

# **SRI LANKA'S ENDANGERED PEACE PROCESS AND THE WAY FORWARD**

**22nd February 2007**



**Center for Just Peace and Democracy**

**Acknowledgements**

The Author:

Ana Pararajasingham

Programme Director:

Mr. Alphonse Tarcisius,

Page Setting:

T. Nithiraj

First Published:

Feb. 2007

ISBN:

3-9523172-1-7

978-3-9523172-1-1

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means without prior permission of the Centre for Just Peace and Democracy (CJPD)

Center for Just Peace and Democracy (CJPD)

Bahnhofstrasse 13, 6020 Emmenbrücke, Switzerland

[cjpd@bluewin.ch](mailto:cjpd@bluewin.ch)

Printed at:

IMPRIMERIE RAS

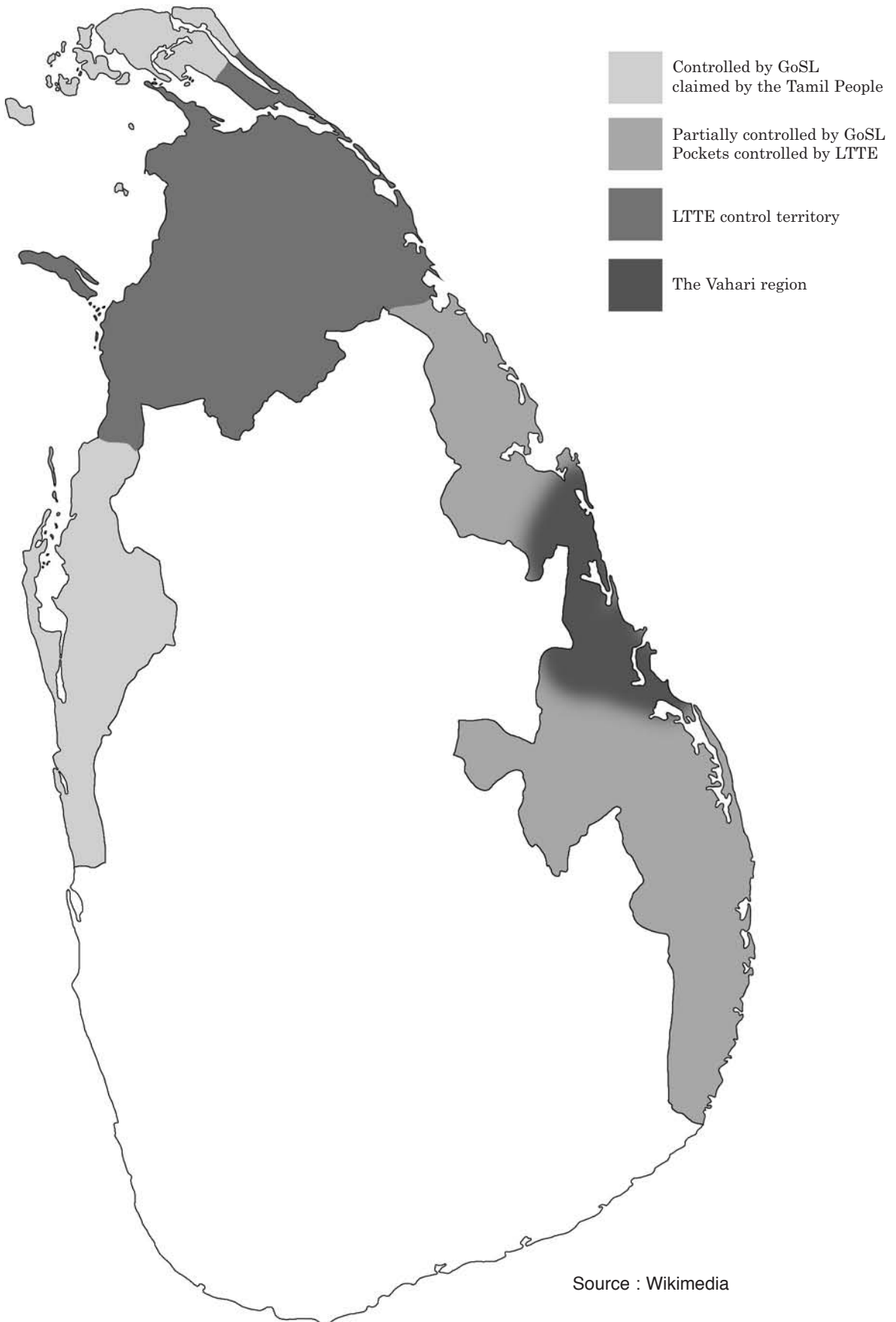
6, Avenue des Tissonvilliers

95400 Villiers le Bel

France

**CONTENTS**

- 1 Executive Summary
- 2 Preamble
- 3 Objectives
- 4 Methodology
- 6 Introduction
- 7 The 'Peace Process' Revisited
  - 7.1 The Pre-Cease-Fire Scenario
  - 7.2 Election of a New Government
  - 7.3 The Cease Fire Agreement
  - 7.4 Failure to Restore Normalcy
  - 7.5 Internal Self Determination and the 'Oslo Declaration'
  - 7.6 The incident at Sea
  - 7.7 The Washington Meeting
  - 7.8 Interim Self Governing Authority (ISGA)
  - 7.9 President's Prerogative
  - 7.10 Defection of Karuna and the Eruption of the 'Shadow War'
  - 7.11 Tsunami
  - 7.12 The Escalation of the Shadow War
  - 7.13 Mahinda Rajapakse - Sri Lanka's New President
  - 7.14 The Resumption of Hostilities and the Collapse of the CFA
  - 7.15 The De-Merger of the North East
  - 7.16 Summary
- 8 The International Community
  - 8.1 The Strategy of Containment
  - 8.2 The Indian Factor
  - 8.3 Summary
- 9 The Way Forward
- 10 Appendix





## 1. Executive Summary

The Cease-Fire Agreement (CFA) between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) has collapsed. The Cease-Fire Agreement had held, despite numerous breaches, non-implementation of vital clauses, extra judicial killings and political assassinations. However, by September 2006 the CFA had become untenable.

The collapse of the CFA can be traced inter alia to the following:

- The fundamental flaw in the strategy of containment pursued by the Co-Chairs to manage the peace process in assuming that the GoSL would cooperate by helping restore 'normalcy' to the Tamil population affected by the war.
- Prime Minister Wickramasinghe's attempt to exploit the peace process to undermine President Kumaratunge by portraying her as a 'spoiler'<sup>1</sup> of the process on the one hand and blame the President's opposition to the peace process to justify his own disinclination to deliver on the promises made to the LTTE.
- Prime Minister Wickramasinghe's failure to win over Sinhala public opinion to help implement the agreements reached with the LTTE to restore normalcy and instead garnering international support to contain the LTTE and revive the economy of the South.

<sup>1</sup> According to Navaratna Bandara, Wickramasinghe also tried to diminish the President's powers through "constitutional amendment, identifying her as one of the strongest spoilers of the peace process" per his paper presented at Envisioning New Trajectories for Peace in Sri Lanka, International Seminar, Zurich, April 2006 conducted by the Centre for Just Peace and Democracy (CJPD) in collaboration with the Berghof Foundation for Conflict Studies, Sri Lanka Office

- The LTTE's attempts to expose 'Sinhala intransigency' as the real problem through 'flexible' posturing and 'agreeing to explore federal structures' being construed by both the Sinhala polity and the Co-Chairs simply as counter strategy.
- The failure to address the notion of being a 'beleaguered people' that lies at the root of 'Sinhala intransigency'.
- President Kumaratunge's inclination to bide her time to unseat the Prime Minister (at the expense of the peace process) by appealing to well entrenched Sinhala nationalism and exercising the power vested in her by the constitution.
- President Rajapakse's compulsion to dismantle the defacto Tamil state having gained office by irrevocably committing himself to the preservation of the unitary state.
- The 'carrot and stick' policy adopted by the Co-Chairs to deal with the LTTE by initially treating them as equals (carrot) and then labelling them as 'terrorists' (stick), emboldening the Sinhala nationalists to attempt a military solution.
- Sri Lankan President Rajapakse's attempts to exploit the political space provided by the two geopolitical triangles in the Indian Ocean: U.S. - India - China relations and China - Pakistan - India relations to advance his own agenda.

The way forward needs to address the concerns of all parties (local and international) who have a stake in the outcome.

## 2. Preamble

The Cease-Fire Agreement (CFA) between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) has collapsed. Over 3,000 people have been killed since January 2006<sup>2</sup>.

On 2nd January 2007, General Sarath Fonseka, commander of the Sri Lankan Army declared "After eradicating the Tigers from the East, full strength would (sic) be used to rescue the North."<sup>3</sup>

The next day, 15 people, including seven children below the age of 9, were killed when the Sri Lankan Air Force bombed a hamlet in the North. Rt Rev Joseph Rayappu, the Catholic Bishop, described it as "a crime against humanity"<sup>4</sup>. The United Nations Assistant Secretary-General for Humanitarian Affairs Margareta Wahlström, in a statement issued later that day, said killing civilians including children, was a "source of deepest concern."<sup>5</sup>

On the 5th and 6th of January bombs exploded on two buses in the South killing 21 passengers. The GoSL blamed the LTTE for these attacks.

In August 2006, after heavy fighting in the Muhamalai area, the GoSL closed the A9 Highway, resulting in de-facto reimposition of an economic blockade on the North. Deprived of food and basic medicines, residents of the Jaffna peninsula risk starvation and disease.

In the East, the GoSL's efforts to dislodge the LTTE have resulted in large-scale displacements and many deaths among combatants and civilians.

Meanwhile in GoSL controlled areas of

<sup>2</sup> UN Press Release IHA/1248 2nd January 2007, Department of Public Information • News and Media Division, New York.

<sup>3</sup> Daily Mirror, 03 January 2007.

<sup>4</sup> TamilNet, Tuesday, 02 January 2007.

<sup>5</sup> UN Press Release IHA/1248 2nd January 2007, Department of Public Information • News and Media Division, New York.

the Northeast, 'disappearances' and extra judicial killings have become everyday occurrences while human rights officials and media complain of intimidation and death threats.

### 3. Objectives

The primary objective of this paper is to:

- Ascertain the reasons for the failure of the Cease-Fire Agreement.

### 4. Methodology

- Revisit the events that led to the collapse of the CFA.
- Review analysis by academics, researchers and activists on the endangered peace process.

### 5. Outcome

An understanding of the strategies deployed by the actors during the last five years.

### 6. Introduction

As proclaimed in its preamble, the overall objective of the CFA was to find a "negotiated solution to the ongoing ethnic conflict in Sri Lanka"<sup>6</sup>. Despite six rounds of negotiations between March 2002 and March 2003, and a further two rounds of talks in 2006, that objective was not realised. Instead, the situation deteriorated to one where amid GoSL's efforts to defeat the LTTE, thousands of lives have been lost and human rights abuses have become widespread across the Northeast.

Despite numerous breaches and the non implementation of vital clauses, extra judicial killings and political assassinations, the Cease-Fire Agreement had held until 2006. This was because until then there were no

direct military operations by either party to retake territory or dislodge the other from territory held. The CFA had explicitly prohibited such actions via clause 1.4 which stated that "Where forward defence localities have been established, the GoSL's armed forces and the LTTE's fighting formations shall hold their ground positions". However, by September 2006 the CFA became untenable when the protagonists, the LTTE and the GoSL's armed forces, embarked upon direct military confrontations. These included:

- The occupation by GoSL of LTTE held Mavil Aru in July 2006.
- The take over by the LTTE of the GoSL held town of Muttur for 4 days in August 2006.
- The occupation by GoSL of LTTE held Sampoor in September 2006.
- The Crossing of GoSL troops into LTTE held areas in the North by breaching the Forward Defence Lines (FDL) in Muhamali in October 2006.
- The besieging and occupation of LTTE held Vakarai by GoSL in January 2007.

Long before these direct assaults, there were ominous signs that the peace process was in trouble and the fragile 'peace' was becoming seriously endangered. The violence escalated when Army-backed paramilitaries unleashed a campaign of extra judicial killings. The violence escalated began with the defection of the LTTE's Eastern Commander, Karuna, to the Army in April 2004.

Those targeted by Army-backed paramilitaries included not members of the LTTE and also several prominent civilians, including academics journalists and parliamentarians. The LTTE responded by killing Sri

<sup>6</sup> Agreement on a Ceasefire between the Government of the Democratic Socialist Republic of Sri Lanka and the Liberation Tigers of Tamil Eelam, 22nd February 2002.

Lankan intelligence officers, paramilitary operatives and their supporters.

According to the Thinakural editorial of 7th October 2004, a Colombo based daily, "It is the attempt by the Sri Lankan armed forces to use renegade commander Karuna to destabilise the east that has resulted in killings. These killings which began in Batticaloa, have now reached Colombo. The seriousness of this situation can be gleaned

from the characterisation of the violence by military analysts as a shadow war between the LTTE and the Sri Lanka Army"

Since early 2006, the 'shadow war' has now escalated into a direct confrontation. The internationally – backed peace process which commenced with the signing of the CFA in February 2002 is in danger of collapsing into a full scale war.



## 7. The 'Peace Process' Revisited

### 7.1. The Pre-Cease-Fire Scenario

Although the CFA, facilitated by Norway, came into force in February 2002, Norwegian initiatives began when Oslo's peace envoys met with the Tamil leadership in October 2000. At this meeting the LTTE leadership called for a cessation of hostilities as a prerequisite to negotiations. President Chandrika Kumaratunge was opposed to such a cessation of hostilities. In a statement issued on 23 December 2000, she stated quite categorically "The Government held the position that a ceasefire need not precede negotiations"<sup>7</sup>.

In the next few months several of GoSL's military assaults were thwarted. The Sri Lankan military suffered one of its most serious debacles in April 2001 when over 12,000 troops involved in 'Operation Fire Flame' were forced to withdraw with heavy casualties after 3 days.

In July 2001, the LTTE attacked the Sri Lankan Air Force base in Colombo and destroyed several aircraft. The internationally hi-profile attack had serious negative consequences for Sri Lanka's economy which registered negative growth in 2001.

### 7.2 Election of a New Government

At the general elections held later that year, Ranil Wickramasinghe, leader of the United National Front (UNF) coalition was elected Prime Minister. Wickramasinghe was quick to respond to the Norwegian initiative. Wickramasinghe's urgency was driven by the realisation that the LTTE could not be contained militarily and a Cease-Fire was necessary to retain control of those areas of the North East still under GoSL control. Wickramasinghe's readiness was also due to the economic imperative. The LTTE's successful attack on the Sri Lankan Air force base in Colombo and the publicity that followed had crippled the economy. Tourism which flourished unaffected by the war until then was adversely

<sup>7</sup> Statement issued by the Presidential Secretariat and quoted by Balasingham, Anton in 'War and Peace' Fairmax Publishing, Ltd, London, 2004.

impacted as tourists chose to stay away. Foreign investors who were inclined to look upon the South of the island as a safe place to invest were similarly frightened away.

### 7.3. The Cease Fire Agreement

On 22 February 2002, within 2 months of being elected Prime Minister, Wickramasinghe, on behalf of the GoSL, and Vellupillai Pirapaharan on behalf of the LTTE signed the Cease-Fire Agreement. The President, Chandrika Kumaratunge was kept informed of the development but was not consulted. She expressed 'shock and dismay'<sup>8</sup> over the signing of the CFA which she claimed had compromised the 'island's sovereignty and national security'<sup>9</sup>.

It was not surprising that the President who had expressed her opposition to a 'cessation of hostilities'<sup>10</sup> two years ago was unhappy with the CFA. However, whilst publicly remaining critical of the CFA, she did not take steps to abrogate it.

The uneasy cohabitation<sup>11</sup> between Sri Lanka's President and her Prime Minister continued as the GoSL began its negotiations with the LTTE later in 2002.

### 7.4 Failure to Restore Normalcy

The LTTE's major thrust during the rounds of negotiations was to 'restore normalcy.' The GoSL agreed to establish a Sub Committee for Immediate Humanitarian Rehabilitation Needs (SIHRN) to this end. The purpose of the subcommittee was to restore normalcy by:

- identifying immediate humanitarian needs;
- deciding on the allocation of funds; and
- Implementing projects to meet the needs identified.

SIHRN was to be staffed and manned with equal participation by the GoSL and the LTTE. The World Bank was to be the custodian of funds which were to be called the North East Rehabilitation Fund or NERF.

Soon, the Government's lack of enthusiasm became apparent. Other than the appointment of the directors, one of whom was a Sinhalese, the other a Muslim, little else was done to provide SIHRN with resources in staff or material. Nor were measures taken to practically establish the World Bank as the custodian of the funds.

Consequently, the internally displaced continued to languish, little was done to improve the livelihood of the ordinary people and the infrastructure remained in a state of disrepair.

The LTTE felt it had shown considerable flexibility in agreeing to a joint body (SIHRN) to restore normalcy to the war torn Tamil Homeland, the effort had proven to be futile.

According to Viswanathan Rudrakumaran, a participant in the Norway facilitated peace process in the LTTE delegation "Prior to the commencement of talks, LTTE repeatedly stated that the immediate goal of

<sup>8</sup> TamilNet, February 22, 2002

<sup>9</sup> Balasingham, Anton in 'War and Peace' Fairmax Publishing, Ltd, London, 2004.

<sup>10</sup> *ibid*

<sup>11</sup> Sri Lanka's constitution is such that the General Elections and the Presidential Elections are held at different times. It is possible under such a constitution for the President and the Prime Minister to belong to opposing political parties. This happened for the first time in December 2001 when Ranil Wickramasinghe's United National Front (UNF) won the General Elections while President Kumaratunga of the People's Alliance (PA) had another four years left of her term. As a result Prime Minister Ranil Wickremasinghe's UNF cabinet had to sit in uneasy cohabitation with President Chandrika Kumaratunga, who, under the constitution retained considerable executive powers.

the talks is the establishment of an interim administration, with the objective of addressing the urgent humanitarian existential problems of the people of the Northeast, the area affected by the prolonged war. However, during the initial stages of the talks when the Sinhala political party that represented the government of Sri Lanka indicated the lack of consensus in the South on the issue of the establishment of an interim administration, the LTTE showed flexibility and dropped its call for an interim administration for the sole reason of ensuring that the negotiating process did not breakdown.

As an alternative solution, Subcommittees, comprising equal membership from the LTTE and the GOSL were established in lieu of the interim administration. It should be noted even though the purview of the subcommittees was the Northeast, the traditional Tamil homeland, the LTTE magnanimously accommodated equal membership of the GOSL and thus thereby gave them a veto over the affairs of the Northeast<sup>12</sup>.

### 7.5. Internal Self Determination and the 'Oslo Declaration'

The LTTE demonstrated its flexibility once again. This time it was about the political settlement to the conflict when its leader Vellupillai Pirapaharan announced on 27th November 2002 that the LTTE was "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 internal self determination"

At the third round of talks held in Oslo, Pirapaharan's statement to consider region-

al autonomy and self-government on the basis of 'internal self determination' led to Anton Balasingham (LTTE) and G L Peries (GoSL) agreeing to the following joint decision:

"Responding to the proposal by the leadership of the LTTE, the parties agreed to explore a solution founded on the principle of internal self determination in areas of historical habitation of the Tamil speaking peoples, based on a federal structure within a united Sri Lanka"<sup>13</sup>

Although Prof. Peries hailed the LTTE climb down as a 'paradigm shift,' the GoSL failed to grasp this opportunity to take the peace process forward. It failed to communicate to the Sinhala people, the LTTE's offer to 'explore federal structure within a united Sri Lanka' and marshal support for a negotiated solution. It appeared that the GoSL was more interested in appearing to negotiate while garnering international support to contain the LTTE and revive the economy of the South.

The parties were unable to make any progress at all on the question of restoring normalcy and bringing about a situation whereby the displaced could return home.

Instead, the GoSL involved the Sri Lanka Army (SLA) in the process by allowing it to publicly and forcefully declare its opposition to the resettlement of displaced people. The SLA which by then had declared certain areas under its control (particularly in the Jaffna Peninsula) to be High Security Zones (HSZ), was reluctant to permit resettlement citing 'security concerns'

The question of the displaced returning was decided once and for all when General Sarath Fonseka, Commander of the Sri

<sup>12</sup> In a paper titled "LTTE's Flexibility in the Current Peace Process" presented at Envisioning New Trajectories for Peace in Sri Lanka, International Seminar, Zurich, April 2006 conducted by the Centre for Just Peace and Democracy (CJPD) in collaboration with the Berghof Foundation for Conflict Studies, Sri Lanka Office.

<sup>13</sup> Balasingham, Anton in 'War and Peace' Fairmax Publishing, Ltd, London, 2004.

Lankan Army (SLA) in the Jaffna Peninsula insisted that the 'LTTE disarm its cadres and decommission its long range weapons' for the SLA to consider allowing the resettlement of the displaced. The call by SLA General demonstrated that the military was a significant player in the process. The SLA's hardline stand also helped the GoSL to pursue its strategy of delay. Tissanayagam, editor of the North East Herald has described this strategy as 'masterly inaction' and had this to say about it: "The history of the ethnic conflict in Sri Lanka reveals that a particular line of action has been exploited by successive Sinhala-dominated governments until it has become threadbare with use. But, despite overuse, this strategy could be banked upon to deliver desired results. One sees it in operation when one surveys the broad sweep of history of the conflict from the time it became an armed struggle in 1983. On the other hand, its presence is also unmistakable when examining shorter timeframes such as the period the CFA has been in operation. The strategy in question is masterly inaction. Delay is a tried and tested method that makes the weaker party get exhausted, lose its nerve and throw in the towel."<sup>14</sup> (Emphasis added)

### 7.6. The incidents at sea

On 10 March 2003, an LTTE vessel in international waters was attacked by the Sri Lankan Navy. The vessel caught fire and 11 Sea Tigers died in the blaze. Anton Balasingham, the LTTE's Chief Negotiator and Political Advisor who was in the Vanni at that time believed that it was an act undertaken by the Navy in defiance of the GoSL to provoke the LTTE into disrupting the peace process. The LTTE did not counterattack as was widely feared. It lodged strong protests with the Sri Lanka

Monitoring Mission (SLMM) responsible for monitoring the peace process.

Three months later, on 14 June an LTTE oil tanker, MT Shoshin, was attacked and sunk by the Sri Lankan Navy in international waters 250 miles off the coast of Mullaitivu. The LTTE claimed that the crew was taken prisoners, Sri Lankan Navy denied this. Again, fears of LTTE retaliation proved unfounded.

### 7.7. The Washington Aid Meeting

In April 2003 the GoSL agreed to attend a pre-donor conference in Washington to which the LTTE was not invited as it was a 'proscribed' organisation in the US.

To the LTTE this appeared to be an attempt by the GoSL (with US and international support) to undermine the LTTE's status as an equal party in its negotiations with the GoSL.

The pre-donor conference in Washington was a preparatory seminar to the Tokyo Donor Conference at which the LTTE was expected to participate. As such, the GoSL's decision to attend the conference was seen by the LTTE as a gross violation of the pledges undertaken to jointly approach the international community for rehabilitation and reconstruction aid as equal partners.

The LTTE withdrew from further talks and boycotted the Tokyo Donor Conference.

### 7.8. Interim Self Governing Authority (ISGA)

Having withdrawn from talks which had yielded little by way of restoring normalcy to the Tamil people, the LTTE argued that a new arrangement was necessary to meet the urgent humanitarian needs of the people living in the Northeast. With this in mind

<sup>14</sup>The Conflict in Sri Lanka: Ground Realities (ISBN 0-9775092-0-6), Publication of the International Federation of Tamils, December 2005.

and in an attempt to revive the peace process, the LTTE submitted a proposal for an Interim Self-Governing Authority (ISGA).

The proposal was prepared with the assistance of legal luminaries from the Diaspora and submitted to the GoSL on 31st October 2003. Though deemed by many to be a maximalist position, the proposal was in principle compatible with the international practice of establishing interim authorities to address humanitarian needs while negotiations for a final settlement are ongoing. It was comprehensive in that it addressed issues relating to human rights, protection of minority communities, and independence of the judiciary, accountability and transparency. The LTTE's submission of proposals was welcomed by the international community.

Again, the LTTE was flexible in its approach by stating that the proposal was open to discussions and that it would entertain modifications to the ISGA. "It did not adopt the policy of take-it or leave-it, but rather presented the ISGA as the basis for the resumption of talks"<sup>15</sup>

### 7.9. President's Prerogative

At this point, President Kumaratunge seized three key ministries from the UNF government, including the defence portfolio, thereby derailing the peace process and foreclosed any discussions on the ISGA proposal.

This move was not surprising given the President's antipathy to the peace process. However it clouded the distribution of power in the Sri Lankan leadership, prompting

Norway's Deputy Foreign Minister Vidar Helgesen to declare "Until clarity is re-established, there is no space for further efforts by the Norwegian government to assist the parties"<sup>16</sup>

The parliament was soon dissolved and a snap General Election was called for in early 2004. A new coalition headed by the President's party won a slender majority of seats in parliament and formed the new Government. Unlike the previous General Elections, this time around the President's party secured the majority of the seats in parliament. Mahinda Rajapakse, one of the ruling Sri Lanka Freedom Party (SLFP) senior members was appointed as the Prime Minister.

On the Tamil side, the General Elections had resulted in the Tamil National Alliance (TNA) winning 20 of the 24 possible seats in the Northeast and emerging to represent the Tamil people. In contesting the elections, the TNA had declared its acceptance of the LTTE as the sole representatives of the Tamil people, and successfully sought a popular mandate for the implementation of the ISGA.

### 7.10. Defection of Karuna<sup>17</sup> and the Eruption of the 'Shadow War'

In March 2004, a month before the General Elections, the LTTE's Eastern Commander Karuna (Vinayagamoorthy Muralitharan) defied the LTTE High Command's instructions to comply with a disciplinary investigation against him and revolted.

The LTTE desisted from militarily putting down the 'rebellion' by its former

<sup>15</sup> Envisioning New Trajectories for Peace in Sri Lanka, International Seminar, Zurich, April 2006 conducted by the Centre for Just Peace and Democracy (CJPD) in collaboration with the Berghof Foundation for Conflict Studies, Sri Lanka Office.

<sup>16</sup> Statement by Vidar Helgesen on 14 November 2003.

<sup>17</sup> A perspective on Karuna's defection provided by Dharmaratnam Sivaram "The Karuna Affair: The military connection" <http://www.tamilnation.org/forum/sivaram/040707.htm>



Eastern Commander until after the General Elections. But it moved swiftly immediately after the polls to remove Karuna. Following the collapse of his rebellion Karuna escaped to the South with a handful of loyalists. The deputy head of the Sri Lanka Monitoring Mission (SLMM) declared conclusively 'It is clear that LTTE had regained control of the area'<sup>18</sup>

It soon became also clear that the GoSL's defence ministry was providing the 'Karuna Faction' with logistical and moral support. At a cabinet press briefing on June 24, Information Minister Mangala Samaraweera admitted that a section of the military had indeed supported the Karuna faction, but without the government's approval!

There was further evidence that the opposition (UNF) too had a hand in Karuna's defection. During the Presidential Election campaign in 2005, senior members of the opposition including former government peace negotiator, Milinda Moragoda, claimed that it was they who had cultivated Karuna. UNF parliamentarian Ali Zahir Moulana Seyed admitted bringing the group to Colombo and amid the furore that followed, resigned as an MP.

It is significant that despite their differences the UNF and PA had cooperated in seeking to exploit the rebellion within the LTTE.

Karuna's defection had a huge impact on the Sinhala political establishment's attitude to the CFA. Many influential Sinhala opinion makers and newspapers urged the Government to take advantage of the split to weaken the LTTE militarily and politically.

The 'rebellion' itself began when Col Karuna, then the LTTE's commander of the Amparai-Batticaloa district refused to report to LTTE' Head Quarters in the Vanni when summoned to answer charges of corruption. On 3rd March, a spokesman for Col. Karuna told there was no split in the LTTE. "We will be functioning directly under the command of our leader"<sup>19</sup>, he said referring to reports in the media that there was a major split in the LTTE. The next day, sources close to Karuna claimed that "Rumours of the LTTE breaking up have been spread systematically to cause panic and fear among the people"<sup>20</sup>. On the same day S Thamilselvan, head of the LTTE's political wing told the SLMM delegation that the "crisis is only a temporary one and a resolution will be reached soon"<sup>21</sup>

During this period, several senior LTTE officials from the East under Karuna's command left him and travelled to the Vanni.

On 6th March, 2 days after Karuna's request to function 'directly' under Pirapaharan had been rejected; an official LTTE statement announced that Karuna had been discharged from the LTTE.

Karuna responded by accusing the LTTE leadership of regional bias. He claimed Tamils from the north were discriminating against Tamils from the East.

Meanwhile the Colombo establishment, media and sections of the Indian media began to speculate that Karuna's defection had caused a serious split within the LTTE. International media followed suit.

"The ability of the Tamil Tigers to wage war is in question"<sup>22</sup> said political analyst Pakiyasothy Saravanamuttu, Head of the

<sup>18</sup> Reuters, 13 April 2004

<sup>19</sup> TamilNet.Com 3 March 2004

<sup>20</sup> ibid

<sup>21</sup> ibid

<sup>22</sup> Quoted by Cohn, Martin Regg in the Toronto Star, 4 April, 2004.

Centre for Policy Alternatives, a Colombo based think tank, referring to the split. Iqbal Athas, a columnist for the Sunday Times, with an eye on the forthcoming election and arguing Karuna did have support in the East, concluded that "In the aftermath of the elections, Col Karuna no doubt will emerge strong. He will have parliamentary team and thus the leverage to bargain with whatever Government that will get elected. That will be the biggest threat for Mr Pirapaharan"<sup>23</sup> The Indian General Ashok K Metha predicted that 'it will take more than money and will power to take out Karuna'<sup>24</sup>. Reuters bureau chief Scott McDonald, quoting unnamed observers, noted that 'Karuna controls troops and territory in Sri Lanka that regular Tigers cannot get into. Of the several hundred soldiers seen in Karuna's camp, most were heavily armed.'<sup>25</sup> N Ram, whose antipathy to the LTTE was common knowledge, was disappointed that little was done to exploit the split when inaugurating a one day seminar on 'LTTE split and Implications'. Ram said that the "split had made the armed struggle for Tamil Eelam a non-starter"<sup>26</sup>

The swift operation mounted over the Easter weekend by the LTTE to remove Karuna and the TNA winning 20 of the 24 possible seats cast doubt on the more emphatic claims.

But Karuna's defection had provided the Government with an excuse to mount covert operations against the LTTE in the East. Sri Lankan military intelligence sponsored attacks could now be blamed on the renegade commander's forces. The government maintained somewhat disingenuously that it simply had no idea as to the whereabouts of Karuna.

There was, however, mounting evidence of GoSL's direct involvement in these operations. The paramilitary forces were openly operating from SLA camps or in camps in close proximity to these bases. The killings were executed in those areas under Government control.

In its issue of 31st October 2004, the Sunday Leader, a Colombo based English Language newspaper, disclosed the operation of paramilitaries working closely with the Directorate of Military Intelligence (DMI).

The LTTE responded to the actions of the paramilitary by targeting several paramilitary group members and supporters and officers of the Directorate of Military Intelligence.

Meanwhile there was no common basis for a resumption of talks. The ISGA, as far as the new Government was concerned was a non-starter. The LTTE insisted on an interim administration.

On 27th November 2004, the LTTE leader drew attention to this state of affairs by stating: "Sub-committees that were set up for the de-escalation of the conflict, for the restoration of normalcy, for the rehabilitation and resettlement of the displaced and for the reconstruction of the war damaged infrastructure, became non-functional" and concluded that the Tamil people "cannot continue to be entrapped in a political vacuum without an interim solution or a permanent settlement, without a stable peace and without peace of mind"

## 7.11. Tsunami

Within a month of this speech, the Indian Ocean tsunami struck on 24 December

<sup>23</sup> Sunday Times, 28 March 2004.

<sup>24</sup> The Pioneer, 24, March, 2004.

<sup>25</sup> Reuters, 13 March 2004.

<sup>26</sup> [www.observerindia.com/chapters/discussions/ds040326.htm](http://www.observerindia.com/chapters/discussions/ds040326.htm).

2004, devastating the Northern, eastern and southern coasts of the Island. The Northern and Eastern coast was the worst hit. Over 20,000 deaths died in the Northeast, and 10,000 in the south. The tsunami claimed 10,000 lives from each of the island's three ethnic communities, the Tamils, Muslims and Sinhalese.

The LTTE's response to the crisis in its controlled areas was acknowledged as efficient, but was confined to meeting the immediate needs of locating and reuniting dispersed families, disposing bodies, clearing debris and providing temporary accommodation to the survivors.

The much more arduous and important task of reconstruction and rebuilding required not only funds but also cooperation between the Government of Sri Lanka and the LTTE. The international community urged both sides to establish a joint body to oversee the tasks ahead.

After much resistance, the Sri Lankan Government agreed to a joint mechanism - the Post-Tsunami Operational Management Structure (P-TOMS) - only to have it immediately challenged by a constituent member of the ruling coalition, the ultranationalist JVP. The JVP filed a petition with the Supreme Court, rendering the mechanism inoperable.

The Canadian Liberal party parliamentarian, Hon. Maria Minna, on a fact finding mission to Sri Lanka in March 2005 was appalled by the antipathy of the Government to the Tamil survivors of the tsunami and was compelled to conclude: "To be honest with you, I am not terribly positive about the possibility of getting back to peace discussions if they can't agree on the reconstruction from the tsunami because

that should be an easier one."

Verena Graf, Secretary General of the International League for the Rights and Liberation of Peoples at the 61st Session of the UN Commission of Human Rights in Geneva pointed out that "The developments during the last three years compounded by the post-tsunami experiences raise the spectre that time is running out; that there is no hope for the Tamils within a united Sri Lanka, that their only chance lies in fighting for external self-determination."

Similarly, the International Educational Development in a written statement submitted at the 62nd Session argued that the Tamil people under the existing political structure are unable to effectively address anything of importance to them and as such are entitled to evoke their right to self-determination.

## 7.12. The Escalation of the Shadow War

The GoSL's major thrust during 2005 was to promote the activities of the paramilitaries and escalate the shadow war. Meanwhile President Kumaratunge and her Prime Minister, Mahinda Rajapakse, were preoccupied in a tussle about who was to be the ruling SLFP's next candidate at forthcoming Presidential election.<sup>27</sup>

Consequently, 2005 was marked by an escalation of the shadow war. Several Sinhala opinion makers were convinced that such a course of action, by exploiting Karuna's defection, would further undermine the LTTE already thought to have been weakened by the tsunami. In a piece published in the Lanka Academic website on 1st June 2005, Dayan Jayatilleke, a well known commentator endorsed this strategy by stating that "we, all of us, at every level,

<sup>27</sup> By November 2005, Kumaratunge's term in office was to end. Under the constitution the President was limited to only two terms in office. As such she could not contest the Presidential Elections. She was, however, anxious for her brother Anura Bandaranaike to be the next President. As Prime Minister, Rajapakse was the most senior of the Ministers and was the preferred candidate of the party. Kumaratunge, however, still had considerable support within the party to pose a challenge to Rajapakse's ambitions.

in and out of the military and state apparatus, must support Karuna to the hilt, strengthen and assist him to hit back at the murderous Tiger.”

The intensification of the shadow war resulted in several political assassinations in 2005.

These included:

The massacre on 7th February 2005, of Mr Kausalyan, the head of LTTE's Batticaloa-Amparai political division along with four others including former Tamil parliamentarian Chandra Nehru at a place between the Sri Lankan military bases at Welikanda and Punani by men dressed in Sri Lankan army uniforms.

The abduction and murder of respected Tamil journalist and activist Dharamaratnam Sivaram in April 2005 in Colombo.

The assassination of Sri Lanka's Foreign Minister Laxaman Kadirgamar, shot dead by a sniper in Colombo in August 2005.

The assassination Mr Joseph Pararajasingham, Member for Parliament for Batticaloa, who was shot dead by paramilitary gunmen in Church on Christmas Eve 2005.

### **7.13. Mahinda Rajapakse -Sri Lanka's New President**

In the Presidential Elections of November 2005, Mahinda Rajapakse, candidate of the SLFP, secured the majority of the Sinhala votes to emerge as the President. The Tamil people did not vote for either candidate, following the LTTE's call for a boycott of the election. The LTTE was accused of enforcing the boycott. Tamils in Colombo as well as the Northeast did not vote.

Backers of Ranil Wickramasinghe's can-

didacy Presidency were disappointed. They rightly believed that Wickramasinghe's defeat was due to the non-participation of the Tamils. The LTTE was blamed for engineering the election of Rajapakse, who ran on a strident Sinhala nationalist platform.

However, in the weeks running up to the November 17 election, Wickramasinghe and his party stalwarts also adopted Sinhala nationalist rhetoric, fuelling Tamil scepticism of his peace credentials.

Even before then Wickramasinghe's claim as a champion of the peace process had been greatly undermined by his reluctance to effectively address the pressing issues of restoring normalcy during the negotiations.

As Ana Pararajasingham, put it, "During his tenure as Prime Minister Wickramasinghe was reluctant to communicate to the Sinhala people the case for political power sharing, and during the Presidential Elections he was decidedly ambiguous in articulating his commitment to power sharing. This behaviour, together with what they had experienced of the Sinhala political leadership over the last five decades had convinced the Tamil people that there was little to distinguish between the Presidential contenders. As far as the Tamils were concerned Wickramasinghe and Rajapakse were simply two different sides of the same Sinhala chauvinistic coin."<sup>28</sup>

Rajan Sriskandarajah in an article titled "Sri Lanka Elections and Tamil Participation" argued that Tamil participation in elections had declined over the years because they realised that it made little difference. He supported his argument with the voting pattern in the Jaffna district which showed an impressive eighty two per cent turn out in 1977 and had dwindled pro-

<sup>28</sup> The Conflict in Sri Lanka: Ground Realities (ISBN 0-9775092-0-6), Publication of the International Federation of Tamils, December 2005.



gressively. "Whoever they (the Tamils) chose in the past didn't bring any satisfaction. So, this time they decided not to choose anyone." He concluded by stating "The choices offered in this election are not something an average Tamil voter could get enthused about. One candidate was totally anti-everything for Tamils. He had denied the existence of a Tamil homeland and the right of the Tamil people to have a control over their own affairs. The second candidate signed a ceasefire agreement that benefited mainly the Sinhalese and did nothing to improve the devastated lives of the Tamil people. He reneged on an agreed mechanism (SIHRN) for rehabilitation of the Tamil victims and went globe-trotting to build international support against the Tamil leadership. What choices did the Tamils have? Choose the lesser of two evils?"<sup>29</sup>

Not surprisingly, the new President elected on a platform denying the existence of a Tamil Homeland and a Tamil nation was irrevocably committed to the preservation of the unitary state. Rajapakse was backed by the ultra-nationalist Sinhala parties, the JVP and the JHU.

Rajapakse was thus faced with the contradiction between the unitary constitution of Sri Lanka reflecting the 'primacy and supremacy' of the Sinhala nation and the ground reality of an LTE-run de-facto state in the Northeast of the island - the Tamil Homeland.

Within weeks of the President assuming office, one of Sri Lanka's committed unitarists and leading lawyers, H L de Silva<sup>30</sup>, opposing the idea of federalism, claimed that a federal structure had the potential to pave the way for the emergence of an independent Tamil State. Hence, there was a need for the 'retrieval of territory that has

been lost', he argued, and concluded that "those elected to the seats of power" should meet the military challenge and resist unfair demands".<sup>31</sup> Couched in legal jargon, it was an unambiguous call on the Government to militarily retake the territory held by the LTTE.

H. L. de Silva's position proffered the rationale for the new government of President Mahinda Rajapakse to embark on his own version of a 'war for peace.'

President Rajapakse, who was also the Minister for Defence began by promoting the former Jaffna commander and known hardliner, Lt. Gen. Sarath Fonseka as head of the army and appointing his brother, Gotabaya Rajapakse, (a former Army officer) as Defence Secretary. H.M.G.B Kotakadeiya, a senior member of the ultra-chauvinist JHU (a junior partner in the government) was made an advisor to the Ministry of defence.

## 7.14. The Resumption of Hostilities and the Collapse of the CFA

Violence broke out in Jaffna and Trincomalee when the army clashed with civilians engaged in organising a protest meeting. A post-election lull in political killings ended with the abduction and murder of three Tamil men putting up pro-LTTE posters in Jaffna. Shortly thereafter, claymore mines blamed on the LTTE claimed the lives of several soldiers. The LTTE denied direct involvement and pointed to local civilian groups suggesting an intifada style uprising was underway. The GoSL responded by intensifying the shadow war and killing students in Trincomalee.

Despite the cycle of violence, the GoSL and the LTTE met in Geneva in February

<sup>29</sup> ibid

<sup>30</sup> Quite tellingly H.L de Silva was part of the delegations at talks held in Geneva during 2006.

<sup>31</sup> H.L de Silva at the Lalith Athulathmudali Oration at the BMICH and reported by the Ceylon Daily News, 7 December 2005.



2006 to discuss the implementation of the CFA. At the talks The LTTE stated "the Ceasefire Agreement is a well crafted, valid instrument of peace, devised for the purpose of bringing an end to hostilities and to create a positive environment conducive for meaningful negotiations."<sup>32</sup> It was the non-implementation of vital clauses relating to resettlement and the reigning in of paramilitaries that were the primary causes for the break down, the LTTE said.

The GoSL countered that the CFA itself required reviewing and amending. It declared that the "Ceasefire Agreement entered into between the then Prime Minister Ranil Wickremesinghe and Mr. V. Prabhakaran, the leader of the LTTE on the 22nd February 2002 is contrary to our Constitution and law."<sup>33</sup>

Following two days of acrimonious deliberation, the Norwegian facilitators, in a concluding statement stood by the CFA and reiterated that the GoSL was "committed to taking all necessary measures in accordance with the Ceasefire Agreement and to ensure that no armed group or person other than Government security forces will carry arms or conduct armed operation". Similarly they pointed out that the LTTE was "committed to taking all necessary measures to ensure that there will be no acts of violence against the Sri Lankan forces and the police"

The 'agreement' reached in Geneva was short lived. On 11th March 2006, clashes broke out between the LTTE and paramilitaries accompanied by Sri Lanka Army troops in close proximity to the Forward Defence Lines at the Verugal area.

In late March 2006, SLA Commander, Lieutenant General Sarath Fonseka, at a ceremony held to re-launch the army web-

site claimed that the CFA was flawed in that it permitted the LTTE to enter the Sri Lanka government controlled areas "to carry out political activities."

He complained that the SLA was not consulted when the CFA was signed and further stated that the Sri Lankan military is a legitimate entity whereas LTTE is a "terrorist entity".

He asserted that the SLA had no ties either with Karuna Group or with any other armed paramilitary group.

On 7th April 2006, paramilitary gunmen in Trincomalee shot dead Mr. V. Vigneswaran, the TNA's nominee to replace Joseph Pararajasingham, the parliamentarian assassinated in Batticaloa by paramilitary gunmen on Christmas Eve, 2005 while attending mass.

The killing resulted in a sharp escalation in attacks blamed on the LTTE.

On 25th April 2006, the SLA army chief, Sarath Fonseka was seriously wounded by a suicide bomber opposite Military Headquarters in Colombo. According to SLA officials a woman pretending to be pregnant, exploded a powerful bomb by a vehicle carrying Lt. Gen. Fonseka.

In response the GoSL launched a major air, sea and artillery bombardment of LTTE held areas in Trincomalee. In its press release of 29 April 2006, the SLMM not only pointed out that that such aerial bombardments were in violation of the CFA but went onto state that "Government Security forces have, in the North and the East, been involved in extrajudicial killings of civilians"<sup>34</sup>

The Asian Human Rights Commission (AHRC), a non-partisan, Human Rights

<sup>32</sup> GoSL-LTTE talks held in Geneva 22nd February 2006.

<sup>33</sup> *ibid.*

<sup>34</sup> Press Release by the Sri Lanka Monitoring Mission dated 29 April 2006.

organization, interpreted the situation as due to a failure of democracy, worried in its press release dated 27 April 2006 that war was breaking out.

"Violence is escalating in Sri Lanka, with an attack by a suicide bomber in Colombo on the army headquarters that has seriously injured the army commander and killed many others. In retaliation, the Government of Sri Lanka has ordered air and naval attacks on LTTE strongholds. The international media is announcing a "return to war" in response to this escalation of violence. The lower level of violence that prevailed during the cease fire is now being pushed higher.

"The fragile cease fire was all that could be achieved against a background of intense violence that has prevailed in the country for almost three decades.

"The AHRC has consistently pointed out that the crisis in Sri Lanka is a crisis of democracy, with its roots in the authoritarian style of rule that arose as a result of the 1978 Constitution"

On 13 May, 2006, Sri Lanka Navy (SLN) troopers from Mandaithivu surrounded a civilian house in Mandaithivu islet, west of Jaffna, and killed 8 civilians, including a four month old baby a four year old child and their parents. On 16 May 2006, Amnesty International condemned these killings, having "received credible reports that Sri Lanka Navy personnel and armed cadres were present at the scene of the killings", and highlighted that "there is a disturbing pattern of incomplete or ineffective investigations by the government, with the result that perpetrators of such violence generally operate with impunity".

On Thursday 15th June Sinhala several civilians were killed in a claymore mine blast which the government blamed on the LTTE. The LTTE denied the accusation and said the attack was carried out with the

intention to marginalise it further from the International Community.

In July 2006, Tamil residents of Mavil Aru closed a water supply running through LTTE controlled area towards the GoSL controlled area in protest at Colombo's decision to abandon a project to supply drinking water to them.

The project in question was one which the Asian Development Bank (ADB) had agreed to in 2002. It involved supplying drinking water to the LTTE administered (Tamil) region and water to the GoSL administered (Sinhala) region for farming purposes. However in July 2006, GoSL decided to confine the project to farming needs only, infuriating the local Tamil population and prompting them to close the sluices, in protest.

The GoSL's response to this was to accuse the LTTE of cutting off water to Sinhala villages and to launch a military offensive to capture Mavil Aru after several weeks of heavy fighting.

Although there had been several breaches of the CFA, this marked the first time demarcated territory changed hands. It also presaged a sustained series of GoSL military offensives in the eastern province.

Even when the SLMM – and Norwegian Special Envoy Jon Hanson-Bauer, who was visiting Kilinochchi - intervened and thrashed out a resolution to the dispute, the GoSL pressed its military advantage with a renewed ground offensive. The Head of the SLMM who was at the site to open the sluice gates narrowly escaped being killed in an artillery barrage.

Meanwhile, the LTTE counterattacked elsewhere in Trincomalee district, taking the hitherto GoSL held town of Muttur. The population, which initially concentrated for safety in local schools fled as Sri Lanka Army shells struck several schools. The LTTE held the town for 4 days before with-

drawing. On re entering, Muttur, the GoSL troops massacred 17 local employees working for a French aid organisation-Action Contre le Faim (ACF). The SLMM blamed government troops for the massacre which outraged the international community.

On 11 August, the GoSL closed the A9 Highway reimposing the blockade that was lifted soon after CFA was signed. The Sri Lanka military launched a major bombardment of LTTE-held areas in southern Jaffna and troops clashed with LTTE forces at the Muhamalai frontline.

Also on 12 August GoSL closed the entry points to and from LTTE held areas in Omanthai in Vavuniya district and in the Mannar district at Uyilankulam and Madhu junction, cutting off the region.

Although these were later opened, the A9 highway into Jaffna remains closed, cutting off the 600,000 residents and leaving them dependent on ship-based supplies.

On 14 August, 61 schoolgirls attending residential first aid course were killed and another 129 wounded when 4 Kfir jets dropped 16 bombs on the "Chencholai" children's home in Mullaitivu. The Sri Lankan government's defence spokesman, Minister Keheliya Rambukwella, insisted the bombed site was a Tamil Tiger training camp but SLMM officials dismissed the claim by categorically stating that it was not a military installation.<sup>35</sup>

Sri Lankan President Mahinda Rajapakse told the representatives of the Co-Chairs of Tokyo Donors' Conference for the Sri Lankan Peace Process, on 22nd August that LTTE controlled Sampoor posed a threat to Trincomalee Harbour.

In early September the Sri Lankan Army

launched a major ground offensive and captured Sampoor from the LTTE.

In October 2006, the GoSL's attempt to cross the Forward Defence Lines in Muhamalai in the North ran into serious trouble when the LTTE mounted a ferocious counter attack in which an estimated 200 Sri Lankan soldiers were killed. The SLA was forced to withdraw. The GoSL initially admitted to 139 missing in action or killed. In December 2006, Army Commander Sarath Fonseka told the United States, Under-Secretary of State Nicholas Burns that the military had lost about 300 soldiers within a week-and-a-half of battle in Muhamalai.<sup>36</sup>

In October, the Sri Lankan Navy also suffered heavy losses when a truck laden with explosives rammed into a convoy killing around 100 naval personnel. Later that month Sea Tiger boats penetrated into the Dakshina naval base in the south and inflicted considerable damage.

Despite the escalating violence the adversaries met in Geneva for talks on the 28th and 29th October.

The GoSL warned the LTTE to not consider its willingness to talks as a sign of weakness. It also reiterated that it stood for restoring democracy to the Northeast.

The LTTE stood by the full implementation of the CFA. Responding to the government on restoring democracy the LTTE called on the government to repeal the sixth amendment<sup>37</sup> to the Sri Lankan constitution, remove its armed forces from the Tamil homeland and hold a referendum under international supervision to ascertain the aspirations of the Tamil people.

Little was achieved during the two days

<sup>35</sup> Mr. Henricsson's interview with Sri Lanka's MTV television

<sup>36</sup> Lt General Fonseka was on a three-day official visit to the US. where he met Burns for a discussion that also involved Bernard Goonetilleke, Sri Lanka's ambassador to the US. (The Island, 3 December 2006).

<sup>37</sup> The amendment to the Sri Lankan Constitution passed in 1983 to prohibit directly or indirectly support, espouse, promote, finance, encourage or advocate the establishment of a separate State within the territory of Sri Lanka.

of acrimonious talks.

Throughout November and December the LTTE administered areas came under regular and heavy artillery and aerial attacks. The Vaharai region was targeted by the GoSL troops who laid siege, blocking food and other essentials. Several thousand people were displaced.

On 8th November over 50<sup>38</sup> displaced people in one camp were killed in an SLA artillery bombardment. Amnesty International condemned the attack saying "It is appalling that the military should attack a camp for displaced people -- these are civilians who have already been forced from their homes because of the conflict. We condemn all attacks on civilians and are particularly saddened and shocked to see such a large-scale attack on civilians<sup>39</sup>. Similar criticism was levelled by the International Committee of the Red Cross (ICRC) following the killings.

On 10th November 2006, Tamil parliamentarians belonging to the TNA staged a protest in Colombo calling on the UN to intervene in the killing of the displaced in Vaharai.

On 11th November 2006, Nadarajah Raviraj, a member of parliament and the chief organiser of the protest was shot dead in Colombo in broad daylight.

By mid January 2007 the LTTE withdrew from Vaharai. This was the third area from which the LTTE had withdrawn due to Sri Lankan military offensives, after Sampur in September 2006 and Mavil Aru in August 2006.

The CFA which was entered into on the premise that "Where forward defence localities have been established, the GoSL's

armed forces and the LTTE's fighting formations shall hold their ground positions" had unambiguously been breached, leading many to argue that the CFA had collapsed.

### 7.15. The De-Merger of the North East

On 16 October 2006, the Sri Lankan Supreme Court ruled that the merger of the Northern and Eastern Provinces enacted 18 years ago was unconstitutional, invalid and "illegal." The decision by the Supreme Court followed a petition and campaign, launched by the ultra-nationalist JVP.

The merger of the two provinces had been effected in 1988 as part of the Indo-Sri Lanka Accord which referred to the merged North Eastern Province (NEP) as "areas of historical habitation of Sri Lankan Tamil speaking peoples". Thus the merger implicitly acknowledged the existence of a Tamil Homeland.

Unsurprisingly the decision to de-merge was strongly criticised by Tamils. Tamil National Alliance (TNA) parliamentarians disrupted the proceedings in parliament the following day, protesting the Supreme Court ruling. A week later the entire North East came to a standstill amid a general strike expressing Tamil opposition to Colombo's move to de-merge the North East. The leader of the TNA, R Sampanthan accused the Government of perpetrating an injustice. "It is an injustice, as the court order has set aside an 18-year-old reality".<sup>40</sup>

On 8 November 2006, the Hindustan Times quoted Sampanthan saying that the judgement knocks the bottom out of the peace process as a merged north-eastern province must be the basis for any peace negotiations.

<sup>38</sup> International Educational Development (IED) and the Association of Humanitarian Lawyers (AHL) in their joint appeal on 10th November 2006 to Mme Louise Arbour, United Nations High Commissioner for Human Rights stated that those killed were at least 65.

<sup>39</sup> AI Index: ASA 37/032/2006 (Public) News Service No: 288 8 November 2006.

<sup>40</sup> BBC Tamil Service, 17 October 2006

India's position on the matter was again made clear when India's Foreign Secretary Shiv Shankar Menon insisted President Rajapakse merge the two provinces. Press reports had earlier twice quoted Indian Prime Minister Manmohan Singh as telling President Rajapakse that India was opposed to the de-merger.

### 7.16. Summary

The Norwegian peace process has floundered as Sinhala political parties exploited the situation to further their own domestic goals. UNP leader Wickramasinghe appeared to operate on the premise that by

portraying President Kumaratunge as a 'spoiler', he could convince the international community that he was constrained from taking the peace process forward.

President Kumaratunge on the other hand was inclined to bide her time to unseat the Prime Minister (at the expense of the peace process) by appealing to well entrenched Sinhala nationalism through the rhetoric of 'national security'

The LTTE on its part appeared more inclined to expose Sinhala intransigency and did little to address Sinhala perceptions of being a 'beleaguered people'<sup>41</sup> that lies at the root of this intransigency.

<sup>41</sup> Kumari Jayawardena, Sri Lankan Social Scientist regards the belief held by the Sinhalese of being a hemmed in minority in the region, a beleaguered group to be a factor in shaping this attitude. (Ethnic and Class Conflicts in Sri Lanka, Centre for Social Analysis, 1985).



## 8. The International Community

### 8.1. The Strategy of Containment

The role of the International Community in forging the CFA began with Norwegian officials meeting the leadership of the LTTE in October 2000. By this time it was obvious that the GoSL was clearly incapable of imposing a decisive military victory. 'The War for Peace' mounted by President Kumartunge which began with the occupation of the Jaffna Peninsula in 1995 had suffered serious military reversals. As Gajan Ponnambalam, the Tamil parliamentarian put it "the severe military reversals that the Sri Lankan State suffered, despite the international community aiding the State's military campaign, created serious doubts about the ability of the State to contain the LTTE. This reality was seriously taken note of by the international community. The Tamils have little doubt that it was precisely these concerns and the overwhelming desire to pursue a policy of containment of the LTTE that motivated key foreign States to actively push for a peace process between the GOSL and the LTTE"<sup>42</sup>

The 'key foreign States' behind the Norwegian initiative were the US, the European Union and Japan, who, along with Norway collectively described themselves as the 'Co-Chairs' of Sri Lanka's donor community and later as Co-Chairs of the peace process. The dominant member of this quartet was arguably the US. According to Vinothini Kanapathipillai, Deputy Editor of the Tamil Guardian, "The LTTE was welcoming of Norway, in the full knowledge that Oslo was fronting for the US and the European Union in the peace process"<sup>43</sup>

<sup>42</sup> In his paper entitled 'Northern Dynamics of the Peace Process' at Envisioning New Trajectories for Peace in Sri Lanka, International Seminar, Zurich, April 2006 conducted by the Centre for Just Peace and Democracy (CJPD) in collaboration with the Berghof Foundation for Conflict Studies, Sri Lanka Office.

<sup>43</sup> In her paper entitled "Too much, too fast or a peace trap?" at Envisioning New Trajectories for Peace in Sri Lanka, International Seminar, Zurich, April 2006 conducted by the Centre for Just Peace and Democracy (CJPD) in collaboration with the Berghof Foundation for Conflict Studies, Sri Lanka Office.

Despite the enthusiasm for third-party involvement, Tamils were not unaware of the strategy pursued by the US-led Co-Chairs. Ponnambalam noted: " Even though the Tamils had little doubt that the (international community's) push for a peace process was a strategy of containment, it was hoped that through engaging in such a process the international community could be exposed to Sinhala majoritarian hegemonism as being the real problem that stood in the way of striking a settlement, and to get the world to deal with it. The expectation is that the truth will compel the international community to pressure the Sri Lankan State to deliver"<sup>44</sup>.

The strategy of containment called for a differential approach by the Co-Chairs. Thus, the US took an openly pro-Colombo position, Norway adopted a neutral stand (an approach that resulted in Sinhala nationalist denigrating Norway as 'white tigers'), Japan confined itself to the role of a donor ready to assist in 'post-conflict restoration' and the EU an ally of the US but less strident in its support of GoSL.

The process began with the international community welcoming the CFA and the hosting of six rounds of talks within a relatively short period of a year. The strategy also required a 'carrot and stick' approach to encourage the LTTE to continue with the peace process.

The visit by Chris Patten, European Union's Commissioner for External Relations to Kilinochchi and his meeting with the leader of the LTTE was a 'carrot'. The 'stick' was to come later.

This strategy of containment was based on the notion that by preventing a complete breakdown of the cease-fire and by delivering 'normalcy' to the Tamil population

affected by the war, the Tamil people could be weaned from pursuing political independence. This strategy also assumed that Tamil aspirations could be managed via a power sharing arrangement with the state, where Colombo took on the role of the Central Government with an autonomous Tamil-dominated entity. Such an arrangement clearly fitted wider international aspirations for the region. According to Maj. Gen. (retd) Trond Furuhoide, former head of the Sri Lanka Monitoring Missions (SLMM), " The role of the Americans is dictated by their new strategy based on their changed interests in Asia. During 2004-05 America reduced its military presence in Japan and South Korea. To compensate for this they will now increase their influence in the Indian Ocean. China has increased its presence in these same oceans, as has India. The background for them all is the wish for control of the sea routes from the west, through the Malacca Strait into the South China Sea. In this picture Sri Lanka with its geographic location takes a central place. The east coast of the island with the harbour city of Trincomalee and the Batticaloa lagoon offers extremely important sea-strategic possibilities."

In order for the 'containment' strategy to be successful, the Sinhala political establishment had to cooperate by agreeing to restore normalcy to the population affected by the two decade old war. Although Ranil Wikramasinghe, the co signatory to the CFA, appeared willing to go along with this strategy he was unable to deliver on the promise of restoring normalcy. Nor was President Kumaratunge, whose antipathy to the CFA was undisguised.

Having failed in their attempts to take Colombo with them in implementing the strategy of containment, the Co-Chairs

<sup>44</sup>In his paper entitled "Northern Dynamics of the Peace Process' at Envisioning New Trajectories for Peace in Sri Lanka, International Seminar, Zurich, April 2006 conducted by the Centre for Just Peace and Democracy (CJPD) in collaboration with the Berghof Foundation for Conflict Studies, Sri Lanka Office

sought to pressure the LTTE by adopting a tougher policy of openly supporting Colombo. This, the Co-Chairs believed, was both a way to retain their influence with Colombo and coerce the LTTE.

At the time of the Presidential Elections, Wickramasinghe whose pro-western credentials were unquestionable, was by far their preferred choice. Two key allies of Rajapakse (JVP and JHU) had demanded the removal of Norway and were strident in their anti-western rhetoric. In spite of this when Rajapakse was elected President, the Co-Chairs had no hesitation in continuing with their support to Colombo notwithstanding the presence of anti-western allies in the Government.

The Colombo based Centre for Policy Alternatives (CPA) pointed to "strategic miscalculations on the part of the LTTE. It would seem that they (LTTE) calculated on a Rajapakse presidency adopting a hard line which in turn would justify a hard line stance on their part..... Built into the LTTE strategic calculus was a humanitarian intervention by the international community, which it believed would be to its advantage. Despite the grave humanitarian and human rights crisis no international intervention has been forthcoming or is likely to be in the future"<sup>45</sup>

The international community's inclination to openly support the Sri Lankan state remained the only constant despite Colombo's increasingly hardline stand and violations of human rights, Professor John Neelson noted, "despite continued intransigence on the part of Colombo, neither the Western media nor their public nor the occidental governments have changed sides. On the contrary, after initial sympathy, govern-

ments have sharpened their criticism of the LTTE"<sup>46</sup>.

International pressure on the LTTE began even before Rajapakse became President. On 29 September 2005, the EU announced that members of the LTTE will not be permitted to visit to EU countries, blaming the LTTE for the assassination of Sri Lanka's Foreign Minister Laxman Kadirgamar in August 2005.

Predictably, Tamil Diaspora organisations and activists raised their objections. The response of the Australasian Federation of Tamil Associations in its media release dated 7th October was typical: "As a Co Chair to the Peace Process, the EU's conduct in restricting the LTTE from visiting EU countries has further undermined the LTTE's capacity to negotiate with the Sri Lankan regime as an equal. Enduring solutions can only be forged where both parties perceive themselves to be equals. It was the realisation that there was parity in terms of military capabilities that led to a Cease-Fire Agreement (CFA) between the Government of Sri Lanka (GoSL) and the LTTE. In order for the truce that resulted from the CFA to be transformed into an enduring peace, it is vital that the parties to the conflict are treated as equals by the facilitator. Instead, the EU's action has only served to destroy the LTTE's status as an equal. And not being an equal the LTTE's is constrained in its capacity to negotiate. Nelson Mandela's observation that "Only free men can negotiate; prisoners cannot enter into contracts" accurately reflects the LTTE's predicament"

On 9th January 2006, The United States Ambassador to Sri Lanka, Jeffrey Lunstead, told a business gathering in Colombo that "Through our military training and assis-

<sup>45</sup> War, Peace and Governance in Sri Lanka, CPA, 2007.

<sup>46</sup> In his paper at Envisioning New Trajectories for Peace in Sri Lanka, International Seminar, Zurich, April 2006 conducted by the Centre for Just Peace and Democracy (CJPD) in collaboration with the Berghof Foundation for Conflict Studies, Sri Lanka Office.

tance programs, including efforts to help with counterterrorism initiatives and block illegal financial transactions, we are helping to shape the ability of the Sri Lankan Government to protect its people and defend its interests."<sup>47</sup>

The speech was made within a month of the election of President Rajapakse whose hardline stand on resolving the conflict was not only well known, but was being implemented.

In April 2006, Dr Sathananthan argued that the "ongoing Oslo-sponsored 'peace process', backed by the Co-Chairs (US, Norway, EU and Japan) of the Sri Lanka Donor Consortium, is the international community's current ruse to help the (Sri Lankan) State once again achieve military domination. The so-called 'peace process' is a power struggle in the political arena that complements the military power struggle – both overt operations and covert 'shadow war' – on the battlefield. The Sinhala State's aim is to eliminate the LTTE's defensive military shield and then dismantle the de facto Tamil State."<sup>48</sup>

In May 2006, the EU proscribed the LTTE as a terrorist organisation. The ban was backed by the US whose Principal Deputy Assistant Secretary of State for South and Central Asian Affairs, Donald Camp, told a Sri Lankan TV station: "We have encouraged the EU to list the LTTE. We think the LTTE is very deserving of that label. We think it will help cut off financial supplies and weapons procurement and the like."<sup>49</sup>

The LTTE's Chief negotiator Anton Balasingham, when asked about the impending ban, warned that "The more the international community alienates the LTTE, the more the LTTE will be compelled to tread a hardline individualist path."<sup>50</sup>

The LTTE responded to the EU ban by declaring that given EU's partisan role, nationals from EU countries could no longer be members of the SLMM.

In an interview with the BBC on 20th August 2006, Norwegian Special Envoy John Hanssen-Bauer said that the EU's decision had damaged the chances of renewed talks. Some Tamils dismissed the Envoy's comments as a sop to Tamil outrage. Nevertheless, it was clear that the EU's proscription had emboldened Colombo. Jonathan Steele, reporting for the UK Guardian 6 months after the listing referred to it as "a badly timed and stupid move."<sup>51</sup>

At a press conference in Washington on 21 November 2006, US Under Secretary of State Nicholas Burns declared in strident terms - "We believe that the Tamil Tigers, the LTTE, is a terrorist group responsible for massive bloodshed in the country and we hold the Tamil Tigers responsible for much of what has gone wrong in the country. We are not neutral in this respect."<sup>52</sup>

On 29 January 2007, Ambassador to Sri Lanka Robert Blake, reiterated US support to Sri Lanka by stating that "We are a strong supporter in assisting Sri Lanka combat terror by helping to stop the financing and flow of arms to the LTTE, by provid-

<sup>47</sup> Tamilnet.com 10 January 2006.

<sup>48</sup> In his paper entitled 'Re-envisioning Sri Lanka: ways forward and breaking the deadlock' at Envisioning New Trajectories for Peace in Sri Lanka, International Seminar, Zurich, April 2006 conducted by the Centre for Just Peace and Democracy (CJPD) in collaboration with the Berghof Foundation for Conflict Studies, Sri Lanka Office.

<sup>49</sup> Deccan Herald 17 May 2006

<sup>50</sup> <http://www.sibernews.com/news/sri-lanka/-200605184342/>

<sup>51</sup> The Guardian, February 9, 2007 in an article titled "Sri Lanka's president seems as mindless as any bomber"

<sup>52</sup> Press Conference on Tokyo Donors Conference, 21 November 2006.

ing law enforcement assistance, and by providing training and equipment to help the Sri Lankan military to defend itself."<sup>53</sup>

Despite its open support for Colombo, the Co-Chairs insist they are for a negotiated settlement which is, ironically, central to the 'strategy of containment'. The Co-Chairs do not want a full-blown war and realise that unless Tamil aspirations are met to a reasonable extent, the conflict is unlikely to end.

## 8.2. The Indian Factor

The actions of the US-led Co-Chairs and the GoSL inclination to call upon China for economic aid and Pakistan for military assistance, has caused considerable Indian interest and concern. Whilst supporting the Norwegian initiative, India has also been cautious. Dr Sathananthan, a Delhi based Political Scientist and Tamil activist, suggests American interests in South Asia are "to encircle China, bring India to heel and to entrench US domination of the Indian Ocean maritime lanes."<sup>54</sup>

In October 2006, an analysis published by tamilnation.org argued that there are: "two geopolitical triangles juxtaposing on the Indian Ocean's background: U.S.-India-China relations and China-Pakistan-India relations. In this complicated geopolitical configuration, New Delhi is not simply a partner of China or the United States: India is emerging as a major power that follows its own grand strategy in order to enhance its power and interests."<sup>55</sup>

The Indian Government's recent voicing of concern about the plight of Tamil civilians displaced by the actions of the GoSL, its refusal to extend overt military assistance

to Sri Lanka and the Indian Prime Minister's meeting with Tamil Parliamentarians belonging to the TNA (regarded as close to the LTTE) indicate that India is continuously re-evaluating its role vis-à-vis Sri Lanka.

In this context one cannot ignore the call made by Kuldip Nayar, the noted Indian journalist and head of the Indian Peace Mission to Sri Lanka who on a visit to Colombo in early November 2006, said that India should lift the ban on the LTTE and engage with it politically. Nayar was India's High Commissioner to Britain and a former Member of the upper House (Raj Saba) of the Indian Parliament.

Alongside engagement with the TNA, there are efforts to cultivate Tamil groups opposed to the LTTE. India's multi-faceted approach and in particular playing the 'Tamil card' are part of efforts to reassert Indian influence in the Indian Ocean. To quote tamilnation.org "What has changed since January 2006, is that Sri Lanka President Rajapakse has increasingly sought to use the political space provided by the two geopolitical triangles in the Indian Ocean: U.S. - India - China relations and China - Pakistan - India relations to advance his own agenda. And both US and New Delhi are concerned that President Rajapakse's actions (and his covert reliance on the JVP) may threaten each of their own (and different) strategic interests. Hence the attempts by US ... and India ... to reign in President Rajapakse - and also neutralise the JVP."<sup>56</sup>

At the same time Delhi cannot be unmindful of the support that the Tamils of Tamil Nadu have recently begun to show in the face of the onslaught by the GoSL.<sup>57</sup>

<sup>53</sup> Tamilnet.com, 29 January 2007.

<sup>54</sup> Northeastern Herald, August 2006.

<sup>55</sup> <http://www.tamilnation.org/forum/ana/061014containment.htm>.

<sup>56</sup> *ibid*.



### 8.4. Summary

Despite having helped forge a truce in the form of the CFA between the protagonists, the Co-Chairs have not been able to sustain the peace process. This is because the strategy of containment pursued by the Co-Chairs through the peace process was flawed in assuming that the GoSL would cooperate by helping restore 'normalcy' to the Tamil population affected by the war and pursue genuine power-sharing with the Tamils.

The Sinhala polity was unconvinced by the Co-Chairs' strategy of weaning the Tamil people from pursuing political independence. Instead driven by its inclination to look upon any power sharing arrangement to have the potential to result in Tamil independence, the Sinhala polity increasingly saw the CFA as a 'peace trap'.

The LTTE's attempts to expose 'Sinhala

intransigence' as the real problem through 'flexible' posturing and 'agreeing to explore federal structures' did not succeed either because it was viewed by both the Sinhala polity and the Co-Chairs simply as a counter strategy to the latter's 'containment'

The 'carrot and stick' policy adopted by the Co-Chairs to deal with the LTTE by initially treating them as equals (carrot) and then labelling them as 'terrorists' (stick) has not helped the Co-Chairs to contain the situation and has instead emboldened Sinhala nationalists to pursue a military solution, while narrowing the space for international engagement.

India, caught between pursuing its old failed policy of backing anti-LTTE Tamil groups on the one hand and one of engaging indirectly with the LTTE has not been able to further its own interests or those of the Tamils for whose welfare it had expressed great concern.

<sup>57</sup> The Tamil Nadu Chief Minister's declaration at the Eelam Tamils' Protection Convention on 7th December 2006 that he would be the first person to visit an independent Tamil Eelam was perhaps a reflection of these sentiments. (<http://news.sulekha.com/tag/Sri%20Lanka/>).

## 9. The Way Forward

On 9th February 2007, Mahinda Rajapakse, told BBC News that: "Today we realise we have made a mistake. Through the peace pact, we have demarcated areas called LTTE-controlled areas"<sup>58</sup> Amid the ongoing series of military offensives, the statement underscored Rajapakse's commitment to dismantling the de facto Tamil State. Given its implications for domestic (i.e. southern) politics, it suggested moreover that he was confident a military victory over the LTTE was not only possible, but also imminent.

Then there is the policy position announced by the leader of the LTTE on 27 November 2006, declaring that "The uncompromising stance of Sinhala chauvinism has left us with no other option but an independent state for the people of Tamil Eelam

Although, the central axiom of the International Community that there is no military solution to Sri Lanka's conflict has been asserted time and again, the strategies pursued by the stakeholders (the GoSL, LTTE and the Co-Chairs) have led to the collapse of the CFA and endangered the peace process.

Any efforts to build peace must, as visiting British Minister Tim Howell, pointed out in February 2007, be predicated on a stable ceasefire.

As the first few years of the CFA have amply demonstrated, it is possible to silence the guns. But history cannot be undone. In order for a credible and viable peace process to evolve, there will have to be attitudinal shifts, not just on the part of the GoSL and the LTTE, but also the international community. The initial optimism produced by the CFA foundered amongst what, in hindsight is plain to see, was a hurried effort in containing the LTTE.

In order to rule out a military solution, it becomes necessary to address the concerns of all parties (local and foreign), who clearly have a stake in the outcome.

Primarily the search for peace in Sri Lanka will have to involve exploring 'imaginative associative structures whereby the Sinhalese and Tamil peoples can peacefully coexist, and freely associate and cooperate in certain vital spheres of common concern (and there are many), so that the welfare of both people can be safeguarded and enhanced"<sup>59</sup>

<sup>58</sup> <http://www.lankasun.com/modules/news/article.php?storyid=6041>.

<sup>59</sup> Sumantra Bose, in "States, Nations, Sovereignty-Sri Lanka, India and the Tamil Eelam Movement", Sage Publications, New Delhi, 1994

## Appendix A

# AGREEMENT ON A CEASEFIRE BETWEEN THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA AND LIBERATION TIGERS OF TAMIL EELAM

### Preamble

The overall objective of the Government of the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as the GOSL) and the Liberation Tigers of Tamil Eelam (hereinafter referred to as the LTTE) is to find a negotiated solution to the ongoing ethnic conflict in Sri Lanka.

The GOSL and the LTTE (hereinafter referred to as the Parties) recognize the importance of bringing an end to the hostilities and improving the living conditions for all inhabitants affected by the conflict. Bringing an end to the hostilities is also seen by the Parties as a means of establishing a positive atmosphere in which further steps towards negotiations on a lasting solution can be taken.

The Parties further recognize that groups that are not directly party to the conflict are also suffering the consequences of it. This is particularly the case as regards the Muslim population. Therefore, the provisions of this Agreement regarding the security of civilians and their property apply to all inhabitants.

With reference to the above, the Parties have agreed to enter into a ceasefire, refrain from conduct that could undermine the good intentions or violate the spirit of this Agreement and implement confidence-building measures as indicated in the articles below.

### Article 1: Modalities of a ceasefire

The Parties have agreed to implement a ceasefire between their armed forces as follows:

- 1.1 A jointly agreed ceasefire between the GOSL and the LTTE shall enter into force on such date as is notified by the Norwegian Minister of Foreign Affairs in accordance with Article 4.2, hereinafter referred to as D-day.

### Military operations

- 1.2 Neither Party shall engage in any offensive military operation. This requires the total cessation of all military action and includes, but is not limited to, such acts as:
  - a) The firing of direct and indirect weapons, armed raids, ambushes, assassinations, abductions, destruction of civilian or military property, sabotage, suicide missions and activities by deep penetration units;
  - b) Aerial bombardment;
  - c) Offensive naval operations.
- 1.3 The Sri Lankan armed forces shall continue to perform their legitimate task of safeguarding the sovereignty and territorial integrity of Sri Lanka without engaging in offensive operations against the LTTE.

**Separation of forces**

- 1.4 Where forward defence localities have been established, the GOSL's armed forces and the LTTE's fighting formations shall hold their ground positions, maintaining a zone of separation of a minimum of six hundred (600) metres. However, each Party reserves the right of movement within one hundred (100) metres of its own defence localities, keeping an absolute minimum distance of four hundred (400) metres between them. Where existing positions are closer than four hundred (400) metres, no such right of movement applies and the Parties agree to ensure the maximum possible distance between their personnel.
- 1.5 In areas where localities have not been clearly established, the status quo as regards the areas controlled by the GOSL and the LTTE, respectively, on 24 December 2001 shall continue to apply pending such demarcation as is provided in article 1.6.
- 1.6 The Parties shall provide information to the Sri Lanka Monitoring Mission (SLMM) regarding defence localities in all areas of contention, cf. Article 3. The monitoring mission shall assist the Parties in drawing up demarcation lines at the latest by D-day + 30.
- 1.7 The Parties shall not move munitions, explosives or military equipment into the area controlled by the other Party.
- 1.8 Tamil paramilitary groups shall be disarmed by the GOSL by D-day + 30 at the latest. The GOSL shall offer to integrate individuals in these units under the command and disciplinary structure of the GOSL armed forces for service away from the Northern and Eastern Province.

**Freedom of movement**

- 1.9 The Parties' forces shall initially stay in the areas under their respective control, as provided in Article 1.4 and Article 1.5.
- 1.10 Unarmed GOSL troops shall, as of D-day + 60, be permitted unlimited passage between Jaffna and Vavunia using the Jaffna-Kandy road (A9). The modalities are to be worked out by the Parties with the assistance of the SLMM.
- 1.11 The Parties agree that as of D-day individ-

ual combatants shall, on the recommendation of their area commander, be permitted, unarmed and in plain clothes, to visit family and friends residing in areas under the control of the other Party. Such visits shall be limited to six days every second month, not including the time of travel by the shortest applicable route. The LTTE shall facilitate the use of the Jaffna-Kandy road for this purpose. The Parties reserve the right to deny entry to specified military areas.

- 1.12 The Parties agree that as of D-day individual combatants shall, notwithstanding the two-month restriction, be permitted, unarmed and in plain clothes, to visit immediate family (i.e. spouses, children, grandparents, parents and siblings) in connection with weddings or funerals. The right to deny entry to specified military areas applies.
- 1.13 Fifty (50) unarmed LTTE members shall as of D-day + 30, for the purpose of political work, be permitted freedom of movement in the areas of the North and the East dominated by the GOSL. Additional 100 unarmed LTTE members shall be permitted freedom of movement as of D-day + 60. As of D-day + 90, all unarmed LTTE members shall be permitted freedom of movement in the North and the East. The LTTE members shall carry identity papers. The right of the GOSL to deny entry to specified military areas applies.

**Article 2: Measures to restore normalcy**

The Parties shall undertake the following confidence-building measures with the aim of restoring normalcy for all inhabitants of Sri Lanka:

- 2.1 The Parties shall in accordance with international law abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment.
- 2.2 The Parties shall refrain from engaging in activities or propagating ideas that could offend cultural or religious sensitivities. Places of worship (temples, churches, mosques and other holy sites, etc.) currently held by the forces of either of the Parties shall be vacated by D-day + 30 and made accessible to the public. Places of worship which are situated in "high security zones" shall be vacated by all armed personnel and

maintained in good order by civilian workers, even when they are not made accessible to the public.

- 2.3 Beginning on the date on which this Agreement enters into force, school buildings occupied by either Party shall be vacated and returned to their intended use. This activity shall be completed by D-day + 160 at the latest.
- 2.4 A schedule indicating the return of all other public buildings to their intended use shall be drawn up by the Parties and published at the latest by D-day + 30.
- 2.5 The Parties shall review the security measures and the set-up of checkpoints, particularly in densely populated cities and towns, in order to introduce systems that will prevent harassment of the civilian population. Such systems shall be in place from D-day + 60.
- 2.6 The Parties agree to ensure the unimpeded flow of non-military goods to and from the LTTE-dominated areas with the exception of certain items as shown in Annex A. Quantities shall be determined by market demand. The GOSL shall regularly review the matter with the aim of gradually removing any remaining restrictions on non-military goods.
- 2.7 In order to facilitate the flow of goods and the movement of civilians, the Parties agree to establish checkpoints on their line of control at such locations as are specified in Annex B. 2.8 The Parties shall take steps to ensure that the Trincomalee-Habarana road remains open on a 24-hour basis for passenger traffic with effect from D-day + 10.
- 2.9 The Parties shall facilitate the extension of the rail service on the Batticaloa-line to Welikanda. Repairs and maintenance shall be carried out by the GOSL in order to extend the service up to Batticaloa.
- 2.10 The Parties shall open the Kandy-Jaffna road (A9) to non-military traffic of goods and passengers. Specific modalities shall be worked out by the Parties with the assistance of the Royal Norwegian Government by D-day + 30 at the latest.
- 2.11 A gradual easing of the fishing restrictions shall take place starting from D-day. As of D-day + 90, all restrictions on day and night

fishing shall be removed, subject to the following exceptions: (i) fishing will not be permitted within an area of 1 nautical mile on either side along the coast and 2 nautical miles seawards from all security forces camps on the coast; (ii) fishing will not be permitted in harbours or approaches to harbours, bays and estuaries along the coast.

- 2.12 The Parties agree that search operations and arrests under the Prevention of Terrorism Act shall not take place. Arrests shall be conducted under due process of law in accordance with the Criminal Procedure Code.
- 2.13 The Parties agree to provide family members of detainees access to the detainees within D-day + 30.

### **Article 3: The Sri Lanka Monitoring Mission**

The Parties have agreed to set up an international monitoring mission to enquire into any instance of violation of the terms and conditions of this Agreement. Both Parties shall fully cooperate to rectify any matter of conflict caused by their respective sides. The mission shall conduct international verification through on-site monitoring of the fulfilment of the commitments entered into in this Agreement as follows:

- 3.1 The name of the monitoring mission shall be the Sri Lanka Monitoring Mission (hereinafter referred to as the SLMM).
- 3.2 Subject to acceptance by the Parties, the Royal Norwegian Government (hereinafter referred to as the RNG) shall appoint the Head of the SLMM (hereinafter referred to as the HoM), who shall be the final authority regarding interpretation of this Agreement.
- 3.3 The SLMM shall liaise with the Parties and report to the RNG.
- 3.4 The HoM shall decide the date for the commencement of the SLMM's operations.
- 3.5 The SLMM shall be composed of representatives from Nordic countries.
- 3.6 The SLMM shall establish a headquarters in such place as the HoM finds appropriate. An office shall be established in Colombo and in Vanni in order to liaise with the GOSL and the LTTE, respectively. The SLMM will maintain a presence in the districts of Jaffna, Mannar, Vavuniya, Trincomalee,



Batticaloa and Amparai.

- 3.7 A local monitoring committee shall be established in Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Amparai. Each committee shall consist of five members, two appointed by the GOSL, two by the LTTE and one international monitor appointed by the HoM. The international monitor shall chair the committee. The GOSL and the LTTE appointees may be selected from among retired judges, public servants, religious leaders or similar leading citizens.
- 3.8 The committees shall serve the SLMM in an advisory capacity and discuss issues relating to the implementation of this Agreement in their respective districts, with a view to establishing a common understanding of such issues. In particular, they will seek to resolve any dispute concerning the implementation of this Agreement at the lowest possible level.
- 3.9 The Parties shall be responsible for the appropriate protection of and security arrangements for all SLMM members.
- 3.10 The Parties agree to ensure the freedom of movement of the SLMM members in performing their tasks. The members of the SLMM shall be given immediate access to areas where violations of the Agreement are alleged to have taken place. The Parties also agree to facilitate the widest possible access to such areas for the local members of the six above-mentioned committees, cf. Article 3.7.
- 3.11 It shall be the responsibility of the SLMM to take immediate action on any complaints made by either Party to the Agreement, and to enquire into and assist the Parties in the settlement of any dispute that might arise in connection with such complaints.
- 3.12 With the aim of resolving disputes at the lowest possible level, communication shall be established between commanders of the GOSL armed forces and the LTTE area leaders to enable them to resolve problems in the conflict zones.
- 3.13 Guidelines for the operations of the SLMM shall be established in a separate document.

#### **Article 4: Entry into force, amendments and termination of the Agreement**

- 4.1 Each Party shall notify its consent to be

bound by this Agreement through a letter to the Norwegian Minister of Foreign Affairs signed by Prime Minister Ranil Wickremesinghe on behalf of the GOSL and by leader Velupillai Pirabakaran on behalf of the LTTE, respectively. The Agreement shall be initialled by each Party and enclosed in the above-mentioned letter.

- 4.2 The Agreement shall enter into force on such date as is notified by the Norwegian Minister of Foreign Affairs.
- 4.3 This Agreement may be amended and modified by mutual agreement of both Parties. Such amendments shall be notified in writing to the RNG.
- 4.4 This Agreement shall remain in force until notice of termination is given by either Party to the RNG. Such notice shall be given fourteen (14) days in advance of the effective date of termination.

## **ANNEXES**

Annex A: List of goods

Annex B: Checkpoints

### **ANNEX A**

The Parties agree to ensure the flow of non-military goods to and from LTTE dominated areas of the Northern and Eastern Province, as well as unimpeded flow of such goods to the civilian population in these areas. Non military goods not covered by article 2.6 in the Agreement are listed below:

- Non military arms/ammunition
- Explosives
- Remote control devices
- Barbed wire
- Binoculars/Telescopes
- Compasses
- Penlight batteries

Diesel, petrol, cement and iron rods will be restricted in accordance with the following procedures and quantities:

- Diesel and petrol The Government Agents (GA) will register available vehicles; tractors and motorcycles in the LTTE controlled areas. The GA will calculate the required weekly amount of diesel and petrol based on the following estimate:
- Cement Cement required for rehabilitation

and reconstruction of Government property; registeret co-operatives; or approved housing projects implemented by the GOSL and international NGOs and more affluent members of the society; will be brought in directly by relevant institutions under licenses issued by Government Agents. The GA shall stipulate the monthly quantities permitted for such project based upon planned and reported progress. Cement required for individual shops/ constructions/ house owners/rehabilitation-initiatives will be made available through the co-operations on a commercial basis. The monthly import for this purpose will be limited to 5000 bags during the first month and thereafter 10 000 bags/month. Individual sales by the co-operatives will be registered and limited to 25 bags per household.

- Iron rods Iron rods for building constructions will be brought in to the LTTE controlled areas under licenses issued by the GA.

A monthly reassessment will be made to assess the possibilities of removal of the above restrictions.

#### ANNEX B

Checkpoints agreed in § 2.7 are as follows:

- Mandur
- Paddirupur
- Kaludaveli Ferry Point
- Anbalantivu Ferry Point
- Mamunai Ferry Point
- Vanvunateevu
- Santhiveli Boat Point
- Black Bridge
- Sitandy Boat Point
- Kiran bridge
- Kinniyadi Boat Point
- Valachenai
- Makerni
- Mahindapura
- Muttur
- Ugilankulam
- Omanthai

## Appendix B

### LTTE suspends negotiations with Sri Lanka

April 21, 2003

*(In a letter addressed to Mr. Ranil Wickremesinghe, the Prime Minister of Sri Lanka, Mr. Anton Balasingham, the LTTE's Chief Negotiator and Political Advisor, while expressing the LTTE leadership's regret at having been compelled to make this painful decision, reiterated the LTTE's commitment to seek a negotiated political solution to the ethnic question and called upon the Sri Lankan government to restore confidence in the peace process by implementing, without further delay, the normalisation aspects of the cease-fire agreement.*

*Mr. Balasingham further said that the LTTE leadership has decided not to participate in the international donor conference to be held in Japan in June.)*

The full text of Mr. Balasingham's letter to Mr. Wickremesinghe follows:

"Dear Prime Minister,

In accordance with the decision of our leadership I am advised to bring to your urgent attention the deep displeasure and dismay felt by our organisation on some critical issues relating to the on-going peace process.

You are well aware that the Ceasefire Agreement that has been in force for more than one year and the six rounds of peace negotiations between the principal parties has been successful, irrespective of the occurrence of some violent incidents that endangered the peace process. The stability of the cease-fire and the progress of the peace talks, you will certainly appreciate, are the positive outcome of the sincere and firm determination of the parties to seek a permanent resolution to the ethnic conflict through peaceful means. The cordial inter-relationship, frank and open discussions and the able and wise guidance of the facilitators fostered trust and confidence between the negotiators and helped to advance the talks on substantial levels. The negotiating teams were able to form important sub-committees on the basis of equal and

joint partnership. During the early negotiating sessions it was agreed that the Government of Sri Lanka and the LTTE should work together and approach the international community in partnership. The Oslo Donor Conference held on 25 November 2002 turned out to be an ideal forum for such joint endeavour.

The LTTE has acted sincerely and in good faith extending its full co-operation to the government of Sri Lanka to seek international assistance to restore normalcy and to rehabilitate the war affected people of the northeast. The LTTE to date has joined hands with the government and participated in the preparation of joint appeals and programmes. In spite of our goodwill and trust, your government has opted to marginalize our organisation in approaching the international community for economic assistance. We refer to the exclusion of the LTTE from the crucial international donor conference held in Washington on 14 April 2003 in preparation for the major donor conference to be held in Japan in June. We view the exclusion of the LTTE, the principle partner to peace and the authentic representatives of the Tamil people from discussions on critical matters affecting the economic and social welfare of the Tamil nation, as a grave breach of good faith. Your government, as well as our facilitator Norway, are fully aware of the fact that the United States has legal constraints to invite representatives of a proscribed organisation to their country. In these circumstances an appropriate venue could have been selected to facilitate the LTTE to participate in this important preparatory aid conference. But the failure on the part of your government to do so gives cause for suspicion that this omission was deliberate. The exclusion of the LTTE from this conference has severely eroded the confidence of our people in the peace process.

As you are aware, considerable optimism and hopes were raised among the people when your government, shortly after assuming power, entered into a ceasefire agreement with our organisation, bringing to an end twenty years of savage and bloody conflict. Expectations were further raised when both sides began direct negotiations with Norwegian facilitation. In particular, there was a justifiable expectation that the peace process would address the urgent and immediate existential problems facing the people of the north and east, particularly the million people who are internally displaced by the conflict and are languishing in welfare centres and refugee camps.

As such, the Ceasefire Agreement included crucial conditions of restoring normalcy which required the vacation, by occupying Sri Lankan troops, of Tamil homes, schools, places of worship and public buildings. Despite the agreed timeframe for this evacuation of troops, which has since passed, there has been no change in the ground situation. We have repeatedly raised the issue of continuing suffering of our people at every round of talks with your government. Your negotiators' repeated assurances that the resettlement of the displaced people would be expedited have proven futile. The negotiations have been successful in so far as significant progress has been made in key areas, such as the agreement to explore federalism on the basis of the right to self-determination of our people. But this progress has not been matched by any improvement in the continuing hardships being faced by our people as a result of your government's refusal to implement the normalisation aspects of the Ceasefire Agreement and subsequent agreements reached at the talks. As a result, considerable disillusionment has set in amongst the Tamil people, and in particular the displaced, who have lost all hope the peace process will alleviate their immense suffering.

Though there is peace due to the silencing of the guns, normalcy has not returned to Tamil areas. Tens of thousands of government troops continue to occupy our towns, cities and residential areas suffocating the freedom of mobility of our people. Such a massive military occupation of Tamil lands, particularly in Jaffna - a densely populated district - during peace times denying the right of our displaced people to return to their homes, is unfair and unjust.

Your government, in international forums, continues to place poverty as the common phenomenon affecting the entire country. The Poverty Reduction Strategy forms the essence of the document 'Regaining Sri Lanka' which defines the macro-economic policy of your government. Though poverty and poverty alleviation constitute the centrality of the new economic vision of your government as exemplified in 'Regaining Sri Lanka' the document fails to examine the causality of the phenomenon of poverty, the effects of ethnic war and the unique conditions of devastation prevailing in the northeast.

In our view, the conditions of reality prevailing in Tamil areas are qualitatively different from southern Sri Lanka. The Tamils faced the brunt of the brutal war. Twenty years of intense and inces-

sant war has caused irreparable destruction to the infrastructure in the northeast. This colossal destruction augmented by continued displacement of the people and their inability to pursue their livelihoods due to military restrictions and activities have caused untold misery and extreme poverty among the people of the northeast. Continued displacement has also depleted all forms of savings of these people disabling them from regaining their lives on their own. The war-affected people need immediate help to regain their dignity. They need restoration of essential services to re-establish their lives. Reconstruction of infrastructures such as roads, hospitals, schools and houses are essential for them to return to normal life.

The poverty that is prevailing in southern Sri Lanka is a self-inflicted phenomenon, caused by the disastrous policies of the past governments (both the UNP and the SLFP) in dealing with the Tamil national conflict. In its fanatical drive to prosecute an unjust war against the Tamil people, the Sinhala state wasted all national wealth to a futile cause. The massive borrowings to sustain an absurd policy of 'war for peace' by the former government caused huge international indebtedness. The economic situation of the south has been further worsened by the mismanagement of state funds, bad governance and institutional corruption. Therefore, the conditions prevailing in the south are distinctly different from the northeast where the scale and magnitude of the infrastructural destruction is monumental and the poverty is acute. Ignoring this distinctive reality, your government posits poverty as a common phenomenon across the country and attempts to seek a solution with a common approach. This approach grossly under states the severity of the problems faced by the people in the northeast.

The government's 'Regaining Sri Lanka' document completely lacks any form of identified goals for the northeast. Statistics presented for substantiating the policy totally ignore the northeast and

solely concentrate on southern Sri Lanka. However, this has been promoted as the national strategy to the international community to seek aid. It is evident from this that the government lacks any comprehensive strategy for serious development of the northeast. The Poverty Reduction Strategy fails to address the poverty of the northeast as distinct from the rest. In seeking international assistance your government disingenuously speaks of reconstruction being needed in all areas, thereby masking the total destruction of the infrastructure of the northeast which has resulted from the militarist policies of the past three decades.

As we pointed out above, the exclusion of the LTTE from critical aid conference in Washington, the non-implementation of the terms and conditions enunciated in the truce document, the continuous suffering and hardship experienced by hundreds of thousands of internally displaced Tamils, the aggressive Sinhala military occupation of Tamil cities and civilian settlements, the distortion and marginalisation of the extreme conditions of poverty and deprivation of the Tamils of the northeast in the macro-economic policies and strategies of the government have seriously undermined the confidence of the Tamil people and the LTTE leadership in the negotiating process. Under these circumstances the LTTE leadership has decided to suspend its participation in the negotiations for the time being. We will not be attending the donor conference in Japan in June. While we regret that we were compelled to make this painful decision, we wish to reiterate our commitment to seek a negotiated political solution to the ethnic question. We also urge the Government of Sri Lanka to restore confidence in the peace process amongst the Tamil people by fully implementing, without further delay, the normalisation aspects of the Ceasefire Agreement and permit the immediate resettlement of the internally displaced people of the northeast. We also request the government to re-evaluate its economic development strategy to reconstruct the Tamil nation destroyed by war."



## Appendix C

### NORWAY TEMPORARILY WITHDRAWS FROM PEACE PROCESS

#### STATEMENT MADE BY DEPUTY FOREIGN MINISTER VIDAR HELGESEN

14 NOVEMBER 2003

Over the past days we have had a large number of meetings, including three with Prime Minister Ranil Wickremesinghe, two with President Chandrika Bandanaraike Kumaratunga and one yesterday with LTTE leader Velupillai Prabhakaran.

Yesterday, in our meeting with the LTTE in Kilinochchi, Mr Prabhakaran asked for a guarantee that the Ceasefire Agreement (CFA) would be respected. In particular he wanted an assurance that the freedom of movement for political cadres be respected in areas held by the Government. We have received very clear assurances that the CFA will be respected and that the Sri Lankan Armed Forces (SLAF) are instructed to continue extending their full co-operation with the Sri Lanka Monitoring Mission. The freedom of operation and the security of SLMM personnel is of particular importance to the Nordic countries participating in the SLMM.

The international community has shown a remarkable degree of support and interest for the peace process in Sri Lanka. The amount of money pledged in the donor conferences in Oslo in November last year and in Tokyo in June this year clearly demonstrates the commitment of the international community to assisting Sri Lanka in its efforts for peace.

Since last week, however, developments that are not part and parcel of the peace process have changed that picture dramatically. The resumption of peace talks is seriously impeded by the political crisis in the south. This has disturbed the peace process and caused serious concerns in the international community.

We deem this a very serious situation. Not because the peace process is fragile, but because it might be made fragile. Even though most concerned parties and players pledge their commitment to upholding the ceasefire, and even though there is overwhelming public support for the peace process, we need to make clear that the ceasefire will be much more difficult to sustain in a political vacuum. If progress in the political negotiations is made impossible, the ceasefire will become increasingly fragile.

It is clearly not, and it has never been, within Norway's mandate to facilitate between the political parties in the south. As far as our mandate goes, we have one clear conclusion: Peace talks could have started tomorrow, provided there were clarity about who is holding political authority and responsibility on behalf of the Government to ensure the continuation of the ceasefire agreement and the resumption of peace negotiations. Until last week there was such clarity. Today there is no such clarity.

Until such clarity is re-established, there is no space for further efforts by the Norwegian government to assist the parties.

## Appendix D

### **The Opening Address by Minister Nimal Siripala de Silva, the Head of the Delegation, Government of Sri Lanka at the Peace Talks in Geneva on 22 February 2006**

*Hon. Minister Erik Solheim and the Facilitation team, Mr. Anton Balasingham and members of the LTTE delegation, Colleagues,*

#### **I. Introduction**

On behalf of H.E. the President of the Republic of Sri Lanka Mahinda Rajapaksa and the Government of Sri Lanka, I am pleased to make these preliminary comments at the commencement of the talks between the Government of Sri Lanka and the LTTE, facilitated by the Royal Norwegian Government and hosted by the Government of Switzerland. At the outset, let me thank all the parties, including the Co-Chairs, who have worked tirelessly to make this event a reality.

At this stage, I would also like to express the hope of the Government and the People of Sri Lanka that these discussions will mark a significant chapter in the dialogue between the Government of Sri Lanka and the LTTE. It is also our wish that this dialogue would form the basis of a meaningful ceasefire where the beneficiaries of it would be all the People of Sri Lanka.

An analysis of successful negotiations worldwide would perhaps establish the fact that successes have resulted on occasions where parties to the conflict have had the courage, dedication and determination to pursue a solution through a continuous process of dialogue with sincerity. We should keep in mind that no issue is insurmountable, if the interests of the People and the Country are kept uppermost in our minds. Accordingly, it is our desire to express our views in a frank and forthright manner, rather than to make vague and ambiguous statements that would serve no useful purpose, although they may appear more acceptable on the surface.

As we all know, H.E. the President Mahinda Rajapaksa was elected on a platform of seeking an "honorable peace." On that basis, our delegation affirms and emphasizes the position of the Government of Sri Lanka that the Ceasefire Agreement entered into between the then Prime Minister Ranil Wickremesinghe and Mr. V.

Prabhakaran, the leader of the LTTE on the 22nd February 2002 is contrary to our Constitution and law. Furthermore, it is prejudicial to the sovereignty and the territorial integrity of the Republic of Sri Lanka. Nevertheless, we acknowledge that certain benefits flowed to the People from the observance of the ceasefire, which resulted in our strong determination and desire to preserve the ceasefire.

We also consider the ceasefire as a first step to arrive at a negotiated settlement to the ongoing conflict and we propose to rectify certain grave anomalies arising from the agreement.

Since assuming office, our President has at various times and occasions extended invitations to begin a dialogue with the LTTE. Furthermore, our Government has been keen that the overall process of discussion and dialogue should be of an inclusive nature since it affects the whole Nation. We take pride in the fact that the Government's participation at these talks in Geneva is with the support and goodwill of all the democratically elected political parties in Sri Lanka.

The discussions at the All Parties Conference held over the past few weeks resulted in the consensus that we initiate this dialogue with the LTTE. These discussions also served to prepare a common platform for the dialogue that we are commencing today with renewed hopes and expectations. This fact is significant since it is the first time in the history of this conflict that such a consensus has been reached. Therefore, I am privileged and honored to lead the Government's delegation that is in Geneva today with the strong support from the Peoples' representatives of Sri Lanka.

#### **II. A Fresh Approach**

H.E. President Mahinda Rajapaksa was elected to office on 17th November 2005 with a mandate from the Nation to work towards the achievement

of an honourable peace. The Mahinda Chintana, which encapsulates the President's vision for the country, makes it clear that the President has recognized the need for a direct dialogue with the LTTE, in the pursuit of such a goal. He has even stated that he is prepared to meet with the Leader of the LTTE and other representatives for such discussions. Notwithstanding the clear enunciation of such a position, it was unfortunate that upon assumption of office, H.E. the President was confronted with a number of acts which would easily qualify as being highly provocative. Such acts had the potential to disturb and deflect us from the path of dialogue and discussion. However, our President with his deep commitment to peace, reacted with patience and restraint to contain the tension that resulted from these acts of provocation and hostilities.

This enlightened response was certainly not a sign of weakness, but a display of our firm commitment to peace. We are therefore thankful to the international community for their steadfast encouragement for the commencement of these discussions. It is also our considered view that in the event such provocations had continued unabated, the repercussions may have been extremely dangerous with further loss of lives and the ceasefire becoming totally meaningless and leading to its eventual collapse.

Let me at this stage assure all, that it is the desire of H.E. President Rajapaksa to look at issues from a fresh perspective to find a sustainable solution to the conflict that engulfs our country. Let me also re-iterate that our Government is committed to talk, listen and think afresh.

### **III. Democracy and Human Rights**

Sri Lanka is one of Asia's most long-standing democracies. The people have enjoyed uninterrupted universal franchise since 1931, long before gaining independence in 1948. For over 65 years, our people have elected their own representatives to Parliament, from all ethnic groups. Both within the confines of Parliament and beyond, the right to criticize both the Government and the Opposition is an integral part of the freedom of expression. We must therefore ensure that all citizens of our country, wherever they may live, are free to exercise their franchise at free and fair elections, whether they be Sinhala, Tamil, Muslim, Malay, Burgher or any other group however small in numbers. The democratic process must prevail. Accordingly, no community or any section of a community should be deprived and denied their right to vote freely

and to exercise their right to elect the representatives of their choice to whom they would entrust leadership.

It was a sad day for democracy in our country when at the Presidential Elections of November 2005, the LTTE forced the people in certain districts to observe a boycott of elections through coercion and general intimidation. It was a gross violation of democratic rights. In addition, the widespread rigging and corrupt election practices in many parts of the North at the general elections in April 2004 which was confirmed by the international election monitors could also be cited as further evidence of the LTTE's disregard for democracy. It is in that context that the Government of Sri Lanka sincerely hopes that with a meaningful ceasefire, the people in the North could participate freely in the democratic process. We are confident that these sentiments will also be endorsed by the international community where such democratic norms prevail.

Mindful of the respective rights of the ethnic and religious groupings as enshrined in the Constitution, our Government is committed to maintaining the multi-ethnic, multi-religious and pluralist character of Sri Lanka. All persons irrespective of their race, religion, caste or gender are equal before our law. All our people whichever part of Sri Lanka they live in, are protected by these basic fundamental rights. These rights must not be truncated in any part of Sri Lanka, thereby depriving those persons of equality before the law. It is unfortunate that the LTTE has unlawfully deprived the Tamils, Muslims and Sinhalese of these fundamental and human rights, recognized in our law and in international law, in particular in Killinochchi and Mullaitivu districts in the North of Sri Lanka.

As we all know, as a result of the ceasefire that has been in effect since February 2002, the LTTE has been able to engage itself in political activity. At that time, it was the intention that other political parties, too, should also be permitted to engage themselves in political activity in the North and East without hindrance. However, it is regrettable that this aim could not be achieved due to the LTTE's hostile acts, including the assassination and abduction of political activists, which has obstructed the legitimate political activity of others. It is our hope that we would be able to move towards the restoration of the democratic values

which are so important in a civilized society.

#### **IV. Ceasefire Violations**

As set out in the preamble of the Agreement on a Ceasefire between the then Prime Minister Hon. Ranil Wickremesinghe and the LTTE, entered into on 22nd February 2002, four years to the day today, the importance of bringing the end to hostilities and improving the living conditions of all persons affected by the conflict was recognized. An end to hostilities was also seen as a means of establishing a positive atmosphere in which further steps towards a lasting solution could be taken.

However, the available evidence suggests that the LTTE had taken undue and unfair advantage of the ceasefire to strengthen its military capability. Repeated calls by the Government of Sri Lanka, the SLMM, and the international community to the LTTE to desist from such behavior has unfortunately not been heeded. This has resulted in a large number of significant violations which has seriously undermined the spirit of the ceasefire and threatened its termination.

The number of ruled violations by the LTTE as determined by the Sri Lanka Monitoring Mission (SLMM) since the beginning of the ceasefire up to the end of last month is a massive 3519. In comparison, the SLMM has determined that the GOSL has violated the agreement on 163 occasions. This shows that 96% of all violations have been committed by the LTTE. The violent incidents committed by the LTTE include assassinations, child recruitment and kidnappings, abductions of adults, suicide missions, killings of military and civilian persons, harassment of students and political workers, and destruction of property. Such incidents have seriously undermined the sustainability of the ceasefire and disturbed the return to normalcy for civilians in Sri Lanka, particularly in the North and East.

At this moment, we also wish to pay tribute to one of the great statesmen of our times, the late Hon. Lakshman Kadirgamar, President's Counsel, the former Minister of Foreign Affairs of Sri Lanka. Hon. Lakshman Kadirgamar was internationally respected, widely acclaimed and highly honored. As the Minister of Foreign Affairs, he toiled hard pursuing a solution to our conflict. The fact that such a person was assassinated by the LTTE when the ceasefire was in force demonstrates the disregard with which the agreement had been treated and also highlights the significant deficiencies of the current ceasefire.

These circumstances underscore the inherent weaknesses in the existing ceasefire agreement as well as the lacuna in setting out norms for its effective implementation. These also show that the lack of sanctions being attached to violations when there are clear determinations made by the SLMM, is a very serious shortcoming that needs to be addressed in the interest of all concerned.

In expressing its views about the ceasefire, the Government of Sri Lanka must take into account the concerns of all of the people of Sri Lanka. The Government takes this obligation seriously and has engaged in consultations with representatives of all ethnic communities in preparing for these talks. In this context, we also wish to raise some of the concerns of the Muslim community with regard to the ceasefire.

As we all know, almost the entire Muslim community in the North was forcibly expelled by the LTTE during the time of the conflict. Families were ordered to leave their homes with only the possessions they could carry in their hands, on a few hours notice. Lives were lost, homes abandoned, and businesses forced to shut down. It was the hope of the Muslim people that the ceasefire would create the conditions that would enable them to feel secure to return to their homes and re-establish their lives. Unfortunately, most of these internally displaced people still linger in refugee camps or have been resettled elsewhere. Muslim people also face serious challenges to their security in the East, where incidents of violence threaten the civilian population at regular intervals.

It is the belief of the Government of Sri Lanka that the dialogue about the ceasefire would take into account the urgent concerns of the Muslim community. Accordingly, these issues and interests must be adequately addressed for the ceasefire to be meaningful.

#### **V. Children Affected by the Armed Conflict**

The Government of Sri Lanka has always endeavored to respect the rights of children. We have demonstrated this commitment by becoming a party to the major international human rights conventions, including the International Convention on the Rights of the Child. This convention casts upon the Government, the obligation to protect the rights of all Sri Lankan children including children affected by armed conflict.

Well before assuming office as President, H.E. President Mahinda Rajapaksa had earned himself an outstanding reputation as a champion of human



rights and as an ardent advocate for safeguarding the rights of children. It was therefore not surprising that as soon as he was elected as President, he established a new ministry for children to provide for the legal and social conditions to protect all children and ensure their welfare. Naturally therefore, we are seriously concerned whenever the denial of these rights takes place within the territory of Sri Lanka as it is contrary to our law, international obligations and the basic fundamentals of a civilised society.

In the context of the Government of Sri Lanka's overall commitment toward children and the obligations it has undertaken under international law, we find the violations of the rights of children committed by the LTTE as being totally unacceptable and deeply distressing.

The use of children by the LTTE in combat has been extensively documented by the SLMM, UNICEF, and other international agencies. According to UNICEF documentation, 5368 children are known by UNICEF to have been recruited by the LTTE, a figure that UNICEF acknowledges is under-representative of the actual number. Since the beginning of the ceasefire through 30 January 2006, the SLMM has ruled 2,011 violations against the LTTE for incidents of child recruitment and abduction; this number represents 55% of the total violations of the Ceasefire Agreement. UNICEF has also reported that child recruitment and kidnapping is continuing unabated as per their latest report of January 2006. Notwithstanding the concerns of almost the entire world community, it is sad that the LTTE has continued to demonstrate their disregard for the rights of children. The recent incident where three Government police officers associated with the National Child Protection Agency were abducted by the LTTE while the officers were in pursuit of a known pedophile is a clear illustration of this unfortunate situation.

The importance and urgency of addressing the issue of child soldiers has been recognized by the United Nations Security Council, which in its recently passed Resolution 1612 urged strong action to be taken against parties that recruit and abduct underage children into their ranks. The LTTE has been identified as such a violating party in a Report submitted to the Security Council by the Secretary-General of the United Nations. However, despite repeated international condemnations of the incidents of recruitment and abduction of children, the violations continue to occur. It is the Government of Sri Lanka's fervent hope that

a dialogue on this issue could contribute to creating a meaningful ceasefire, one in which all children of Sri Lanka are free to blossom and develop themselves into healthy and productive members of society.

## VI. Law and Order

One of the cornerstones of a democracy is an environment of security. Without law and order and its enforcement, individuals are not free to exercise the full range of rights they are entitled to. Freedom of speech and the right to engage in political activities are meaningless if the exercise of these rights could lead to abduction or death. A state of ceasefire does not override the existing law and order mechanisms in society. For this reason, the Government of Sri Lanka deplores the large number of killings of Sri Lankans of various ethnic groups after the ceasefire of February 2002. These killings have seriously undermined the ceasefire. The Government expresses its grave displeasure and disappointment that deficiencies in the ceasefire agreement have been exploited in this manner, leading to serious strains being placed on the enforcement machinery of our system of law and order.

The Government of President Mahinda Rajapaksa is committed to maintaining law and order without discrimination in every part of our country. His new administration initiated a program that extensively cracked down on organized criminals, underworld gangs, armed groups and narcotics dealers. This program is continuing with great intensity today. Criminals, whichever part of the country they operate in, are subject to this crack-down as the scope of this program covers the entire country. On that basis, the Government has already taken all necessary action to bring the perpetrators of certain recent crimes to justice in accordance with the due process of law. The murders of youth in Trincomalee, the reported abductions of members of the Tamil Rehabilitation Organization, TRO, the assassination of Parliamentarian Joseph Pararajasingham and all other reported incidents are being diligently investigated by our law enforcement authorities and we are taking all necessary action to bring the perpetrators of these crimes to justice.

It is also clear that certain parties with vested interests are attempting to accuse and discredit the Government of Sri Lanka for various alleged incidents. A critical examination of some of the recent allegations indicates that the media had been informed of some incidents well before such inci-



dents have even been brought to the notice of the law enforcement authorities. In some cases, evidence has not been freely forthcoming and hardly any cooperation has been extended by the complainants. Such behaviour casts serious doubt on the reliability and authenticity of the complaints themselves. These facts seem to suggest that some of these allegations may have been cleverly stage managed and hence we wish to inform the international community that such incidents would have to be more extensively investigated prior to opinions being expressed about the veracity of the claims.

### **VII. Economic development**

From the first day of his election to the office of President, the Government of H.E. the President Mahinda Rajapaksa has demonstrated its unwavering commitment to achieve substantial and sustainable economic development in all parts of the country. It is our stated goal to bring prosperity to all citizens of Sri Lanka. It is with that objective in mind that the Government has invested heavily in provincial development. In particular, the Government recognizes that the Northern and the Eastern provinces should be accorded special attention so as to enable these areas to expeditiously recover from the devastation of the conflict and the tsunami.

It is in this context that the Mahinda Chintana has enumerated a series of development projects to expeditiously solve the problems of the people living in the Northern and Eastern provinces. These proposals have been given life through appropriations in the budget that was presented by H.E. the President. As a Government, we are committed towards implementing these projects so as to restore accelerated economic activity.

The Government is also fully aware that the people of the North and the East have suffered tremendously in the wake of the tsunami that struck our country in December 2004. We have already implemented many schemes to provide relief to the tsunami affected people with the consultation and participation of the affected communities.

In our view, certain violations of the ceasefire

have resulted in serious economic hardships being caused to farmers, fishermen, and others involved in economic pursuit in the Northern and Eastern provinces. For example, in the Jaffna district, monetary surcharges are imposed on farmers and they also undergo tremendous difficulties in the transportation of their produce. Such factors result in lowering the prices that they could command for their produce. Consequently, their earnings are reduced considerably. The Government of Sri Lanka is concerned about the plight of these farmers and others whose living standards have declined as a result of the restrictive practices imposed by the LTTE. We believe these issues too, should be resolved so as to restore normalcy in the economic conditions in the North and the East.

The Government sincerely believes that taking steps towards establishing a meaningful and effective ceasefire would be one of the most important initiatives to provide for the improvement of the economic conditions of the people in the North and the East.

It is our earnest hope that our discussions would pave the way for the realization of such a ceasefire, which would thereby lead to a peaceful environment that is so important for economic development and investment.

### **VII. Concluding Remarks**

Hon. Minister Erik Solheim and the Facilitation team, Mr. Anton Balasingham and members of the LTTE delegation, Our talks today marks a new beginning. Given the pragmatism, courage and far-sightedness of H.E. the President, we are confident that this beginning could be nurtured towards the achievement of the goals we have set ourselves.

We recognize, however, that the path ahead is likely to be one of challenge and complexity. Nevertheless, we sincerely believe that we should leave no stone unturned to bring about a peaceful environment in our country. We fervently hope that the LTTE would also respond with sincerity to develop a framework that would result in the cessation of hostilities and embark on the path of non-violence.

We owe that duty and commitment to our people wherever they may live.

## Appendix E

### **The Opening Address by Anton Balasingham, the chief negotiator of the Liberation Tigers of Tamil Eelam, (LTTE) at the Peace Talks in Geneva on 22 February 2006.**

The most constructive achievement of the Norwegian facilitated peace process has been the signing of the Ceasefire Agreement between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), exactly four years ago today, on the 22 February 2002. The event brought an end to the bloody ethnic war that lasted more than two decades, causing massive scale death and destruction. Though the truce agreement has been subjected to enormous strains, particularly during the latter part of 2005, it still holds, having prevented the parties in conflict from embarking on major armed confrontations. I should say that it is the truce agreement that has helped to avert the outbreak of an all-out war and created the present environment where both the parties could engage in a dialogue to enhance the conditions of peace and normalcy in the war affected northeast.

The Ceasefire Agreement was not formulated in haste to the advantage of one party, as some critics have argued, but rather, given careful and meticulous scrutiny to all aspects - terms, conditions and obligations - of the truce by both parties, with the skilled assistance of the Norwegian facilitators. The Ceasefire Agreement is a well crafted, valid instrument of peace, devised for the purpose of bringing an end to hostilities and to create a positive environment conducive for meaningful negotiations. Therefore, the Ceasefire Agreement should be viewed as an effective mechanism that can facilitate and promote the peace process.

We are of the opinion that the Ceasefire Agreement is the foundation upon which the peace process has to be built. It is true that in recent times the truce accord has been severely undermined as a consequence of the rapid escalation of violence in the northeast, particularly during the latter part of last year and in January this year, when it turned into an ugly form of a shadow or subversive war. This violent phenomenon has been characterised by arbitrary killings, abductions and disappearances of Tamil civilians in the northeast.

According to authentic records, 109 Tamil civilians have been arbitrarily killed by the Sri Lankan armed forces with the active assistance of the Tamil paramilitaries. Forty eight civilians have disappeared after being arrested or abducted by the Sri Lanka military. This horrendous violence was unleashed against Tamil civilians, particularly in Jaffna, with the sinister objective of terrorising the Tamil civilian population. This terrorisation of our people was intended as collective punishment against the whole Tamil population for the many soldiers killed in the subversive war.

Our delegation will submit, for your scrutiny, comprehensive reports providing detailed information about the nature of violence committed against Tamil civilians by the Sri Lankan armed forces since the new government took office on 19 November 2005. We will also submit detailed reports about civilians killed and injured by the Sri Lankan armed forces and Tamil paramilitaries during the entire ceasefire period of the last four years.

Similarly, we suppose that your government is going to submit detailed reports of acts of ceasefire violations, allegedly committed by the Liberation Tigers.

Your government has already released statistics accusing the LTTE of committing 5464 violations of ceasefire during the last four years. We cannot accept such exaggerated figures as authentic acts of ceasefire violations. A huge majority of those figures are attributed to recruitment. These are cases of under aged youth said to be joining the LTTE. Your government, as well as the SLMM, have accused the LTTE of under aged recruitment, without taking into consideration the complex child rights issues in the northeast and the number of children released by the LTTE under the Action Plan for the War affected Children undertaken in association with UNICEF. Mr Tamilselvan will give you a briefing later on the child rights situation in the northeast.

In this context I wish to point out that the government as well as the SLMM have conveniently ignored the vast number of ceasefire violations committed by the Tamil paramilitaries in the form of arbitrary killings of civilians, political assassinations, abductions, harassment, extortion, intimidation, assault, torture and forced conscription of children. Most of these crimes committed by paramilitaries are blamed on the LTTE. I am sorry to say that it is only recently that the SLMM has realised the negative consequences of the violence of the Tamil paramilitaries and expressed serious concern that such 'armed elements' are posing a serious threat to peace. Since the criminal violence of Tamil paramilitaries has become a critical issue in the implementation process of the truce agreement, the government should give serious thought to containing such forces in order to stabilise the conditions of peace.

The main topic for discussion at this negotiating table is the Ceasefire Agreement. As the parties in conflict who entered into this peace accord, we must endeavour to seek practical ways of implementing the Ceasefire Agreement effectively, so that the truce becomes constructive, productive and meaningful. We are of the view that the recent escalation of violence, that brought the parties to the brink of an all-out war, was primarily due to the non-implementation of the obligations of the truce.

The implementation of the confidence building measures, as enunciated in the articles of the Ceasefire Agreement, are extremely crucial to the process of the de-escalation and normalisation. The following are the key elements of the Ceasefire Agreement stipulated as confidence building measures that are vital to create conditions of normalcy in the northeast.

- Clause 1.2. Neither party shall engage in any offensive military operations.
- Clause 1.8. Tamil paramilitary groups shall be disarmed by the GOSL by D-day + 30 at the latest. The GOSL shall offer to integrate individuals in these units under the command and disciplinary structure of the GOSL armed forces for service away from the Northern and Eastern Province.
- Clause 1.13. As of D-day + 90, all unarmed LTTE members shall be permitted freedom of movement in the North and East.
- Clause 2.1. The Parties shall in accordance with international law abstain from hostile

acts against the civilian population.

- Clause 2.2., 2.3., 2.4. stipulate places of worship, school premises and public buildings 'occupied by either party shall be vacated and returned to the intended use'.
- Clause 2.5. The Parties shall review the security measures and the set-up of checkpoints, particularly in densely populated cities and towns, in order to introduce systems that will prevent harassment of the civilian population.
- Clause 2.11. A gradual easing of fishing restrictions shall take place starting from D-day. As of D-day + 90, all restrictions on day and night fishing shall be removed subject to certain exceptions...
- Clause 2.12. The Parties agree that search operations and arrests under the Prevention of Terrorism Act shall not take place.

Ever since the truce agreement was signed the Government of Sri Lanka has failed to implement these key clauses. The LTTE has repeatedly appealed to the government to fulfil its obligations under the peace accord. We have also taken up the issue of the non-implementation of the terms and conditions of the Ceasefire Agreement during our peace talks with Mr Ranil Wickremasinghe's government. All our genuine efforts to ensure the full implementation of the key elements of the Agreement became futile.

The co-habitation conflict, or rather, the power struggle between the Wickremasinghe government and President Kumaratunga became a serious impediment to advance the peace process and to secure proper implementation of the ceasefire.

With the termination of the peace talks, the security situation in the north east began to deteriorate.

The violence of the Tamil paramilitaries intensified in the form of a dirty subversive war directed against our cadres and supporters, a shadow war in which the Sri Lanka armed forces actively colluded with the Tamil armed groups. We will submit for your examination a comprehensive report on Tamil paramilitary organisations operating in the northeast and in Colombo. The report provides ample evidence on the existence of the main paramilitary groups, their leadership, the command structure, the location of their camps and their close relationship with the Sri Lanka armed forces, particularly with the Sri Lanka military intelligence.

The existence of Tamil armed paramilitary groups is an indisputable fact. Since these Tamil armed organisations are sustained, supported and controlled by the Sri Lanka military, we categorise them as paramilitaries. They are not simply 'armed elements' functioning independently in a political vacuum, as some people assume. They are well organised militant forces, properly trained and armed in subversive warfare and function covertly in connivance with the Sri Lanka armed forces. Some of the armed organisations have a long history, extending to more than two decades. Originally they took arms for a political cause, but later, with the Indian intervention in Sri Lanka, they abandoned their political ideals and became mercenary armed groups under the Indian Peace Keeping Forces to fight against the LTTE.

Following the withdrawal of the IPKF, these armed organisations changed their loyalty and allegiance to 'new masters', that is, the Sri Lanka state and its military and intelligence apparatus, in the war against the LTTE. Though these armed groups registered themselves as political parties and claimed to have entered the democratic political mainstream, they have not dismantled their military units nor have they abandoned armed violence. We have, in our report, listed several incidences of armed violence committed by these Tamil paramilitary groups in which several leaders and cadres of our organisation, as well as prominent parliamentarians, journalists, educationists and civilian supporters, were executed in cold blood. We will provide maps in our report indicating the close proximity of paramilitary camps of the EPDP and other groups to Sri Lankan army camps and police stations.

You are well aware that Clause 1.8 of the Ceasefire Agreement specifically stipulates that the Tamil paramilitaries should be disarmed by the GOSL. Yet, the Sri Lanka government, to date, has failed to honour this crucial obligation, which is vital for strengthening the conditions of peace and normalcy. The SLMM has also warned that the peace environment is seriously threatened by the violence of these Tamil armed groups. The international community, represented by the Co-Chairs, have also made statements calling upon your government to disarm the paramilitaries and to put an end to their violent activities. In a recent statement President Rajapakse has pledged that he would rein in the Tamil armed organisations and would not allow them to function in the government controlled areas.

There are five major paramilitary groups operating in the northeast and in Colombo. They are known as Karuna group, EPDP group, PLOTE group, EPRLF (Varaithar) group and a Muslim Paramilitary group called Jihad group. In our report we have given detailed information about each group, the names of leaders and area operational commanders functioning in various districts and in the capital. We are certain that the Sri Lankan military hierarchy, particularly the Sri Lanka military intelligence, is well aware of the existence and activities of the Tamil armed paramilitaries. Nevertheless, we are also providing you with detailed factual information to reinforce our argument.

It is the considered view of our liberation organisation, as well as the general opinion of the Tamil people, that the armed violence of the Tamil paramilitaries is posing a grave threat to peace and stability in Tamil areas and endangering the Ceasefire Agreement. Therefore, we call upon the Government of Sri Lanka to disarm these Tamil paramilitary organisations, fulfilling a crucial obligation of the truce agreement.

One of the crucial confidence building measures laid down in the Ceasefire Agreement is that the parties, in accordance with international law, should abstain from hostile acts against the civilian population. Clauses 2.2, 2.3 and 2.4 stipulate that the Sri Lankan armed forces, within a limited time frame, should vacate places of worship, schools and public buildings.

In defiance of these truce obligations and in grave violation of international humanitarian law, the government's security forces, for more than a decade, continue to occupy schools and public buildings and made places of worship inaccessible to the Tamil civilian population. Several places of worship made inaccessible are Hindu sacred shrines of historical and cultural importance, so dear to our people. In Jaffna alone 35 prominent schools were forced to close down and 201 Hindu and Christian places of worship have been made inaccessible to our people. This vicious type of military occupation has seriously offended the cultural and religious sensitivities of the Tamil people, an activity specifically forbidden by the Ceasefire Agreement.

The creation of High Security Zones (HSZ) by the Sri Lankan armed forces in the militarily occupied territories of the northeast, particularly in the densely populated Jaffna Peninsula, has caused immense suffering to the Tamil civilian population.



To facilitate the occupation of a huge number of troops, amounting to fifty thousand, the so-called High Security Zones were established by forcefully evicting several thousands of Tamil families from their homes. The worst affected region is the Jaffna Peninsula where entire villages were evicted with the civilian population and thousands of houses forcefully usurped and our people denied access to farmlands, fishing coasts, schools and places of worship. This is a grave injustice committed against the Tamil people by the invasion forces, destroying their social and cultural life.

We will submit to you a document on, 'The Human Costs of the High Security Zones', which provides comprehensive information about the nature of Sinhala military occupation of the Tamil region and its implications on the life of our people. Our statistics on HSZ shows that 28,830 house owners in Jaffna have been forcefully evicted from their homes and nearly 13,000 acres of fertile farmlands made inaccessible to them. The creation of High Security Zones has reduced 20,000 families to conditions of destitution and they have been languishing in refugee camps and welfare centres for over a decade. The forceful usurpation of public property to the extent of 30 percent of the landmass of Jaffna under the claim of High Security Zones, and denying our people their right to return to their homes and property is a blatant violation of human rights. This forced eviction of people by the state under the pretext of national security is condemned by several UN Human Rights instruments as gross violations of human rights. These UN instruments characterise this practice of forced evictions by states as serious crimes inflicting grave and serious harm to the basic civil, political, economic, social and cultural rights of large numbers of people, both individual and collective (The issue is best explained in the United Nations High Commission on Human Rights Fact Sheet 25 on 'Forced Evictions').

The displacement of several thousands of families and their pathetic plight in subnormal conditions in the refugee camps has become a formidable humanitarian tragedy. Yet the Sri Lankan state and the military hierarchy continue to deny, on security grounds, the basic rights of our people to return to their homes and property. We wish to point out that the Sri Lankan government should

no longer ignore this grave humanitarian issue under the pretext of 'security'. The problem of the HSZ has to be resolved without further delay, facilitating the resettlement of the internally displaced persons. The resolution of this issue is extremely crucial for the restoration of peace and normalisation of civilian life in Tamil areas.

In this brief statement I have touched on a few of the crucial issues to be addressed for the effective implementation of the Ceasefire Agreement. The other most important issue to be addressed is the severe restrictions imposed on fishing and the enormous suffering of the people as a consequence. We have given comprehensive information in our documents in regards to the suffering of the Tamil fishing community. We will take up the issue on the restrictions on fishing during the course of our discussions.

The other important matter we wish to raise is the freedom of movement of our political cadres in the government controlled areas. You are aware that the LTTE leadership withdrew our political cadres from the government controlled Tamil areas as a consequence of the violent activities of the paramilitaries, who, on several occasions attacked our unarmed cadres and bombed our political offices. Our political cadres can only function in government controlled areas if the paramilitaries are disarmed and normalcy returns to Tamil areas.

In concluding I wish to say that we do agree that there have been serious breaches of the Ceasefire Agreement, for which the parties in conflict, as well as the Tamil paramilitaries, should bear culpability. Nevertheless, I wish to point out that it would serve no meaningful purpose if we enter into a recriminatory debate, making accusations and counter accusations against each other over the abuses of the truce. Instead of engaging in acrimonious bickering that might poison the atmosphere of goodwill, it would be prudent to engage in a constructive discussion, exploring ways and means to stabilise and strengthen the Ceasefire Agreement. You will certainly agree with me that consolidating the Ceasefire Agreement is the only practical way open to the parties in conflict to stabilise the conditions of peace and normalcy, which are essential and crucial to take the peace process forward.



## Appendix F

### GENEVA I

#### Peace Process Statement Sri Lanka Talks

The Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) met in Geneva 22-23 February 2006 for talks on the Ceasefire Agreement. The parties discussed issues related to the ceasefire, including the concerns of the Muslim, Sinhalese, and Tamil civilians.

23/02/2006: The GOSL and the LTTE are committed to respecting and upholding the Ceasefire Agreement, and reconfirmed their commitment to fully cooperate with and respect the rulings of the Sri Lanka Monitoring Mission (SLMM).

The GOSL and the LTTE are committed to taking all necessary measures to ensure that there will be no intimidation, acts of violence, abductions or killings.

The LTTE is committed to taking all necessary measures to ensure that there will be no acts of violence against the security forces and police. The GOSL is committed to taking all necessary measures in accordance with the Ceasefire Agreement to ensure that no armed group or person other than Government security forces will carry arms or conduct armed operations.

The GOSL and the LTTE discussed all issues concerning the welfare of children in the North East, including the recruitment of children.

The SLMM will report on implementation on the above agreements at the next session of talks.

The parties requested the Swiss Government to host the next round of talks in Geneva on 19-21 April 2006.

*Ministry of Foreign Affairs - Norway  
23.02.2006*

## Appendix G

### GENEVA II

#### Statement by the Norwegian Facilitator, Geneva 29 October 2006.

The consultations took place in Geneva on 28-29 October 2006 following requests by the Government of Sri Lanka and the LTTE to meet to discuss humanitarian issues and political questions. At the Co-chair meeting in Brussels on 12 September, the Tokyo co-chairs (EU, Japan, USA and Norway) encouraged the parties to meet for consultations.

Parties deserve recognition for accepting this call by the co-chairs, coming for these consultations at a time when conflict is more apparent than peace in Sri Lanka.

The parties agreed that the peace process will need to address the three following areas:

- 1) Human suffering
- 2) Military de-escalation and reduction of violence

### 3) Political components leading up to a political settlement

The Government presented the political process between the UNP and the SLFP. The international community has welcomed this initiative. The GOSL also made a reference to the work of the All Party Conference.

Discussions were also held on the urgent humanitarian situation and the need to address the plight of a very large number of civilians. Several issues were discussed. The LTTE requested the A9 to be opened. The Government refused to do so at this point. No agreement was reached between the parties on how to address the humanitarian crisis.

No date for a new meeting was agreed upon. Norway will be in ongoing dialogue with the parties to discuss all possible ideas on how to move the peace process forward.

Both parties reiterated their commitment to the ceasefire agreement and promised not to launch any military offensives. The international community has repeatedly expressed that it expects the parties to show restraint and fulfill these commitments.

I encouraged the parties to allow themselves some time to reflect on the situation and not to draw hasty conclusions or take actions that could increase the suffering of civilians in Sri Lanka.

*Ministry of Foreign Affairs - Norway  
30.10.2006*

## Appendix H

### About the Centre for Just Peace and Democracy

Centre for Just Peace and Democracy (CJPD) is a non-profit organisation committed to a peaceful resolution to the conflict in Sri Lanka. The Management and Advisory Board of CJPD comprise academics and peace and human rights activists from the Tamil Diaspora. In addition, CJPD is supported by a resource pool of experts in the fields of Human Rights, Law, Politics, International Affairs, Finance, Development, Business and the Media. These experts are from the Diaspora and the wider community.

CJPD's international headquarters is located in Luzern, Switzerland.

The major objectives of the organisation are to act as agents for peaceful change by

- Strengthening sustained and transformative dialogue with all stake holders in the conflict.
- Fostering research and analysis to produce analytical reports advocating measures to

realise peaceful resolution to the conflict.

- Engaging in dialogue with organisations with similar objectives.
- Conducting seminars, symposiums and workshops to promote the cause of peaceful resolution to the conflict.
- Advocating the importance of restoring democracy as the means to bring about enduring peace.

To date CJPD has implemented the following:

An International Seminar on "Envisioning New Trajectories for Peace in Sri Lanka" at Zurich in April 2006 in collaboration with the Berghof Foundation for Conflict Studies, Sri Lanka Office.

Two workshops on 'Advancing Mine Action in Sri Lanka: Mobilising the Sri Lankan Expatriates and Tamil Diaspora', in collaboration with Geneva Call in July 2005 and April 2006.



Cease-Fire Agreement 2002



LTTE Leader with European Commissioner  
for External Relations 2003



Geneva talks 2006



SL President at Vaharai 2007