike - literally - tears up the B-C pact just a week later.

Anti-Tamil riots leave hundreds dead and 100,000 are displaced.

- 1959 Bandaranaike is assassinated by a Buddhist monk and succeeded by his widow, Mrs. Srimavo Bandaranaike (the world's first woman prime minister). She further entrenches Sinhala nationalist policies.
- 1961 Federal Party calls for peaceful protests (satyagraha) to protest continuing anti-Tamil violence and the Sinhala

- Only act. Military cracks down in Tamil areas, MPs beaten.
- 1962 Policy of recruiting only Sinhalese into the military is adopted.
- 1965 Opposition UNP leader Dudley Senanayake strikes deal with Chelvenayagam; 'D-C' pact is a diluted version of B-C pact. 'Sinhala Only' will be repealed in exchange for Tamil support against SLFP.

- UNP wins elections, but ditches D-C pact amid protests by Buddhist clergy, SLFP and UNP backbenchers. 'Sinhala Only' and other majoritarian laws stay.
- 1970 SLFP returns to power and extends nationalist policies.

- 'Standardisation' introduced: measures that restrict Tamils' access to higher-education (students in Tamil areas need higher marks).
- 1971 Armed uprising by the left wing and ultra- Sinhala-nationalist JVP in the south is crushed and thousands die.

- State of emergency declared, lasts for six years.
- 1972 New Republican constitution privileging Sinhalese is passed. Buddhism is given primacy as country's religion and the island's name changed to 'Sri Lanka', a Sinhala name.

Tamil parties (Federal Party, Tamil Congress and Ceylon Workers Congress) unite to form Tamil United Front (TUF).

- Armed militant group Tamil New Tigers (TNT) forms in secret.
- 1974 In Jaffna, the International Tamil Cultural conference is held in Sri Lanka for the first (and last) time: police storm event, nine people die.

- 1975 Jaffna major Alfred Duraiyappah assassinated for ordering police raid on conference.
- 1976 TUF renames itself Tamil United Liberation Front (TULF) and passes 'Vaddokodai Resolution' demanding an independent state of 'Tamil Eelam'.

- TNT is transformed into the Liberation Tigers of Tamil Eelam (LTTE)
- 1977 UNP wins landslide election in the south.

TULF sweeps elections in Tamil areas, after campaigning on platform of independent Tamil Eelam. More than 1,000 die in anti-Tamil riots, encouraged by inflammatory speeches by UNP leader JR Jayawardene.

- 1978 Second Republican constitution passed, creating powerful executive presidency, weakening Parliament and minor concessions to Tamil grievances.
- 1981 UNP ministers lead Sinhala policemen in torching Jaffna public library, containing 90,000 historical, largely irreplaceable, Tamil manuscripts and texts.

Tamil militancy grows with sporadic attacks on security forces. Military repression stepped up in north, anti-Tamil rioting elsewhere.

- 1983 LTTE's first significant attack on armed forces: 13 soldiers killed in ambush

Massive anti-Tamil pogrom erupts in south after state funeral organised for soldiers. State supplies electoral lists to help rioters, backed by soldiers, to target Tamils. Over 3,000 are massacred and hundreds of thousands flee to north. Nearly all Tamil homes and businesses are looted and destroyed.

UNP regime passes Sixth Amendment to constitution,

which outlaws even advocacy of separation. Military repression mounts and thousands of Tamil youths join militant groups' armed struggle for independence.

Phase I: 1983-1990

1983-85 Civil war escalates rapidly in Northeast. Tamil fighters battle Government of Sri Lanka (GoSL) forces, especially in northern Jaffna peninsula. Military responds with widespread violence. Massacres of Tamil civilians by security forces are frequent and human rights abuses – torture, extra-judicial killings, 'disappearances' and rape.

Tamil militants get covert support from India, escalate attacks.

1985 India brokers peace talks in Bhutan capital, Thimpu. Four of five major Tamil groups, including LTTE form single front for talks. But GoSL rejects fundamental demand Tamils be recognized as nation alongside the Sinhala nation. Talks collapse when militants walk out in protest at massacre of civilians in Mannar. But foundational Tamil position established in 'the Thimpu principles'.

1985-87 Heavy fighting in Jaffna. Militants take control of most of peninsula, except for major military bases. GoSL responds with harsh embargo and massive offensive to recapture. Civilian casualties and fears of starvation prompt Indian military intervention.

1987 India and GoSL sign agreement – Indo-Sri Lanka Accord which includes 13th amendment to Sri Lankan constitution, recognising the Northeast as the homeland of the Tamil-speaking people (Tamils and Muslims). Indian Peace Keeping Force (IPKF) arrives to enforce Accord. LTTE ceases disarming as GoSL forces continue to operate in defiance of deal. IPKF, supported by Sri Lankan

troops, launches military offensive against LTTE. Heavy fighting follows across Northeast for three years.

Meanwhile the JVP launches second armed insurrection. The government of President R. Premedasa launches vicious counterinsurgency. An estimated 60,000 Sinhala youth die in three years of massacres, extra-judicial killings, 'disappearances' and torture.

1988 Forced to fight on two fronts, President Premedasa begins peace talks with LTTE.

1990 Having crushed JVP rebellion, GoSL orders Indian troops out. IPKF withdraws leaving large areas, including large part of Jaffna peninsula in LTTE hands. An estimated 5,000 civilians have been killed by IPKF operations.

LTTE begins establishing civil administration in its controlled areas, the beginning of what turns, over next decade, into de-facto state with judiciary, police, health and education departments, etc.

Peace talks break down and conflict begins with greater intensity.

Phase II: 1990-1994

1990 Sri Lankan military launches massive war against LTTE. Civilians are targeted. In first six months of war alone, security forces kill 3,000 Tamil civilians in a campaign of terror in eastern province.

Jaffna endures the first of several years of draconian embargo and indiscriminate shelling and bombing by security forces.

Large scale military backed Sinhala colonisation of Tamil areas escalates.

GoSL also exploits Tamil-Muslim tensions, arming thousands of Muslim 'Home Guards' to support military in driving Tamils from eastern areas by massacres. LTTE blamed for some counter-massacres of Muslims.

1991 LTTE attempts unsuccessfully to overrun Army's largest base in the island at Elephant Pass. Hundreds of combatants killed on both sides.

Former Indian Premier Rajiv Gandhi is killed by a suicide bomber. India blames the LTTE and bans it.

1993 LTTE overruns major Army base at Pooneryn killing hundreds of troops. Stalemate sets in on the battlefields.

President Premedasa is killed in a bomb attack.

1994 SLFP defeats UNP, reviled in the south for its brutality in crushing the JVP.

SLFP President Chandrika Kumaratunga elected President in separate election.

LTTE declares one week unilateral ceasefire and calls for talks. Kumaratunga agrees to peace talks and quickly revamps and expands the military.

Phase III: 1995-2001

1995 After four inconclusive rounds, talks break down as LTTE, accusing GoSL of not lifting the embargo on Jaffna as pledged and of preparing an offensive, quits the ceasefire. War resumes with new ferocity. GoSL tightens blockade on Jaffna peninsula and launches massive offensive

against Jaffna town. Many civilians die in indiscriminate bombing and shelling of schools and churches where people had sought shelter.

LTTE withdraws from Jaffna peninsula to Vanni. Jaffna's population of 500,000 flees with retreating LTTE. Half later return to Jaffna, which remains under military administration to date.

Government promises 'radical' devolution for Tamils. However the proposals are weak and, over next few years, under criticism from opposition UNP, Buddhist clergy and ultra-nationalists, are whittled down even further.

1996 GoSL forces capture rest of Jaffna peninsula.

In July LTTE overruns Army base at Mullaitivu, 1,200 soldiers are killed.

Human rights abuses soar afterwards. In Jaffna the military abducts and murders or 'tortures to death' over six hundred civilians in next three months.

Military attacks and captures Kilinochchi town, much of which is destroyed. Scores of Tamil civilians are killed and entire population of 100,000 are displaced.

1997 Bitter fighting as GoSL launches largest ever offensive codenamed Jaya Sikirui ('Victory Assured' in Sinhalese). Offensive continues for 18 months and is aborted due to heavy resistance.

The United States bans the LTTE.

1998 GoSL bans LTTE after bombing of hall near landmark 'Temple of the Tooth' proposed for 50th anniversary of independence.

Military captures large parts of southern and central Vanni. LTTE launches major offensive and recaptures Kilinochchi town in northern Vanni.

1999 Operation Jaya Sikirui makes slow, but steady progress, narrowing LTTE-controlled areas in Vanni.

In November LTTE launches massive counter-offensive, 'Unceasing Waves 3' recapturing all of Vanni.

2000 LTTE continues operation 'Unceasing Waves 3' and overruns military base complex at Elephant Pass.

Amid fears Jaffna will fall, Sri Lanka hurriedly purchases large amount of heavy weapons and jet bombers.

Military destroys town of Chavacachcheri in Jaffna peninsula to push back LTTE.

President Kumaratunga asks Norway to begin exploring peace talks.

Leader of the Tamil Congress, Ponnambalam, is assassinated by pro-government paramilitaries.

In December LTTE unilaterally offers month-long ceasefire and calls for peace talks. GoSL rejects both.

2001 Britain bans the LTTE.

LTTE extends ceasefire three times. In April GoSL launches major offensive to recapture Elephant Pass. It is unsuccessful.

In July LTTE attacks Sri Lanka's sole international airport in Colombo, destroying eight military planes and five airliners of national carrier. High profile attack badly hurts Sri Lanka economy.

LTTE begins secret talks with opposition UNP. An agreement is reached to stop the fighting and establish an LTTE-dominated 'interim administration' for the Northeast to ameliorate effects of seven years of deepening humanitarian crisis.

In December UNP, contesting on a platform of talks with the LTTE, narrowly defeats SLFP. Minority voters back UNP, but most Sinhalese vote for 'pro-war' SLFP.

In the north, the island's four largest Tamil parties unite to form the Tamil National Alliance (TNA) and win several seats on a platform backing the LTTE.

LTTE offers ceasefire again. New GoSL of Prime Minister Ranil Wickremesinghe reciprocates. Norwegian peace initiative begins substantively and makes rapid progress.

Norwegian Peace Process: 2002-2005

2002 LTTE and GoSL sign landmark Ceasefire Agreement (CFA) on February 22.

GoSL lifts embargo on LTTE controlled areas and opens A9 highway through Vanni to Jaffna. Later military arbitrarily imposes own embargos.

Restrictions on fishing and farming are lifted, enabling Tamils to revive local industry. But military continues to arbitrarily impose its own restrictions.

However, after two decades of war, over 800,000 Tamils remain internally displaced (over half a million are refugees abroad) as the military has enclosed their villages

in 'High Security Zones'.

GoSL lifts ban on LTTE and Norwegian facilitated talks begin.

In September, both sides meet in Thailand, agree to jointly solicit international reconstruction aid. However, UNP rejects an 'interim administration' for Northeast, suggesting a weak 'Sub-committee' of representatives from both sides instead. LTTE agrees, in anticipation of donor support for Northeast.

In November, both sides participate at first of three international donor conferences. Limited amount of \$70m is pledged for 'urgent rehabilitation' of war-devastated Northeast.

In December, LTTE and GoSL agree to 'explore' federalism as a solution to the conflict – the 'Oslo Declaration'.

However, military refuses to honour terms of CFA obliging it to withdraw from 30,000 Tamil homes, schools, places of worship it is occupying in Northeast.

2003 Acrimony sets into peace process. LTTE repeatedly protests that humanitarian crisis is being ignored whilst donor money flows to revive Sri Lanka's economy in the south.

In March the Navy attacks and sinks an LTTE merchant ship, saying it is carrying weapons. A dozen LTTE sailors, including four officers are killed.

But LTTE attends next round of talks in Japan. However when LTTE is excluded from second donor conference, LTTE 'temporarily suspends' participation in direct talks on federalism.

LTTE also refuses to attend third and largest donor conference in Tokyo. Donors sign up to the 'Tokyo Declaration' which pledges \$4.5bn of aid.

An estimated 15% of that is for the Northeast. But donors make the Northeast aid conditional on progress on the peace process, but attach no political conditionalities to the rest of the aid, destined for the south. GoSL accelerates recovering of the economy and rearming of the military.

LTTE calls for news talks on an 'interim administration' for the Northeast. UNP agrees now, and makes two proposals. LTTE rejects both as weak and consults Tamil experts to prepare its own proposal.

Sporadic violence escalates. LTTE accuses Army-backed paramilitaries of targeting LTTE political wing officials and GoSL accuses LTTE of targeting 'rival parties' – the paramilitary groups – and informants.

The LTTE presents its proposals for an 'Interim Self-Governing Authority' (ISGA) in October. UNP government agrees to talk, but President Kumaratunga of the SLFP uses her power to seize three key ministers from GoSL.

Citing 'lack of clarity' on who is in charge, Norway suspends peace facilitation role.

The humanitarian crisis continues with hundreds of thousands of displaced awaiting return to homes occupied by the military.

2004 President Kumaratunga prorogues parliament and calls fresh elections. Her SLFP-led coalition defeats the UNP.

The TNA contests on a platform backing the ISGA proposals and wins almost all seats in Tamil areas.

The LTTE's eastern commander, Col. Karuna, rebels when an internal investigation into fraud results in a summons by the LTTE leadership. The LTTE crushes the six-week rebellion.

Karuna defects to the Army with a handful of loyalists and the Army-backed paramilitaries step up the 'shadow war' against LTTE cadres and supporters; the LTTE retaliates.

Norway resumes peace facilitation, but is unable to get agreement on agenda for news talks as GoSL insists a final solution must be discussed and the LTTE says the humanitarian crisis must be addressed first.

In December, the Indian Ocean tsunami devastates the island's northern, eastern and southern coasts. 30,000 people, ten thousand each from the Tamil, Muslim and Sinhala communities are killed.

2005 The international community responds to the disaster with large amounts of aid. Much of the humanitarian aid rushed to the island is sent to the south and the northeast is ignored by GoSL. Prime Minister Mahinda Rajapakse says international aid will go to terrorists.

Donors call on both sides to agree an aid sharing mechanism. It takes six months to reach agreement on the PTOMS. But the agreement is challenged in the Supreme Court by Sinhala nationalists and is later declared void. International aid flows to the south regardless, a small amount is sent to the north and east.

Meanwhile, the shadow war escalates. Army backed paramilitaries massacre a senior LTTE political officer and his aides, as well as a prominent former Tamil parliamentarian.

Sri Lanka's Foreign Minister is assassinated. GoSL blames the LTTE.

In November, Rajapakse wins the Presidential elections, replacing Kumaratunga, after campaigning on an ultra-Sinhala nationalist manifest, 'Mahinda Chinthana'. (Mahinda's Thoughts).

Having called on Tamils to boycott the elections, the LTTE is accused of sabotaging the election of the UNP's Wickremesinghe.

The shadow war escalates. Attacks on soldiers, not only paramilitaries escalate. A prominent TNA Parliamentarian, Joseph Pararajasingham is murdered in church during Christmas mass.

Phase IV: 2006-now

2006 Norwegian diplomacy secures talks between both sides in Geneva in February. Just before the talks fourteen aid workers of the Tamil Rehabilitation Organisation (TRO) are abducted in GoSL territory. Some are released, the others are believed to be killed.

The Geneva I talks achieve little. The GoSL refuses to disarm Army-backed paramilitaries, denying any link with the military.

In April a suicide bomber wounds Army Commander Lt. Gen. Sarath Fonseka.

GoSL responds with a massive bombardment of Sampur region, destroying several villages and displacing 43,000 more people.

The European Union and Canada ban the LTTE.

The shadow war escalates further: abductions, disappearances, extra-judicial killings soar in GoSL territory. In President Rajapakse' first two years, several thousand Tamil civilians have died in bombardments or in the 'dirty war'

Heavy fighting breaks out in late July in the eastern province. The fighting spreads to the north, where both sides launch unsuccessful offensives.

GoSL closes the A9 route, cutting off supplies to the 600,000 in the Jaffna peninsula.

Another round of negotiations, Geneva II fails to secure any agreement.

GoSL splits the North and East provinces, which had been merged under the terms of the 1987 Indo-Sri Lanka Accord.

Another senior TNA parliamentarian, Raviraj, is assassinated by Army-backed paramilitaries.

The LTTE says it will pursue the goal of an independent Tamil Eelam.

The LTTE's veteran Political Advisor and Chief Negotiator, Anton Balasingham, a senior figure in the Tamil struggle, passes away of cancer.

2007 GoSL steps up offensives in the eastern province. In July it claims to have captured the entire province and celebrates the victory with a Sinhala victory ritual.

The LTTE continues a guerrilla war from the jungles and latter attacks in the southern provinces are attributed to the LTTE also.

The LTTE unveils its Air Wing, carrying out three airstrikes on Colombo.

Meanwhile the east becomes a heavily militarised wasteland with tens of thousands of Tamils languishing in refugee camps whilst paramilitary factions battle each other in several places.

In October LTTE overruns Air Force base at Anuradhapura, destroying 21 planes.

In November, the LTTE's Political Chief and Chief Negotiator, S. P. Thamiselvan, is targeted and killed in an Air Force airstrike.

GoSL vows to wipe out the LTTE leadership.

2008 The GoSL abrogates the 2002 Ceasefire Agreement. As frontline battles continue, so does the GoSL's campaign of terror against the Tamil population.

The Sri Lankan Tamil struggle for justice and the international community

During the six-year ceasefire between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE), the government miserably failed to effectively address the substantive political issues such as power sharing that would smooth the way for a peaceful settlement of the conflict, and was preoccupied with retaining power and undermining any measure that will recognize the rights of the Tamil people. In January 2008, the government unilaterally withdrew from the ceasefire agreement signed on 22 February 2002. Intensifying its war effort that culminates in a military solution is the priority of the government in 2008 and beyond.

Sinhala Buddhist racism, fostered by sections of the Buddhist clergy, and supported by successive governments, has overshadowed Sri Lanka's political development. The Buddhist clergy have directly entered party politics and elections, seeking entrenchment of such racism in all affairs of the country and relegation of the minorities to the political, social and economic fringe. Sinhala Buddhist racism is based on several myths: (1) The Sinhalese were the first to populate Sri Lanka and therefore have a superior claim over the entire island. (2) The Sinhalese are a majority in the island and therefore have a superior claim to rule the entire island. (3) The Sinhalese are Aryans and the Tamils are Dravidians. In this light, the Sinhalese are a superior race and have a superior claim over the island. (4) The Sinhalese are the guardians of Buddhism, which is threatened by Hindu encroachment.

Such position is a stumbling-block for an amicable settlement of the conflict, realization of the rights and aspirations of all communities, development based on equality and the progress of Sri Lanka as a united nation.

Objectives of the Tamil struggle

The objective of the Tamil struggle is based on the concept of self-determination as articulated in the UN Charter and other instruments, and as a distinct people, the Tamils are entitled to the right to self-determination. Tamil homeland, Tamil nationality, Tamils' right to self-determination and human rights are the fundamentals underlying the Tamil political struggle. The Tamils would favour a political framework that offers substantial regional autonomy and self-government in the Tamil homeland on the basis of the right to internal self-determination. The genuine grievances, legitimate rights, aspirations, and the position held by the Tamil people of Sri Lanka, unfortunately have never been understood and addressed by successive Sinhalese governments. It was this course of conduct which led eventually to the rise of Tamil militancy in the mid 1970s. The root causes were not addressed, but the militancy was met by wide ranging retaliatory attacks on increasingly large sections of the Tamil people with clear intent on subjugation.

Marginalization of the Tamils

The Tamils of Sri Lanka are severely marginalized and feel that they are losing their place irretrievably. The Sri Lankan parliamentary system has legitimized the marginalization. Consequently, Tamils are unable to develop themselves as full citizens. In addition to constitutional manipulation and blatantly discriminatory legislation and administrative action, violence has been perpetrated systematically against the Tamil community, threatening their very existence as a people.

The Tamils see youth militancy as the inevitable result of political mismanagement. The youth correctly argued for secession if the legitimate rights of the Tamils are not recognised within a united Sri Lanka and their human rights are not protected by the rule of law. The Liberation Tigers of Tamil Eelam (LTTE) has emerged as the main voice for Tamil grievances. If there are indications of

inflexibility, it is because of a lack of trust in Sri Lankan governments that have reneged on negotiated agreements. Successive governments have continued to pander to the designs of racist elements bent on the destruction of the Tamils.

Sixty years of discrimination and violence and colonization

Discriminatory legislation

Legislation introduced in 1948 and 1949 deprived more than a million Plantation Tamils of their citizenship and voting rights. In 1956, the Sri Lankan Parliament enacted the Official Language Act making Sinhala as the only official language, which led to the denial of employment to Tamils in the public sector, forcing many Tamils to leave the country. These measures were taken despite Section 29 of the Soulbury Constitution which prohibited any legislation that imposed disability or conferred advantage on any Sri Lankan community. The Sri Lankan government used the armed forces to brutally suppress non-violent satyagraha campaigns of the Tamils against these discriminatory measures. Tamils in government service were served with six months' notice in 1962 to attain proficiency in the Sinhala language and were denied promotions and salary increments. Agreements signed between Sri Lankan governments and the Tamil leaders – most notably the Bandaranaike-Chelvanayakam Pact of July 1957 and the Senanayake-Chelvanayakam Pact of March 1965 – which envisaged some measure of autonomy to the Tamil regions, were unilaterally abrogated by the governments. As the Tamils attempted to seek justice through courts, appeals to the Privy Council in Britain were abolished by the Court of Appeal Act in 1971, denying protection for the minorities.

A new Constitution adopted despite Tamil opposition in 1972 did not include any provision similar to Section 29 of the Soulbury Constitution of 1947 for safeguarding the minority communities. The 1972 Constitution also made the country a

unitary state and prohibited Parliament from delegating power, thereby ending any negotiation for devolution and a federal structure. Buddhism was made the foremost religion in the land and it became the duty of the state to protect and foster Buddhism. The Constitution reaffirmed Sinhala language as the official language of Sri Lanka. It provided that laws should be made in Sinhala and that the language of courts and tribunals should be Sinhala. The submissions by the Tamil parties to the Constituent Assembly drafting the new Constitution had been ignored. Tamil student protesters and Tamil government officers refusing to take the oath of allegiance to the new Constitution were imprisoned.

The 1978 Constitution, which replaced the 1972 Constitution and is currently in force, while reiterating that Sri Lanka is a unitary state and reaffirming the foremost place for Buddhism, went a step further and made it incumbent on the state to protect the Buddhist clergy. The Constitution also confirmed Sinhala as the official language and language of courts. It further confirmed the Sinhala lion flag as the national flag and the Sinhala *Namo Namu Matha* as the national anthem. The provisions relating to the unitary state, Sinhala language, Buddhism, national anthem and national flag were entrenched requiring a two-thirds majority in Parliament and approval by a national referendum for amendment or repeal.

Colonization

Since 1948, Sri Lankan governments have given priority to Sinhalese colonization of Tamil areas, by bringing all State machinery into active support, calculated to make the Tamils a minority in their own homeland. Development plans in the north-east region were modified to facilitate colonization. Such colonization includes forcible seizure of land and buildings belonging to Tamils, destruction of places of worship, conversion of Hindu temples into Buddhist shrines and deprivation

employment and education opportunities for Tamils in such areas. State-planned and executed colonization after independence has not only changed the ethnic proportions in the Tamil areas, but has also reduced Tamil representation in Parliament and local government bodies. Colonization of the Tamil areas is a threat to the security of the Tamil people and it is continuing with the assistance of the security forces. The recent trend has been to install statues of the Buddha in strategic areas and claim these areas for the Sinhalese. Such actions have taken place in several towns and villages in the north-east, including in areas captured by the army in the Eastern Province in 2007.

Violence against the Tamils

In addition to the discriminatory measures, continued violence has been perpetrated against the Tamil community. In the genocidal massacres of 1956, 1958, 1977, 1979 and 1981, many thousand Tamils were killed and enormous amount of property was destroyed. During the DDC election in June 1981, the police instigated by prominent government ministers, went on the rampage in Jaffna destroying over 100 shops and burning the Jaffna library with its 90,000 volumes and rare irreplaceable ancient manuscripts. The destruction of the Jaffna library remains one of the most traumatic events for the Tamil people of Sri Lanka. In June, July and August 1983, the world witnessed the worst of the genocidal massacres in Sri Lankan history, which had been planned and executed by elements within the government. Thousands of Tamils were killed, vast amount of Tamil property was destroyed and some 200,000 Tamils were displaced.

The Sri Lankan security forces have killed more than 60,000 Tamils in military operations, shelling of villages and towns, massacre of civilians, aerial bombardment and assassinations. The security forces have also carried out hundreds of thousand of arrests of Tamils throughout the island and these arrests

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45 places of worship, 50 industrial buildings and 54 government buildings and 27 schools buildings. International agencies estimated in 2003 that nearly 326,700 houses and household assets such as furniture, fixtures and possessions were damaged partly or totally destroyed in the north-east. The infrastructure in the north-east has suffered extensive damage due to indiscriminate attacks by the military. Due to the war, there has been substantial destruction of standing crops and those around homesteads, as well as farming equipment and infrastructure.

Economic repression of the Tamils takes many forms and the onslaught on their economic rights has been carried out in several fronts and in successive phases with increasing severity. The many-years long conflict has systematically destroyed the social fabric of institutions sustaining food security, education and healthcare in the Tamil homeland. The benefits of state-aided land settlement schemes for agricultural development are almost exclusively reserved for the Sinhalese, while even in Tamil areas the Tamils are denied their due right to benefit from these schemes and many are even stripped of their existing land rights.

Displacement and economic blockade

As a result of the violence nearly a million people, vast majority of them Tamil, have fled abroad. There is continuous displacement, particularly in the north-east. At the time of the ceasefire, there were nearly 800,000 displaced people. More than 300,000 people were displaced in the north-east when the government launched military operations in 2006 and 2007. Currently there are 189,000 internally displaced people in Sri Lanka, 98% of whom are in the north-east.

Successive Sri Lankan governments have used humanitarian aid as a weapon of war since fighting between government forces and the LTTE began in the mid 1980s. An unofficial blockade on essential materials to the north-east region of Sri Lanka was in

force during the period. In 1991, the government introduced Emergency Regulations restricting or banning many materials into the north-east including food, fuel and medicines and the military introduced its own restrictions. Since 2001, the government has imposed further restrictions on many materials, including food, medicines and medical equipment, fuel, fertiliser, educational equipment agricultural implements. The blockade has inflicted severe hardship on the people and has affected the health of the population, industries, education, fishing and infrastructure. The restrictions on food, medicines and medical equipment, has resulted in thousands of deaths including a large number of children.

Plantation Tamils

The Plantation Tamils who were deprived of their citizenship and voting rights immediately after independence have suffered marginalization and extreme economic and social deprivation as a consequence of these measures. They struggled for more than 50 years to regain their citizenship and voting rights. In 1964, the Indo-Ceylon agreement (Sirimavo-Shastri Pact) was entered into between the governments of India and Sri Lanka without any discussion with the people or their representatives, and the Plantation Tamils who had lived and worked on tea and rubber estates for over 130 years were divided between the two nations like chattel. Under this pact, and another agreement in 1974 (Sirimavo-Indra Pact), over 700,000 Plantation Tamils have been removed to India, most of them against their will. The incidence of poverty among the Plantation Tamils is far higher than in other communities in Sri Lanka. The community is in a much worse position in housing, education, employment, health, welfare facilities and infrastructure.

Peace proposals

It is in the context of intolerable discrimination, extreme violence and persecution that in May 1976, the Tamils adopted the

Vaddukoddai Resolution, declaring that the restoration and reconstitution of the state of Tamil Eelam based on the right of self-determination inherent in every nation had become inevitable in order to safeguard the very existence of the Tamils. At the peace negotiations in 1985 at Thimpu, Bhutan, the Tamil delegation put forward four cardinal principles, which have come to be recognized as the "Thimpu Principles", as the basis for a negotiated settlement. These demanded the recognition of (1) the Tamils of Sri Lanka as a distinct nationality; (2) the identified Tamil homeland in the north-east of the island; (3) the right of self-determination of the Tamil nation; (4) the right of citizenship and other fundamental rights of all Tamils who look upon the island as their country. The Sri Lankan government rejected these principles outright. The Tamils have articulated these principles at every opportunity and at every parley. The LTTE has stated that the "Tamil national question should be resolved on the basis of these core principles" and that the Tamils are "prepared to consider favourably a political framework that offers substantial regional autonomy and self-government in our homeland on the basis of our right to intern self-determination." Successive Sri Lankan government have not come up with a proposal that satisfies the aspirations and ensures the rights of the Tamil people.

There have been several other proposals for the resolution of the conflict, from within Sri Lanka as well as from outside. The LTTE was criticized for many years for failing to put forward its own proposals for a solution to the conflict and rejecting all seemingly good proposals. The implementation of political arrangements made out in the District Development Council system and the Thirteenth Amendment to the Sri Lankan Constitution show clearly that Tamil fears are genuine. The Thirteenth Amendment which established the Provincial Councils, failed to introduce substantial and secure devolution of powers to the Provincial Councils, but gave authority to the central government to easily

retake or undermine powers of the Councils. The LTTE put forward its proposals in October 2003, but the government refusal even to discuss these proposals has accentuated Tamil fears.

The Rajapakse government

After election as President of Sri Lanka, in the first policy statement in Parliament on 25 November 2005, Mr Rajapakse reiterated his opposition to the concepts of the homeland and self-determination and vowed to safeguard the unitary nature of the Sri Lankan state. He signalled that the present Constitution would not be amended for the purpose of devolution, despite the fact that under the current Constitution, there can be hardly any devolution of power and made clear his intention to maintain the unitary state at whatever cost. He also declared that he would embark on a new peace process implying that the progress made in the last five years would not be taken into consideration. In addition, Mr Rajapakse has initiated measures that may destroy important democratic institutions, which were created for the purpose of transparency and accountability and for the protection of people's rights.

Every action of the Rajapakse government has been against peace and aimed at pursuing a military solution. It is clear that the All Party Representatives Committee (APRC) process is a farce. The APRC was appointed in June 2006 to work out a political package to find a lasting political solution. After APRC had held 67 meetings, President Rajapakse submitted a document to the APRC Chairman on 9 January 2008, proposing to strengthen Provincial Councils based on the 13th Amendment to the Constitution. This is clear attempt to interfere and undermine the work of the APRC. The government has also committed ceasefire violations and has been involved in assassinations, abductions, disappearances, torture, illegal arrest and detention. It has killed hundreds of Tamil and Muslim

civilians, including children, in indiscriminate shelling and aerial bombardment in north-east Sri Lanka.

Sri Lanka stands accused of being the third most dangerous place for journalists in the world in year 2007 by the Press Emblem Campaign. The UN has said that Sri Lanka is among the most dangerous places in the world for aid workers. The provisions of the US law suspending arms supply to Sri Lanka, which came into effect on 7 January 2008, demand the Sri Lankan Government to bring to justice members of the military who have committed gross violations of human rights or international humanitarian law, including complicity in the recruitment of child soldiers; provide access to humanitarian organizations and journalists throughout the country consistent with international humanitarian law; and agree to the establishment of a field presence of the Office of the United Nations High Commissioner for Human Rights in Sri Lanka with sufficient staff and mandate to conduct full and unfettered monitoring throughout the country and to publicize its findings. The government has been accused of committing grave breaches of the Geneva Conventions and their First Additional Protocol. It is also involved in child recruitment by the paramilitary Groups in the Eastern Province. For these, the government has been condemned by UN bodies and international human rights agencies.

Role of successive governments

Former presidents J R Jayewardene and R Premadasa were involved in peace processes, but their priority was consolidation and centralization of power and maintenance of the existing political system. Chandrika Kumaratunge was elected President by an overwhelming majority on a peace ticket with broader objectives, but was constrained by the political system. President Rajapakse must realise that as long as the present political system remains on force, he will have no room for manoeuvre. If he

wishes to achieve a solution to the conflict and guide the country to peace and prosperity, his task should be to change the political system to ensure that all people are treated equal and each individual has the opportunity for development.

The international community

The international community is obliged to address the gross violations of human rights in Sri Lanka. The international community has been outspoken and very critical over violations of the LTTE and has imposed sanctions. But the grave violations of successive Sri Lankan governments hardly have impact on the policies of other governments and international agencies, which often appear to take decisions to please and reward the Sri Lankan government in power. Some actions taken by the international community have been ineffective, due to inconsistent policies and practice and insufficient cooperation between governments. The international community seems reluctant to take any effective action despite the open defiance of the Sri Lankan government over human rights and an international human rights monitoring presence in the island, refusal to take any action to investigate violations and encouraging impunity, and increasingly abusive statements against members and institutions of the international community. In order to receive results, it is essential that the international community is united in its actions and equally condemns all human rights violations whether they are committed by the Sri Lankan state or the Tamils.

The Tamil people have suffered violations of human rights for the past sixty years at the hands of the successive Sri Lankan governments and the Sri Lankan security forces. These include discrimination on the basis of race, language and religion in many aspects of national life, including education, employment, culture, electoral and constitutional rights and share of the national wealth. Popular discontent against the unacceptable

conditions is usually met by strong military repression constituting massacres of civilians, violence against women and children, torture, disappearances, economic blockade, restrictions on freedoms such as movement and expression, aerial bombardment of populated areas, forcible occupation of land and destruction of livelihood, property and infrastructure on a massive scale. These violations have been well documented by international NGOs such as Amnesty International and entities of the United Nations such as the Human Rights Committee, the Committee Against Torture and the Rapporteur on Extra-Judicial Executions.

International action and the role of the international community

The dishonesty and hypocrisy of successive Sri Lankan governments have led to the current impasse and their repeated promises to improve the human rights conditions of the Tamil people have proven to be empty. Continuing oppression, injustice, corruption, and disrespect for human dignity have characterized successive regimes in Sri Lanka under whom the Tamils have continued to suffer. The Tamil people have not forsaken the path of peace. What the Tamil people want is for the international community to listen to their grievances, recognize and respect their rights and take appropriate action.

While the Tamils acknowledge the efforts taken by the international community in some areas of human rights and humanitarian concerns, the Tamil speaking people urge vigorous and consistent action for their protection, in taking into consideration the following contexts and principles:

- The contiguous north-eastern province is the homeland of the Tamil people and the Muslim people. They are the rightful owners of the territories, which are essential to the maintenance of the respective social, cultural, spiritual,

economic and political distinctions of those who inhabit the contiguous homeland. They will persist in striving for complete legal recognition of this one-ness between land and people.

- The Tamil people believe that any permanent political solution to the conflict in Sri Lanka, whether by international mediation or through political negotiations, must take into consideration the legitimate aspirations of the Tamil and Muslim people to determine their own political, economic, social and cultural destiny. This plea by the Tamil and Muslim people should be respected by the community of states.
- Successive Sri Lankan governments have continued to undermine democratic institutions and democratic processes. An election observer noted in 2000 that the progressive destruction of the political process in Sri Lanka has led to domestic and international tolerance of an enormous amount of violence by the government against its citizens. The observer also said that increasingly it seemed the government of Sri Lanka is accountable to no one – not its citizens, and not its foreign counterparts. This situation has only become worse in 2008. The international community must play a positive role and enhance its interventions in safeguarding and strengthening democratic institutions.
- While unequivocally condemning the human rights violations committed by the LTTE, the international community should also publicly and without reservation condemn the barbaric deeds of the Sri Lankan government. The international community should provide support for the investigation of human rights infringements, maintain a human rights agenda and help

to establish appropriate human rights mechanisms.

- The brutality of warfare, oppression and human rights violations including torture, which is to a large degree directed against Tamil civilians, is covered up by control of the media and censorship. The reporting culture of the Sri Lankan mainstream media has had a serious impact on the human rights of the nation's population, communal harmony, and the social and economic stability of the country. Effective international pressure is required to force the government to allow free reporting and access to foreign journalists and fact-finding missions to freely visit the conflict areas. The international community must also take appropriate action to provide protection to human rights defenders, including the media personnel, humanitarian workers, community activists, trade union members and NGO representatives, who are increasingly facing threat to life, imprisonment, torture and assassination, by the security forces, State intelligence services and armed groups aligned to the government.
- International aid is reported to have been channelled for military purposes in Sri Lanka. Before the ceasefire, humanitarian agencies and some foreign governments contributed the National Security Levy, which was a direct financial contribution to the war. While using aid as a lever to make the Sri Lankan government move towards a peace settlement, donor countries and international agencies should investigate the use of aid towards military purchases which fuel the conflict, and ensure that economic aid is used for development. Governments must follow the example of the United States, which suspended arms supply to Sri Lanka in January 2008, demanding the Sri Lankan Government to bring to justice members of the military who have committed gross violations of human

rights or international humanitarian law, including complicity in the recruitment of child soldiers; provide access to humanitarian organizations and journalists throughout the country consistent with international humanitarian law; and agree to the establishment of a field presence of the Office of the United Nations High Commissioner for Human Rights in Sri Lanka with sufficient staff and mandate to conduct full and unfettered monitoring throughout the country and to publicize its findings.

- The supply of arms by the international community to a conflict region, particularly when grave human rights violations continue to be committed, cannot be justified. It is understood electronic weapons supplied by some countries, are used in Sri Lanka for torture. It is important to realise that increasing the technological capability or the size of the arsenal deployed will not resolve the conflict but will only prolong the war and the suffering of civilians. Other nations should refrain from promoting the war effort and take positive diplomatic measures to discuss with the government and the LTTE, encouraging them to end the conflict and create conditions for sustained peace negotiations.
- With the end of the ceasefire agreement, the mandate of the Sri Lanka Monitoring Mission (SLMM) has also ended. There is an urgent need to monitor human rights violations in Sri Lanka. As local institutions, including the Sri Lanka Human Rights Commission have failed to carry out their duties effectively, international monitoring presence in Sri Lanka under the auspices of the United Nations is urgent and essential to protect the civilian population.

- The Tamil and Sinhala communities are polarized in Sri Lanka and increasingly the Muslim community is becoming polarized. The consequences of the prolonged conflict have been devastating. The international community must ensure that the peace negotiations are resumed, continue to provide the assistance to take the peace process forward and sustain pressure to de-escalate the conflict, promote human rights and promote observance of international humanitarian law.
- For almost two decades, international and local organisations have responded to the crisis in the Tamil homeland despite enormous government obstacles, providing significant humanitarian assistance, which must be sustained and strengthened. By not taking genuine measures to remove the obstacles in implementing the P-TOMS agreement, the government has failed to alleviate the suffering of the people of the north-east. The international community must realize that although international agencies continue to provide assistance in the north-east, in the prevailing political climate and the existence of physical constraints, the needs of the people will not be satisfied without a joint mechanism for the distribution of aid. A proper joint mechanism, introduced in consultation with the civil society, will avoid failure and promote goodwill, and further address issues such as human rights, good governance, transparency and accountability.
- Insufficient attention has been paid to the development needs of the Tamil speaking people in the north-east. Despite several constraints, civil society and community institutions have undertaken notable initiatives to address the situation. The international community should assist local development initiatives, especially people-focussed

development. If local initiatives could be supported, the people trained and educated, community institutions and administrative structures strengthened, then poverty can be reduced.

- Before the ceasefire, although the government claimed that the war was directed against the LTTE, examination of the documented cases of extra judicial and arbitrary killings reveal that the overwhelming majority of the victims have been non-combatants, unarmed and uninvolved Tamil civilians, and frequently women, children and old people. There have also been arbitrary killings of civilians and reprisal attacks by the security forces. Incidents of rape by security forces have also been reported. Search operations and mass arrests of Tamils in the north-east as well as the south have resumed. UN and human rights agencies have expressed concern over disappearances in the north-east and Colombo after arrest and continuing torture by the police and the security forces. Thousands of Tamils died as a result of the government economic blockade of the north-east in breach of the Geneva Conventions, and others are still undergoing immense suffering. The international community has the responsibility to ensure that the government adheres to its international obligations.
- Legal provisions introduced to facilitate human rights abuses continue in force. The government should be urged to adopt measures to prevent killings, extra judicial executions, disappearances, torture, rape and arbitrary arrests and detention, particularly repeal of the Prevention of Terrorism Act and the Emergency Regulations and improve judicial remedies available to Tamils targeted by the security forces. The government should also be urged to comply with its obligations under

Article I and IV of the Genocide Convention to charge the perpetrators of genocide and try them before competent domestic courts.

- Arbitrary power and absence of democracy have led to human rights violations. The state is accountable to the people of Sri Lanka and the international community. Sri Lanka has signed many international treaties agreeing to abide by their provisions. State-building in Sri Lanka has been a failure. The communities, particularly the minorities, are denied equitable access to resources. The government lacks good governance, transparency and accountability. It has consistently failed to take effective action against corruption and has effectively ignored the civil society. The international community must recognize the need for democratization with improvement of civil institutions, take appropriate measures to strengthen the civil society and ensure that the government is made accountable. In case of continued failure of the government to observe international humanitarian law, failure to protect human rights by the rule of law, refusal to take the peace process forward and pursuance of a military solution, the international community must consider effective international sanctions against Sri Lanka.
- The Tamil struggle must be seen as fears of a community, which has been at the receiving end of political discrimination and persecution for the last sixty years and has never been able to realise its just demands or its aspirations. The international community must realize the urgent need to solve the Sri Lankan conflict satisfying the aspirations and the just demands of the Tamils and that delay would inevitably lead to disappointment, frustration and undesirable consequences.
