



Tamil Information Centre

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Sri Lanka: Withdrawal from ceasefire agreement will result in war against civilians

The Sri Lankan government's withdrawal from the ceasefire agreement is a retrogressive step that has the potential of plunging the country into grievous crisis and exposing the civilian population, particularly in the north-east, into further misery. The government decision will not find favour amongst the people of Sri Lanka, in particular those who live in the Tamil homeland and the plantations, and the international community. The people now face the most dreadful and disgraceful decision by any Sri Lankan government. If war intensifies, "all of us lose" is the general feeling among the ordinary people of the different communities in Sri Lanka.

The struggle of the Tamil people began in the face of marginalization, discrimination and persecution, to seek justice and to realize their legitimate aspirations. Successive governments have only exacerbated the situation, seeking by unjust means to consolidate and extend the superior position of one community in political, social and economic life to the detriment of the interests of the other communities. In such a quest, the governments have created and maintained a climate of fear, hate and insecurity, driving the people to take up arms and move away from the hated state of Sri Lanka. But certain sections of the government believe that the Liberation Tigers of Tamil Eelam (LTTE) are the cause of all the trouble in Sri Lanka. The assumption that war on a Sinhala chauvinist footing will bring an end to the LTTE is senseless and reckless. It will only help to further consolidate the Tamil position behind the LTTE, as already many Tamils who were opposed to the LTTE's handling the Tamil national question are beginning to re-think their position. As long as there are desperate people trying to find social, cultural, political and economic justice, the struggle is bound to continue. The government should take genuine efforts to resolve the conflict on a platform of realism and common sense. The only realistic and fruitful course for the government and the LTTE is to relentlessly and honestly pursue discussion and settlement of disputes at the conference table.

The ceasefire was brokered by Norway and the ceasefire agreement was signed on 22 February 2002, by the then Prime Minister Ranil Wickremasinghe in the United National Party (UNP) government and Velupillai Prabhakaran, the leader of the Liberation Tigers of Tamil Eelam (LTTE). An international monitoring body known as the Sri Lanka Monitoring Mission (SLMM) was established to enquire into any instance of violation of the terms and conditions of this agreement. Based on the ceasefire agreement, the Sri Lankan and the Norwegian governments

concluded a Status of Mission Agreement (SOMA) on 18 March 2002 with the concurrence of the LTTE. The SOMA defined and set out the status, privileges and immunities of the SLMM and its members.

The current United People's Freedom Alliance (UPFA) government, led by Mahinda Rajapakse, decided on 2 January 2008 withdraw from the agreement and notified the Norwegian embassy on the following day. The end of the ceasefire, the SLMM and the SOMA takes effect on 16 January 2008.¹

In a statement on 4 January 2008, Sri Lankan Foreign Minister Rohitha Bogollagama gave the following reasons for the decision to terminate the ceasefire agreement: (1) The agreement was seriously flawed from inception, and it was concluded by the then government without proper consultation even with the Cabinet Ministers. (2) The Rajapakse government made every effort to pursue peace, including through the All Parties Representative Committee (APRC) process, but the LTTE spurned all opportunities at discussing the core issues aimed at arriving at a political settlement. (3) The LTTE has committed hundreds of ceasefire violations including child recruitment, attacks on civilians and assassinations, and these continue.

We must recognize that this is not the first time a peace process has failed. Finding and using reasons and incidents to dismantle a peace process is not unprecedented in Sri Lankan history. Every action of the Rajapakse government has been against peace and aimed at pursuing a military solution. It has undermined the principles of the Oslo Declaration which had been accepted by the parties and the international community as a basis for the political solution, and it is clear that the APRC process is a farce. It has consistently opposed devolution of power and has clearly signalled its intention to maintain the unitary state at whatever cost. The government has also committed ceasefire violations and has been involved in assassinations, abductions, disappearances, torture, illegal arrest and detention. It has killed hundreds of Tamil and Muslim civilians, including children, in indiscriminate shelling and aerial bombardment in north-east Sri Lanka.

Sri Lanka stands accused of being the third most dangerous place for journalists in the world in year 2007 by the Press Emblem Campaign.² The UN has said that Sri Lanka is among the most dangerous places in the world for aid workers.³ The provisions of the US law suspending arms supply to Sri Lanka, which came into effect on 7 January 2008, demand the Sri Lankan Government to bring to justice members of the military who have committed gross violations of human rights or international humanitarian law, including complicity in the recruitment of child soldiers; provide access to humanitarian organizations and journalists throughout the country consistent with international humanitarian law; and agree to the establishment of a field presence of the Office of the United Nations High Commissioner for Human Rights in Sri Lanka with sufficient staff and mandate to conduct full and unfettered monitoring throughout the country

¹ Article 4.4 of the agreement states as follows: "This agreement shall remain in force until notice of termination is given by either party to the RNG [Royal Norwegian Government]. Such notice shall be given 14 days in advance of the effective date of termination."

² *PEC Media Casualties 2007: A record year never witnessed before* – Press Emblem Campaign, Geneva, 17 December 2007 – www.pressemblem.ch

³ Statement made to Reuters on 9 August 2007 by Sir John Holmes, UN Under Secretary General for Humanitarian Affairs, *Sri Lanka rebukes UN aid chief over safety fears*, 10 August 2007 – <http://uk.reuters.com>

and to publicize its findings.⁴ The government has been accused of committing grave breaches of the Geneva Conventions and their First Additional Protocol. It is also involved in child recruitment by the paramilitary Groups in the Eastern Province. For these, the government has been condemned by UN bodies and international human rights agencies. In the circumstances, the attempt by the Rajapakse government to assume high moral position is ludicrous.

The withdrawal of the government from the ceasefire and resumption of hostilities will result in displacement and great human suffering. When the tsunami struck in December 2004, there were some 340,000 war-displaced people in Sri Lanka, majority of them in the north-east. The tsunami displaced a further half a million people. The government refused to establish a joint mechanism for the equitable distribution of tsunami aid to the north-east, which could have formed a basis for cooperation towards finding a political solution. More than 300,000 people were displaced in the north-east when the government launched military operations in 2006 and 2007. Currently there are 189,000 internally displaced people in Sri Lanka, 98% of whom are in the north-east.

Since August 2006, the government has imposed restrictions on food, fuel, medicines, raw materials and other essential needs to the LTTE-controlled areas of the north-east. It has imposed restrictions on materials that are essential for health, education, agriculture, transport, communication and other sectors. It has also restricted legitimate livelihood activities such as fishing. The TIC has received information that the hospitals in the north-east suffer from acute shortage of doctors, hospital staff, proper medical facilities and medicines. For example, the Jaffna hospital lacks a cardiovascular ward and has no permanent cardiovascular surgeon. The current position holder commutes between Jaffna and Batticaloa. There is no ship service between Trincomalee and Jaffna because the only ship available is under repair, and it is almost impossible for the surgeon to travel between the two places. Doctors in the north-east have already raised alarm about these issues, particularly the acute shortage of many essential drugs.

The government has brought tremendous pressure on humanitarian agencies working in the north-east and many of them have been forced to leave the area or the island. In case of new displacement, only a few agencies such as UNHCR and ICRC will be left to carry out the huge humanitarian work, which lack the capacity and resources to deal with such a crisis. Assessing from reports received by the TIC, it is clear that there are no preparatory measures other than statements. Little or no action has been taken or even considered by any agency to prevent the victimization of civilians, as well as intervention measures when conflict intensifies.

The TIC stresses that the conflict in Sri Lanka has become very complex, with incompatible actions, values and goals. In this circumstance, it would be impossible for informal intermediaries to achieve any progress. A robust third party intervention with emphasis on human rights, conflict prevention and peace building is urgently needed for resolution of the

⁴ Sec 690, H.R.2764, Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (Engrossed Amendment as Agreed to by Senate) [Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes], US Congress, introduced on 18 June 2007 and came into effect with Presidential approval on 7 January 2007 – www.house.gov

conflict. The TIC calls upon the international community to take urgent and appropriate measures to -

- arrest the dangerous and escalating situation and urge the parties to resume negotiations;
- prepare to attend to the needs of the civilian population that may be affected by renewed conflict; and
- establish a UN human rights monitoring presence in Sri Lanka.