

SRI LANKA'S GENOCIDE AGAINST TAMILS

Understanding the History of Eelam Tamil struggle for freedom through historical pacts, agreements and resolutions.



EXTRACTS FROM EELAM TAMIL HISTORICAL DOCUMENTS

“The case of genocide in Sri Lanka is unique among genocides in history because it occurred over several decades and under different governments before intensifying into a no-holds-barred war for nearly three decades and culminating in the mass atrocities of 2009.

It is accordingly vital that Sri Lanka’s historic violations against Tamils, in addition to the 2009 attacks, are addressed through an international mechanism in order to combat Sri Lanka’s institutionalized impunity.”

– Genocide resolution by Northern Provincial Council 2015.

“Within a year of independence, when the position of the Tamils was fast deteriorating, the demand for a federal form of government was put forward. It was felt that this was the only way of keeping together two distinct nations in one state.”

– Memorandum from Tamils of Ceylon to 24th Commonwealth in September 1974.

“The Prime Minister stated that, from the point of view of the Government, he was not in a position to discuss the setting up of a Federal Constitution, or regional autonomy or take any step that would abrogate the Official Language Act.”

– Pact between Tamil and Sinhala leader- 1957.

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SRI LANKA'S GENOCIDE AGAINST TAMILS (2015)

RESOLUTION UNANIMOUSLY ADOPTED BY
THE NORTHERN PROVINCIAL COUNCIL ON FEB 10, 2015

This resolution provides an overview of the evidence demonstrating successive Sri Lankan governments' genocide against Tamils, and respectfully requests the ongoing United Nations Office of the High Commissioner for Human Rights Investigation on Sri Lanka (OISL) to investigate the claim of genocide and recommend appropriate investigations and prosecutions by the International Criminal Court.

The Convention on the Prevention and Punishment of Genocide (Genocide Convention) was adopted by the United Nations General Assembly on 9th December, 1948, and acceded to by Sri Lanka in 1950, and provides:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Although the OISL investigation is a time-bound effort focused on February 2002 – November 2011, Sri Lanka's genocide against Tamils began with the island's independence. Since then, Tamils across Sri Lanka, particularly in the historical Tamil homeland of the NorthEast, have been subject to gross and systematic human rights violations, culminating in the mass atrocities committed in 2009. Sri Lanka's historic violations include over 60 years of state-sponsored anti-Tamil pogroms, massacres, sexual violence, and acts of cultural and linguistic destruction perpetrated by the state. These atrocities have been perpetrated with the intent to destroy the Tamil people, and therefore constitute genocide.

This Council is of opinion that during the period extending from 1948, when the Citizenship Act was passed to strip citizenship from a segment of the Tamil community and render them stateless, and continuing through the present day, successive Sri Lankan governments have perpetrated genocide against Tamils. Extensive evidence demonstrates that acts have been committed that constitute four of the five enumerated genocidal acts in the Genocide Convention:

1. KILLING MEMBERS OF THE GROUP

Historical Genocide

A series of anti-Tamil pogroms, fueled in part by fabricated rumors about Tamil violence against Sinhalese, began with the passage of the Sinhala Only Act, or the Official Language Act, in 1956. On June 5, 1956, at the urging of Sinhalese nationalists,

a Sinhalese mob attacked Tamil demonstrators peacefully protesting the Sinhala Only policy, and pillaged Tamil businesses in Colombo. When the news reached Gal Oya, from June 11–16, Sinhalese mobs, who were galvanized by false rumors about Tamil-initiated violence, killed around 150 Tamils, injured about 100 more, and destroyed many Tamil-owned properties. Although police were present during the riot, they passively chose not to intervene and stop the violence; their presence and inaction illustrates the government's intent to destroy the Tamil people in whole or in part.

Nonviolent, Gandhian-style protests by Tamils increased over the next two years. In May 1958, Buddhist monks and other Sinhala nationalists organized anti-Tamil pogroms throughout Sri Lanka from May 22–27 in the North Central Province, Colombo, Central Province, along the west coast, and eventually the Northern and Eastern Provinces. The Prime Minister spread false rumors about Tamil-initiated atrocities to incite violence against Tamils in the Sinhalese dominated areas. Estimates indicate that 300 Tamils were killed, over 1,000 were injured, and 200 women were raped in the 1958 pogrom.

In Jaffna in January 1974, a massive gathering at the Jaffna esplanade was engrossed in the speech of a Muslim Tamil scholar, late Professor Naina Mohamed, on the last day of the International Association of Tamil Research Conference. The Sri Lanka police unleashed a brutal attack on the passive gathering, which led to the wanton death of 9 Tamils. This Council notes that the memorandum submitted by the late Tamil United Front (TUF) Leader to visiting heads of states during the Commonwealth Conference held in Colombo in September 1974 placed on record important instances of serious human rights violations committed against Tamils on the island since independence in 1948.

From August 12–20, 1977, Tamils were attacked on the train from Jaffna to Colombo, through the country from Anuradhapura to Colombo, and in the Hill Country. Again, false rumors about Tamil violence against Sinhalese contributed to the rioting. About 300 Tamils were killed, over 1,000 were injured, and 25,000 were displaced. These pogrom occurred less than one month after J.R. Jayewardene took office as prime minister. Jayewardene said the deaths were regrettable but a natural reaction to support for separatism. Whilst the 1977 pogrom raged and the Tamil people were reeling from the slaughter, Prime Minister Jayewardene rose in Parliament on 18 August and arrogantly issued a challenge to Tamils: “if you want to fight, let there be a fight; if it is peace, let there be peace.” (Hansard, Vol. 23, No. 2, Col: 246.) Jayewardene's victim-blaming furthers the argument that the government intended to commit genocide in response to the increasingly popular Tamil resistance.

The most horrific anti-Tamil pogroms, known as “Black July,” occurred July 23–30, 1983, and involved state-sponsored Sinhalese mobs attacking Tamils and destroying their properties across the country, beginning in Colombo. Towards the end of the week, false rumors that the LTTE infiltrated Colombo resulted in massacres of Tamils by Sinhalese mobs who wanted to be sure there was no LTTE presence. The mobs targeted and located Tamils using voter registration lists, damning evidence of the government's instigation of these attacks. Over 3,000 Tamils were killed, 500 women were raped, 8,000

homes and 5,000 businesses were destroyed, and about 500,000 Tamils fled the country. In addition, as part of this pogrom, over 37 Tamil political prisoners detained at Welikada Prison were killed by Sinhalese prisoners on July 25. The survivors say that the prison officers facilitated these murders by letting the Sinhalese prisoners have their keys.

Just prior to Black July, on July 11, President Jayawardene was quoted in a newspaper, saying: “I am not worried about the opinion of the Tamil people. ... now we cannot think of them, not about their lives or their opinion ... Really if I starve the Tamils out, the Sinhala people will be happy.” (J.R. Jayawardene, President of Sri Lanka, Daily Telegraph, July 1983.) This statement by the head of state clearly indicates the government’s intent to destroy the Tamil people through killings, causing serious bodily or mental harm, and deliberately inflicting on the Tamil people the conditions of life calculated to bring about their physical destruction.

This Council notes that the spread of false rumors to incite violence against a group is a hallmark of genocides throughout history, such as in Nazi Germany, Rwanda, and the former Yugoslavia. The Sri Lankan government has used false rumors as one tool in organizing Sinhalese mobs to commit genocide against Tamils.

Black July is marked as the beginning of war in Sri Lanka. This Council notes that the ethnic conflict had already begun, however. Both overt and covert acts of state terrorism by successive government regimes, often pursuant to the draconian Prevention of Terrorism Act, translated into systematic and widespread extrajudicial killings of Tamils. The atrocities against Tamils included over 50 separate massacres of civilians before 2008 and the targeted assassinations of political, civil and community leaders; enforced disappearances; torture; use of sexual violence as a tactic of war; severe restrictions or bans on food and basic medicine; and forced displacement, including coastal communities from the NorthEast Provinces.

The Vanni genocide of 2008-09 had previously been rehearsed in the Eastern Province. On 28 August 2006, the Sri Lankan military began a multi-pronged offensive against the LTTE- administered region stretching from Sampoor to Vaharai. Heavy shelling forced civilians to displace towards Vaharai. The UN reported that the Sri Lankan government first restricted international aid agencies and journalists from entering the area, and then completely barred food and medical supplies from reaching the IDPs. Presumed safe areas such as schools and hospitals came under heavy gunfire, according to the UN and Human Rights Watch. Thousands of Tamils died, either due to shelling or gunfire, or as a result of their untreated wounds or starvation. On 19 January 2007, the Sri Lankan military entered Vaharai with little resistance and began the process of colonizing the entire region.

During the war, government military forces engaged in deliberate aerial, artillery, and naval bombardment of civilian areas and also used prohibited weapons and ammunitions, such as cluster bombs. According to UN estimates, 60–100,000 Tamil civilians were killed over the course of the 27-year-long war. The large scale and severe nature of the genocide also forced many Tamils to flee the NorthEast Provinces and seek refuge in Tamil Nadu and

Western countries.

Recent Genocide

Significant portions of this resolution's analysis of the recent and ongoing genocide are from "The Legal Case of the Tamil Genocide," UNROW Human Rights Impact Litigation Clinic, Human Rights Brief, 6 January 2015, available at <http://hrbrief.org/2015/01/the-legal-case-of-the-tamil-genocide/>

The Sri Lankan government intentionally corralled Tamils into the so-called No Fire Zones in 2009, in a calculated and deliberate attempt to destroy as many Tamils as possible. According to the U.N. Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, the Sri Lankan government: "[S]helled on a large scale in three consecutive No Fire Zones, where it had encouraged the civilian population to concentrate, even after indicating that it would cease the use of heavy weapons. It shelled the United Nations hub, food distribution lines and near the International Committee of the Red Cross (ICRC) ships that were coming to pick up the wounded and their relatives from the beaches. It shelled in spite of its knowledge of the impact, provided by its own intelligence systems and through notification by the United Nations, the ICRC and others. Most civilian casualties in the final phases of the war were caused by Government shelling."

Callum Macrae, director of award-winning documentaries about Sri Lanka with UK's Channel 4, reported on "evidence that the attacks killing civilians were accurately targeted."

At the end of January 2009, government forces were killing approximately thirty-three Tamil people each day, with these casualties increasing to 116 people per day by April 2009. According to the Permanent People's Tribunal on Sri Lanka, this toll surged, "with an average of 1,000 civilians killed each day until May 19, 2009." In a submission to the Lessons Learnt and Reconciliation Commission, the Bishop of the Mannar Catholic Diocese, Rt. Rev. Dr. Rayappu Joseph, stated that according to the Government Secretariats, the population in the Vanni region in early October 2008 was 429,059. However, only 282,380 people emerged from the Vanni into government-controlled areas, according to UN OCHA 2009 statistics. Thus, over 146,679 people in the Vanni are not accounted for after the 2009 atrocities.

The U.N. Panel of Experts also reported on an elite unit within the Special Task Force (STF) of the police that was directly under the command of Defense Secretary Gotabaya Rajapaksa. The Experts found that the unit was implicated in organizing "white van" operations in which individuals were abducted, tortured, and often "disappeared."

Callum Macrae also reported that evidence exists "depicting the systematic and cold-blooded execution of bound, naked prisoners—and which also suggests sexual assault of naked female fighters." At least 200 deceased and mutilated bodies, primarily of Tamil women and young girls, were observed by the employee of an international agency at the mortuary of a government hospital in February and March 2009.

2. CAUSING SERIOUS BODILY OR MENTAL HARM TO MEMBERS OF THE GROUP

Historical Genocide

In 1979, then-President Jayewardene passed the Prevention of Terrorism Act, which gave security forces broad powers to search, arrest, and detain suspects. The Prevention of Terrorism Act has been used to detain, torture, and even murder many Tamil civilians. Jayewardene also passed a constitutional amendment barring MPs who support separatism from Parliament, which effectively eliminated MPs from the Tamil United Liberation Front (TULF) from politics at the time. (6th Amendment, August 1983.) By curtailing Tamils' right to free speech and free expression, Sri Lanka has violated the Tamils' right to self-determination.

The governments of Sri Lanka also committed acts of cultural genocide, beginning on June 5, 1956, when the S.W.R.D. Bandaranaike government passed the Sinhala Only Act, or the Official Language Act, which replaced English with Sinhala, spoken by 70% of the population at the time, as the sole official language. This act failed to officially recognize Tamil in any capacity. In the first republican constitution of 1972, Buddhism was privileged "at the foremost place" among religions in the constitutions. Although the term "cultural genocide" does not appear in Genocide Convention, it was included in the initial draft, and international criminal tribunals have found acts of cultural and linguistic destruction to constitute acts of genocide. The Sinhala Only Act and the privileging of Buddhism undermine the Tamil people's language and religion, predominantly Hindu.

Nearly ten years later, from May 31–June 2, 1981, policemen and paramilitaries organized a pogrom during which they killed 4 Tamils selected at random, destroyed TULF's headquarters, the residence of the Jaffna MP, and burned the Jaffna library. Over 97,000 books and culturally and historically important and irreplaceable documents were destroyed in this heinous act of cultural genocide. High ranking security officers and cabinet ministers were in Jaffna when security forces destroyed Tamil life and property, further illustrating the state's support of these acts. The government targeted the Jaffna library to destroy part of the Tamil people's culture and cause them serious mental harm.

On 5 September 1990, the Sri Lanka Army took 158 Tamils from the Vantharamoolai IDP camp. Five days later, on 10 September, the Sri Lanka Army took 184 Tamils, including 38 children under age 10, from Sathurukkondaan and two nearby villages. There was only one witness who survived, who reported that all the detained had been massacred. Despite various commissions of inquiry, the fate of these people is still unknown.

This Council notes that all historical and more recent genocidal acts have caused serious mental harm to Tamils, as successive Sinhalese-dominated governments have committed gross and systematic human rights violations against the Tamil people. The International Law Commission interpreted the mental harm standard to mean that "the

bodily harm or the mental harm inflicted on members of a group must be of such a serious nature as to threaten its destruction in whole or in part.” Thus, the acts of physical, cultural, and linguistic violence against Tamils are tantamount to genocide under the mental harm standard because extensive destruction of the Tamil culture and language threatens the Tamil people’s survival on the island.

Recent Genocide

The U.N. Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka found credible allegations that security forces committed rape and sexual violence against Tamil civilians while screening those leaving areas of conflict and in IDP camps. Yasmin Sooka, one of the experts who contributed to the Secretary-General’s U.N. report, released her own report in March 2014, concluding that “[a]bduction, arbitrary detention, torture, rape and sexual violence have increased in the post-war period These widespread and systematic violations by the Sri Lankan security forces occur in a manner that indicates a coordinated, systematic plan approved by the highest levels of government.” The report found “a pattern of targeting Tamils for abduction and arbitrary detention unconnected to a lawful purpose, involving widespread acts of torture and rape.” This report was based on forty sworn statements from witnesses who testified regarding their experiences of abduction, torture, and sexual violence by Sri Lankan security forces between May 2009 and February 2014. The report “paints a chilling picture of the continuation of the conflict against the ethnic Tamil Community with the purpose of sowing terror and destabilising community members who remain in the country.” The report identified “a practice of rape and sexual violence that has become institutionalized and entrenched in the Sri Lankan security forces.” Survivors reported being raped by uniformed male officers from the Sri Lankan military.

A Human Rights Watch report released in February 2013 also documented seventy-five cases of politically motivated sexual assaults of primarily Tamil detainees. Human Rights Watch found “disturbing patterns, strongly suggesting that [sexual violence] was a widespread and systematic practice,” and concluded that rape was a key element of morewide- ranging torture “intended to . . . instill terror in individuals and the broader Tamil population.” The report stated that “[s]exual violence, as with other serious abuses committed by Sri Lankan security forces, was committed against a backdrop of deeply entrenched impunity.”

Further, systematic attacks on hospitals during the 2009 military campaign caused serious bodily and mental harm to Tamils. Human Rights Watch documented at least thirty such attacks on permanent and makeshift hospitals in the combat area after December 2008. The destructive campaign has caused permanent mental effects on those who survived.

Investigators with the U.S. Centers for Disease Control and Prevention (CDC), United Nations Children’s Fund (UNICEF), and Sri Lanka Ministry of Healthcare and Nutrition conducted a health survey of Jaffna District residents between July and

September 2009. They found that the “prevalence of PTSD (13%), anxiety (48.5%), and depression (41.8%) symptoms among currently displaced Jaffna residents is more comparable with post-war Kosovars and Afghans.” As noted by the Permanent Peoples’ Tribunal on Sri Lanka, “continuous displacement and endless trauma caused by protracted war had a devastating impact” on mental health among Tamils. Further, the government hitherto has continued to impose restrictions on psychosocial support services in Tamil areas, which intentionally exacerbates serious mental harm.

3.DELIBERATELY INFLICTING ON THE GROUP CONDITIONS OF LIFE CALCULATED TO BRING ABOUT ITS PHYSICAL DESTRUCTION IN WHOLE OR IN PART

Historical Genocide

Following the passage of the Sinhala Only Act, thousands of Tamil civil servants resigned due to a lack of fluency in Sinhala, and by 1970, the civil service was almost entirely Sinhalese. During this time, it was difficult, if not impossible, for Tamils to access government services due to the language barrier.

During the 1970s, university admissions were standardized to benefit Sinhalese students at the expense of Tamils. Gaining admission to university became increasingly difficult for Tamil students, whose numbers consequently declined at the tertiary level.

The UN noted that “If a state systematically denies to members of a certain group its elementary means of existence enjoyed by other sections of the population, it condemns such persons to a wretched existence maintained by illicit or clandestine activities and public charity.” The Sinhala Only Act made it prohibitively difficult for Tamils—many of whom were civilservants—to retain or gain employment or access government services, thus denying Tamils their elementary means of existence. Similarly, the standardization scheme introduced in 1970 discriminated against Tamil students seeking university entrance, putting them at a disadvantage for access to employment.

Moreover, according to international criminal jurisprudence from the International Criminal Tribunal for Rwanda, the term “physical destruction” “should be construed as the methods of destruction by which the perpetrator does not immediately kill the members of the group, but which, ultimately, seek their physical destruction,” which would “include, inter alia, subjecting a group of people to a subsistence diet, systematic expulsion from homes and the reduction of essential medical services below minimum requirement”. By pushing Tamils out of the workforce and rendering them financially insecure, the Sinhala Only Act and university admissions standardization ultimately aimed to destroy the Tamil group at least in part via a “slow death genocide.”

This Council further notes that during the war, the government imposed prolonged blockades against humanitarian aid and embargos on necessary goods, preventing basic goods and supplies from reaching the NorthEast.

Recent Genocide

A military blockade against Tamil areas has been in place since 1990, except for ceasefire periods, which has contributed to the historical impoverishment and isolation of the Tamil community. The blockade has prevented ordinary items such as basic medicine, school books, cement, gasoline, candles, and chocolate from entering Tamil areas. During certain periods of the ethnic conflict, the military adopted a harsher stance, and blocked all humanitarian aid intended for civilians.

The U.N. Panel of Experts Report found that the government deliberately understated the Tamil population size “as part of a strategy to limit the supplies going into the Vanni.” The Panel of Experts Report continued, noting that “[a] senior Government official subsequently admitted that the estimates were reduced to this end. The low numbers also indicate that the Government conflated civilians with LTTE in the final stages of the war.” According to the International Crimes Evidence Project, the government’s refusal of “adequate food and medical supplies into the Vanni despite being aware of the devastating effect it would have on civilians, ... could have amounted to inhumane acts or persecution, or both.” Such intentional starvation demonstrates the government’s deliberate infliction of deadly conditions calculated to bring about the physical destruction of Tamils.

Callum Macrae also found evidence of “the deliberate denial of adequate humanitarian supplies of food and medicine to civilians trapped in those grotesquely misnamed No Fire Zones. To justify this policy, the government systematically underestimated the number of civilians trapped in the zones. At the end of April 2009, for example, President Rajapaksa told CNN that ‘there are only about 5,000 . . . even 10,000’ civilians left in the zones.” According to UN figures, however, more than 125,000 civilians were stuck in these zones. President Rajapaksa endorsed the inaccurate figures as a means to “justify what almost certainly constitutes a warcrime—a crime that left thousands of civilians catastrophically short of food and water—and allowed hundreds to die unnecessarily in makeshift hospitals because of desperate shortages of supplies including blood and anesthetics.” Amnesty International’s Asia director, Sam Zafiri, reportedly stated that the Sri Lankan government’s policy of obstructing aid was deliberate and illegal, noting that “[i]nternational law bans medieval sieges—you can’t subject a population to hunger, famine or plague as a means of military victory.” Today, the Tamil community “shows clear signs of continuing deterioration in terms of health, food and social security.” In the North-East areas, the malnutrition level has reached fifty percent, “corresponding also with the alarming poverty rate measured at [fifty-eight percent]” in those regions.

The systematic expulsion of victims from their homes is another means of inflicting conditions of life calculated to bring about the physical destruction of a group, as stated by the international criminal tribunals. The Sri Lankan government used this practice extensively against Tamils, confiscating Tamils’ private lands. In May 2013, 1,474 northern Tamils filed a petition against the government’s confiscation of their land, stating that 6,381 acres were appropriated to build another Army base in Jaffna. The majority of these

individuals were refused permission to return to their lands and forced to remain in the “welfare villages,” which enabled the government to claim that the owners of these lands are “unidentifiable.”

Even five years after the end of the war, Sri Lanka announced a defense budget of \$1.95 billion for 2014 (twelve percent of the overall 2014 state budget). The Sri Lankan military’s current reach includes police powers throughout the country, with search and detention authority. In Tamil-speaking areas, the Sri Lankan military is “increasing its economic role, controlling land and seemingly establishing itself as a permanent, occupying presence.” The heavy militarization of the NorthEast has led to the drastic increase in Sinhalese settlers, land grabs, construction of Buddhist temples, conversion of village names and street signs from Tamil to Sinhalese, and unrestricted Sinhalese enterprise, all of which threaten to permanently alter the local demography and exacerbate ethnic tensions, as noted by the International Crisis Group. Evidence related to the “escalation of militarisation, colonisation and forcible imposition of Sinhala Buddhist culture” in Tamil areas contributed to a finding of genocide by the Permanent Peoples’ Tribunal on Sri Lanka, an independent, international organization that has examined human rights violations around the world.

4. IMPOSING MEASURES INTENDED TO PREVENT BIRTHS WITHIN THE GROUP

Historical Genocide

As early as the 1990s, there have been reported incidents of forced sterilization of the Up-Country Tamils. Doctors would promise Rs. 500 to young and poor Tamil plantation workers, who would take a lorry to a makeshift clinic where they were forcibly sterilized via tubal ligation without consent. The government operated this program under the guise of family planning, but its aim was to prevent births amongst Tamils, thus changing the demographics of the Central Province. After the implementation of such forced sterilization programs, the growth rate of the Tamil population in the region fell drastically compared to other communities. Trends dating back to 5–10 years before these acts of forced sterilization also indicate closures of childcare centers following increased forcible sterilization measures, as the number of children below age 5 decreased too much. Women were almost always sterilized before the age of 26 years, which is ostensibly against Sri Lankan law. Thus, while the situation for Tamils deteriorated in the NorthEast due to the war, the government continued its genocide against Tamils by forcibly sterilizing the Up-Country Tamils.

Recent Genocide

Doctors aligned with the Sri Lankan government performed abortions on Tamil women without their consent. In May 2007, a confidential cable from the United States

Embassy in Colombo stated, “Father Bernard also told us of an EPDP [Eelam People’s Democratic Party, apro-governmentparamilitary organization] medical doctor named Dr. Sinnathambi, who performs forced abortions, often under the guise of a regular check-up, on Tamil women suspected of being aligned with the LTTE.”

Further, in August 2013, government health workers forced mothers to accept surgically implanted birth control in the Tamil villages of Veravil, Keranchi, and Valaipaddu in Kilinochchi in the Northern Province. When the women objected, the nurses said that if they did not agree to the contraceptive, they could be denied treatment at the hospital in the future. A Ministry of Health Department report from the Northern Province in 2012 found an unjustifiably higher rate of birth control implants—thirty times higher—in Tamil women in Mullaitivu, compared to the much more densely populated Jaffna. According to the Home for Human Rights (HHR), more than eighty percent of Tamil women in central Sri Lanka were offered a lump sum payment in return for their ability to reproduce. After receiving this payment—typically 500 rupees—women underwent surgical sterilization. This amount of money is significant, especially for these who are predominantly plantation workers. The population of this Tamil group has dropped annually since 1996 by five percent, whereas the population of the country overall has grown by fourteen percent. In contrast, police and Army officers have been encouraged to have a third child through payment of 100,000 rupees from the government. The police and Army are overwhelmingly Sinhalese, and thus those taking advantage of this offer are Sinhalese. “This systematic pattern of authority-sanctioned coerced sterilizations may amount to an intentional destruction . . . of the Tamil estate population,” as stated by the Home for Human Rights.

And also noted:

Sri Lanka’s Institutionalized Impunity

This Council notes that President Maithripala Sirisena was acting defense minister in May 2009, during the peak of the government’s attacks against Tamils. This conclusively demonstrates the need for justice and accountability for the Tamil genocide to be driven and carried out by the international community. Tamils have no hope for justice in any domestic Sri Lankan mechanism, whether conducted by the Rajapaksa regime, Sirisena regime, or its successor.

This Council further notes that Lt.-Gen. Sarath Fonseka was President Rajapakse’s Army Commander during the later stages of the war, and is currently President Sirisena’s advisor on defense matters. Fonseka told international media: “I strongly believe that this country belongs to the Sinhalese but there are minority communities and we treat them like our people. We being the majority of the country, 75%, we will never give in and we have the right to protect this country... We are also a strong nation ... They can live in this country with us. But they must not try to, under the pretext of being a minority, demand undue things.” (National Post, 23 September 2008.) Fonseka’s rhetoric embodies the sentiment of Sinhala nationalist chauvinism that has been a hallmark of Sri Lankan politics

since its independence. Sinhala nationalism serves to institutionalize impunity for genocide against Tamils, and prevent any meaningful political solution.

Further, an internal message from the then-United States Ambassador in Colombo, Patricia Butenis, said one of the reasons there was such little progress towards a genuine Sri Lankan inquiry into the 2009 killings was that the president and the former army commander, Sarath Fonseka, were largely responsible. “There are no examples we know of a regime undertaking wholesale investigations of its own troops or senior officials for war crimes while that regime or government remained in power,” Butenis noted. “In Sri Lanka this is further complicated by the fact that responsibility for many alleged crimes rests with the country’s senior civilian and military leadership, including President Rajapaksa and his brothers and opposition candidate General Fonseka.” (Wikileaks Cables: ‘Sri Lankan president responsible for massacre of Tamils,’ as quoted in *The Guardian*, 1 December 2010.) Butenis’s analysis that no regime will investigate its own leaders remains equally true under Sirisena’s administration, given his role in the military leadership in 2009 and Fonseka’s continued position of privilege.

This Council further notes that countless Presidential Commissions established under different regimes to investigate human rights violations have not led to prosecutions of perpetrators or justice. (Amnesty International, *Sri Lanka: Twenty Years of Make-Believe*. Sri Lanka’s Commissions of Inquiry, 11 June 2009.)

Resolved that,

The obligation to prevent and punish genocide under the Genocide Convention is not a matter of political choice or calculation, but one of binding customary international law. This Council urges OISL to comprehensively investigate and report on the charge of genocide in its submission to the UN Human Rights Council in March 2015. The UN Security Council should refer the situation in Sri Lanka to the International Criminal Court for prosecutions based on war crimes, crimes against humanity, and genocide. Alternatively or concurrently, domestic courts in countries that may exercise universal jurisdiction over the alleged events and perpetrators, including but not limited to the United States, should prosecute these crimes.

“The Legal Case of the Tamil Genocide,” UNROW Human Rights Impact Litigation Clinic, Human Rights Brief, 6 January 2015, available at <http://hrbrief.org/2015/01/the-legal-case-of-the-tamil-genocide/>

To this day, Tamils in the NorthEast suffer from Sri Lanka’s ongoing genocide. In some areas of the NorthEast, there is 1 soldier for every 3 Tamils; this level of militarization is utterly unjustifiable, given that war ostensibly ended over 5 years ago. In Tamil-speaking areas, the Sri Lankan military has exponentially increased its role in Tamils’ daily life, expanded the amount of land it controls, and is establishing itself as a permanent, occupying presence. There has been no change in the oppressive level of militarization in the NorthEast with the election of Maithripala Sirisena. The extreme level of militarization

uniquely affects Tamil women. There are approximately 90,000 female-headed households in the NorthEast after the end of the armed conflict. These women are especially vulnerable to sexual violence due to the military's predatory practices. This Council urgently calls upon the international community to create conditions suitable and sustainable to protect the Tamils of the NorthEast Provinces in Sri Lanka from genocide.

The case of genocide in Sri Lanka is unique among genocides in history because it occurred over several decades and under different governments before intensifying into a no-holds-barred war for nearly three decades and culminating in the mass atrocities of 2009. It is accordingly vital that Sri Lanka's historic violations against Tamils, in addition to the 2009 attacks, are addressed through an international mechanism in order to combat Sri Lanka's institutionalized impunity. This international intervention, coupled with action to promote the respect of human rights, is necessary to ensure a sustainable future for self-determination, peace, and justice, in Sri Lanka and for the Tamil people.

INTERIM SELF GOVERNING AUTHORITY (2003)

The proposal by the Liberation Tigers of Tamil Eelam on behalf of the Tamil people for an agreement to establish an interim self-governing authority for the north-east of the island of Sri Lanka.

Consistent with the principles of the rule of law, the human rights and equality of all persons, and the right to self-determination of peoples,

Determined to bring lasting peace to all persons of the island of Sri Lanka,

Acknowledging with appreciation the services of the Royal Norwegian Government, the Norwegian People, and the international community in attempting to bring peace to the island,

Recognising that a peaceful resolution is a real possibility, despite the challenging history of the peace process between the Tamil people and the Sinhala people,

Determined to establish an interim self-governing authority for the north-east region and to provide for the urgent needs of the people of the north-east by formulating laws and policies and, effectively and expeditiously executing all resettlement, rehabilitation, reconstruction, and development in the north-east, while the process for reaching a final settlement remains ongoing,

Being aware that the history of the relations between the Tamil people and the Sinhala people has been a process of broken promises and unilateral abrogation, by successive governments of Sri Lanka, of pacts and agreements solemnly entered into between the government of Sri Lanka (GOSL) and the elected representatives of the Tamil people,

Bearing in mind that successive governments of Sri Lanka have perpetrated persecution, discrimination, state violence and state-orchestrated violence against the Tamil people,

Noting that the Tamil people mandated their elected representatives to establish an independent sovereign, secular state for the Tamil people in the elections subsequent to the Vaddukoddai Resolution of 1976,

Bearing in mind that the Tamil armed struggle as a measure of self-defence and as a means for the realisation of the Tamil right to self-determination arose only after more than four decades of non-violent and peaceful constitutional struggle proved to be futile and due to the absence of means to resolve the conflict peacefully,

Recalling that the Liberation Tigers of Tamil Eelam (LTTE) first took measures towards peace by unilaterally declaring the ceasefire in December 2000 and again in December 2001, opening highways, facilitating trade and the free movement of people, and entering into peace negotiations in good faith in the hope of creating an environment conducive to the return of normalcy and a just resolution of the conflict,

Taking note of the political courage of the present GOSL in reciprocating to the 2001 ceasefire,

Realising that the war in the island of Sri Lanka was principally confined to the north-east, resulting in the destruction of the social, economic, administrative, and physical infrastructure of that area, and that the north-east still remains the region in the island of Sri Lanka affected by war,

Recognizing that the majority of the Tamil people in the north-east, by their actions in the general elections held in the year 2000, gave their mandate acknowledging the LTTE as their authentic representative,

Knowing that the LTTE exercises effective control and jurisdiction over the majority of the north-east area of the island of Sri Lanka,

Realising that reaching a final negotiated settlement and the implementation thereof is expected to be a long process,

Affirming the necessity for the safe and free return of all refugees and displaced persons and their urgent need for unimpeded access to their homes and secure livelihoods at land and sea in the north-east,

Mindful that institutions and services provided by the GOSL have proved to be inadequate to meet the urgent needs of the people of the north-east,

Recognising the failure of the Sub-committee on Immediate Humanitarian and Rehabilitation Needs (SIHRN) and other sub-committees formed during the peace negotiations, which failure was due to the composition of such sub-committees, which repeatedly led to inaction,

Acknowledging the recognition by the GOSL of the necessity for an interim authority, as mentioned in its 2000 election manifesto,

Realising that maintenance of law and order is an essential pre-requisite for a just and free society,

Recognising the need for raising revenue to meet the urgent needs for the resettlement, rehabilitation, reconstruction and development of the north-east region, which has been devastated by war, and for the carrying out of any function of government,

Recognising the importance of control over land in resettlement, rehabilitation, reconstruction and development,

Mindful that the Tamils did not participate in the making of the 1972 and 1978 constitutions, which institutionalised discrimination and denied them an effective role in the decision-making process,

Noting the practice in international relations over the last decade of solving conflicts between peoples through agreement between the parties to the conflict on terms of equality and through innovative and imaginative measures,

Relying on international precedents for establishing interim governing arrangements in war-torn countries having the force of law based solely on pacts or agreements between

the warring parties recognised by the international community,

Noting that measures such as the Ceasefire Agreement, including the role of the Sri Lanka Monitoring Mission (SLMM), and the establishment of the SIHRN and the North-east Reconstruction Fund (NERF) constitute valid precedents for making such arrangements,

Wherefore, the parties, namely the Liberation Tigers of Tamil Eelam and the Government of Sri Lanka, hereby agree to the following provisions:

1/ Interim self-governing authority

An interim self-governing authority (ISGA) shall be established comprised of the eight districts namely: Amparai, Batticaloa, Jaffna, Kilinochchi, Mannar, Mullaitivu, Trincomalee and Vavuniya in the north-east, until a final negotiated settlement is reached and implemented. Representatives of the Muslim community have the right to participate in formulation of their role in the ISGA.

2/ Composition of the ISGA

2.1 The ISGA shall consist of such number of members as may be determined by the parties to this agreement.

2.2 The composition of the ISGA shall be:

2.2a Members appointed by the LTTE,

2.2b Members appointed by the GOSL, and

2.2c Members appointed by the Muslim community in the north-east.

2.3 The number of members will be determined to ensure:

2.3a An absolute majority of the LTTE appointees in the ISGA

2.3b Subject to (a) above, the Muslim and Sinhala communities in the north-east shall have representation in the ISGA.

2.4 The chairperson shall be elected by a majority vote of the ISGA and shall serve as the chief executive of the ISGA.

2.5 The chairperson shall appoint the chief administrator for the north-east and such other officers as may be required to assist in the performance of his/her duties. The chairperson shall have the powers to suspend or terminate any such appointment.

3/ Elections

The provisions of Clauses 2.2 and 2.3 shall continue until elections for the ISGA are held. Such elections shall be held at the expiry of five years of the coming into force of this agreement, if no final settlement has been reached and implemented by the end of the said period of five years. An independent Election Commission, appointed by the ISGA, shall conduct free and fair elections in accordance with international democratic principles and standards under international observation.

4/ Human rights

The people of the north-east shall be accorded all rights as are provided under international human rights law. Every law, regulation, rule, order or decision of the ISGA shall conform to internationally accepted standards of human rights protection.

There shall be an independent human rights commission, appointed by the ISGA, which shall ensure the compliance with all such human rights obligations.

The commission will seek the assistance of international human rights bodies to facilitate the rapid establishment of an effective regime for protecting human rights.

The commission shall be entitled to receive petitions from any individual person, award compensation to any such affected person, and ensure that such person's rights are restored.

5/ Secularism

No religion shall be given the foremost place in the north-east.

6/ Prohibition against discrimination

The ISGA shall ensure that there is no discrimination on grounds of religion, race, caste, national or regional origin, age or gender in the north-east.

7/ Prevention of bribery and corruption

The ISGA shall ensure that no bribery or corruption is permitted in or under its administration.

8/ Protection of all communities

No law, regulation, rule, order or decision that confers a privilege or imposes a disability on any community, which is not conferred or imposed on any other community, shall be made concerning culture or religion.

9/ Jurisdiction of the ISGA

9.1 The ISGA shall have plenary power for the governance of the north-east including powers in relation to resettlement, rehabilitation, reconstruction, and development, including improvement and upgrading of existing services and facilities (hereinafter referred to as RRRD), raising revenue including imposition of taxes, revenue, levies and duties, law and order, and over land.

These powers shall include all powers and functions in relation to regional administration exercised by the GOSL in and for the north-east.

9.2 The detailed modalities for the exercise of such powers and the performance of such functions shall be subject to further discussion by the parties to this agreement.

10/ Separation of powers

Separate institutions for the administration of justice shall be established for the north-east, and judicial powers shall be vested in such institutions. The ISGA shall take appropriate measures to ensure the independence of the judges.

Subject to clauses 4 (human rights) and 22 (settlement of disputes), of this agreement, the institutions created under this clause shall have sole and exclusive jurisdiction to resolve all disputes concerning the interpretation and implementation of this agreement and any other disputes arising in or under this agreement or any provision thereof.

11/ Finance

The ISGA shall prepare an annual budget.

There shall be a financial commission consisting of members appointed by the ISGA. The members should have distinguished themselves or held high office in the fields of finance, administration or business.

This commission shall make recommendations as to the amount out of the consolidated fund to be allocated to the north-east. The GOSL shall make its good faith efforts to implement the recommendation.

The ISGA will, giving due consideration to an equitable distribution, determine the use of funds placed at its disposal. These funds shall include the North-east General Fund, the North-east Reconstruction Fund (NERF) and the Special Fund.

The GOSL agrees that any and all of its expenditures in or for the north-east shall be subject to the control of the ISGA.

11.1 North-east General Fund

The North-east General Fund shall be under the control of ISGA and shall consist of:

11.1a The proceeds of all grants and loans made by the GOSL to the ISGA and the proceeds of all other loans made to the ISGA

11.1b All allocations by the GOSL from agreements with states, institutions and/or other organisations earmarked in any such agreements for the north-east

11.1c All other receipts of the ISGA, other than the funds specified below.

11.2 North-east Reconstruction Fund

The NERF shall continue to exist in its present form except that control over it will be transferred to the ISGA.

All grants given for the reconstruction of the north-east will be received through the NERF. Utilisation of resources from NERF will be directly determined and supervised by the ISGA.

11.3 Special Fund

All loans and any grants which cannot be channelled through the NERF for the specific purpose of RRRD will be received into the Special Fund. As in the case of other funds, the ISGA shall control the Special Fund.

12/ Powers to borrow, receive aid and trade

The ISGA shall have powers to borrow internally and externally, provide guarantees and indemnities, receive aid directly, and engage in or regulate internal and external trade.

13/ Accounting and auditing of funds

13.1 The ISGA shall appoint an auditor general

13.2 All funds referred to in this agreement shall be operated, maintained and audited in accordance with internationally accepted accounting and auditing standards. The accounts will be audited by the auditor general. The auditing of all moneys received from international sources shall be subjected to approval by an internationally-reputed firm appointed by the ISGA.

14/ District committees

14.1 In the effective exercise of its legislative and executive powers, the ISGA may create district committees to carry out administration in the districts, and delegate to such committees such powers as the ISGA may determine. The chairpersons of such committees shall be appointed by the ISGA from amongst its members in order to serve as a liaison between the ISGA and the committees.

14.2 The other members of the committees shall also be appointed by the ISGA, which shall have the powers to suspend or terminate any such appointment. In appointing such members, due consideration shall be given to ensure representation of all communities.

14.3 The committees will function directly under the ISGA.

14.4 The chief administrator of the ISGA shall appoint principal executive officers in the districts, who shall also function as the secretaries to the committees. The chief administrator shall have the powers to suspend or terminate any such appointment.

14.5 All activities and functions of the committees shall be co-ordinated through the respective secretaries to the committees.

14.6 Sub-committees may also be appointed to facilitate administration.

15/ Administration

As part of the exercise of its executive powers the ISGA shall have direction and control over any and all administrative structures and personnel in the north-east pertaining to the powers set out in Clause 9 of this agreement.

The ISGA may, at its discretion, create expert advisory committees in necessary areas. These areas will include but are not limited to economic affairs, financial affairs, judicial affairs, resettlement and rehabilitation affairs, development of infrastructure, and essential services.

16/ Administration of land

Since land is vital to the exercise of the powers set out in Clause 9 (jurisdiction of the ISGA), the ISGA shall have the power to alienate and determine the appropriate use of all land in the north-east that is not privately owned.

The ISGA shall appoint a special commission on administration of land to inquire into and report on the rights of dispossessed people over land and land subject to encroachment, notwithstanding the lapse of any time relating to prescription.

The ISGA shall determine the term of competencies of the special commission.

17/ Resettlement of Occupied Lands

The occupation of land by the armed forces of the GOSL, and the denial to the rightful civilian owners of unfettered access to such land, is a violation of the norms of international law.

Such land must be immediately vacated and restored to the possession of the previous owners. The GOSL must also compensate the owners for the past dispossession of their land.

The ISGA shall be responsible for the resettlement and rehabilitation of displaced civilians and refugees in such lands.

18/ Marine and offshore resources

The ISGA shall have control over the marine and offshore resources of the adjacent seas and the power to regulate access thereto.

19/ Natural Resources

The ISGA will have control over the natural resources in the north-east region.

Existing agreements relating to any such natural resources will continue in force. The GOSL shall ensure that all monies due under such agreements are paid to the ISGA.

Any future changes to such existing agreements should be made with the concurrence of the ISGA.

Future agreements shall be entered into with the ISGA.

20/ Water use

Upper riparian users of river systems have a duty to ensure that there is a fair, equitable and reasonable use of water resources by lower riparian users.

The GOSL and the ISGA shall ensure that this internationally recognised principle is followed in the use of water resources.

21/ Agreements and contracts

All future agreements concerning matters under the jurisdiction of the ISGA shall be made with the ISGA.

Existing agreements will continue, but the GOSL shall ensure that all proceeds under such agreements are paid to the ISGA.

Any changes to such existing agreements should be made with the concurrence of the ISGA.

22/ Settlement of disputes

Where a dispute arises between the parties to this agreement as to its interpretation or implementation, and it cannot be resolved by any other means acceptable to the parties including conciliation by the Royal Norwegian Government, there shall be an arbitration before a tribunal consisting of three members, two of whom shall be appointed by each party.

The third member, who shall be the chairperson of the tribunal, shall be appointed jointly by the parties concerned.

In the event of any disagreement over the appointment of the chairperson, the parties shall ask the president of the International Court of Justice to appoint the chairperson.

In the determination of any dispute the arbitrators shall ensure the parity of status of the LTTE and the GOSL and shall resolve disputes by reference only to the provisions of this agreement. The decision of the arbitrators shall be final and conclusive and it shall be binding on the parties to the dispute.

23/ Operational period

This agreement shall continue until a new government for the north-east, pursuant to a permanent negotiated settlement, is established.

The parties will negotiate in good faith to reach such a settlement as early as possible.

Provided, however, that at the end of four years if no final agreement has been reached between the parties to this agreement, both parties shall engage in negotiations in good faith for the purpose of adding, clarifying, and strengthening the terms of this agreement.

Reference: http://news.bbc.co.uk/1/hi/world/south_asia/3232913.stm

CEASEFIRE AGREEMENT (2002)

Agreement on a ceasefire between the Government of the Democratic Socialist Republic of Sri Lanka and the 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 Vavuniya 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 individual 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 on (hereinafter referred to as the SLMM).

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.

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 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.

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.

Reference: http://www.sangam.org/fb_hist_docs/mou02_22_02.htm

THIMPU TALKS (1985)

THE THIMPU DECLARATION

JOINT STATEMENT MADE BY THE TAMIL DELEGATION ON THE CONCLUDING DAY
OF PHASE I OF THE THIMPU TALKS ON THE 13TH OF JULY 1985

It is our considered view that any meaningful solution to the Tamil national question must be based on the following four cardinal principles:

- recognition of the Tamils of Ceylon as a nation
- recognition of the existence of an identified homeland for the Tamils in Ceylon
- recognition of the right of self determination of the Tamil nation
- recognition of the right to citizenship and the fundamental rights of all Tamils in Ceylon

Different countries have fashioned different systems of governments to ensure these principles. We have demanded and struggled for an independent Tamil state as the answer to this problem arising out of the denial of these basic rights of our people. The proposals put forward by the Sri Lankan government delegation as their solution to this problem is totally unacceptable. Therefore we have rejected them as stated by us in our statement of the 12th of July 1985. However, in view of our earnest desire for peace, we are prepared to give consideration to any set of proposals, in keeping with the above mentioned principles, that the Sri Lankan Government may place before us.

Reference: <http://tamilnation.co/conflictresolution/tamileelam/85thimpu/thimpu10.htm>

VADDUKODDAI RESOLUTION (1976)

THE RESOLUTION: Unanimously adopted at the First National Convention of the TAMIL UNITED LIBERATION FRONT held at Vaddukoddai on May 14, 1976

Chairman S.J.V. Chelvanayakam Q.C., M.P. (K.K.S)

Whereas, throughout the centuries from the dawn of history, the Sinhalese and Tamil nations have divided between themselves the possession of Ceylon, the Sinhalese inhabiting the interior of the country in its Southern and Western parts from the river Walawe to that of Chilaw and the Tamils possessing the Northern and Eastern districts; And,

Whereas, the Tamil Kingdom was overthrown in war and conquered by the Portuguese in 1619, and from them by the Dutch and the British in turn, independent of the Sinhalese Kingdoms; And,

Whereas, the British Colonists, who ruled the territories of the Sinhalese and Tamil Kingdoms separately, joined under compulsion the territories of the Sinhalese and the Tamil Kingdoms for purposes of administrative convenience on the recommendation of the Colebrooke Commission in 1833; And,

Whereas, the Tamil Leaders were in the forefront of the Freedom movement to rid Ceylon of colonial bondage which ultimately led to the grant of independence to Ceylon in 1948; And,

Whereas, the foregoing facts of history were completely overlooked, and power over the entire country was transferred to the Sinhalese nation on the basis of a numerical majority, thereby reducing the Tamil nation to the position of subject people; And,

Whereas, successive Sinhalese governments since independence have always encouraged and fostered the aggressive nationalism of the Sinhalese people and have used their political power to the detriment of the Tamils by-

(a) Depriving one half of the Tamil people of their citizenship and franchise rights thereby reducing Tamil representation in Parliament,

(b) Making serious inroads into the territories of the former Tamil Kingdom by a system of planned and state-aided Sinhalese colonization and large scale regularization of recently encouraged Sinhalese encroachments, calculated to make the Tamils a minority in their own homeland,

(c) Making Sinhala the only official language throughout Ceylon thereby placing the stamp of inferiority on the Tamils and the Tamil Language,

(d) Giving the foremost place to Buddhism under the Republican constitution

thereby reducing the Hindus, Christians, and Muslims to second class status in this Country,

(e) Denying to the Tamils equality of opportunity in the spheres of employment, education, land alienation and economic life in general and starving Tamil areas of large scale industries and development schemes thereby seriously endangering their very existence in Ceylon,

(f) Systematically cutting them off from the main-stream of Tamil cultures in South India while denying them opportunities of developing their language and culture in Ceylon, thereby working inexorably towards the cultural genocide of the Tamils,

(g) Permitting and unleashing communal violence and intimidation against the Tamil speaking people as happened in Amparai and Colombo in 1956; all over the country in 1958; army reign of terror in the Northern and Eastern Provinces in 1961; police violence at the International Tamil Research Conference in 1974 resulting in the death of nine persons in Jaffna; police and communal violence against Tamil speaking Muslims at Puttalam and various other parts of Ceylon in 1976 - all these calculated to instill terror in the minds of the Tamil speaking people, thereby breaking their spirit and the will to resist injustices heaped on them,

(h) By terrorizing, torturing, and imprisoning Tamil youths without trial for long periods on the flimsiest grounds,

(i) Capping it all by imposing on the Tamil Nation a constitution drafted, under conditions of emergency without opportunities for free discussion, by a Constituent Assembly elected on the basis of the Soulbury Constitution distorted by the Citizenship laws resulting in weightage in representation to the Sinhalese majority, thereby depriving the Tamils of even the remnants of safeguards they had under the earlier constitution, And,

Whereas, all attempts by the various Tamil political parties to win their rights, by co-operating with the governments, by parliamentary and extra-parliamentary agitations, by entering into pacts and understandings with successive Prime Ministers, in order to achieve the bare minimum of political rights consistent with the self-respect of the Tamil people have proved to be futile; And,

Whereas, the efforts of the All Ceylon Tamil Congress to ensure non-domination of the minorities by the majority by the adoption of a scheme of balanced representation in a Unitary Constitution have failed and even the meagre safeguards provided in article 29 of the Soulbury Constitution against discriminatory legislation have been removed by the Republican Constitution; And,

Whereas, the proposals submitted to the Constituent Assembly by the Ilankai Thamil Arasu Kadchi for maintaining the unity of the country while preserving the integrity of the Tamil people by the establishment of an autonomous Tamil State within the framework of a Federal Republic of Ceylon were summarily and totally rejected without even the courtesy of a consideration of its merits; And,

Whereas, the amendments to the basic resolutions, intended to ensure the minimum

of safeguards to the Tamil people moved on the basis of the nine point demands formulated at the conference of all Tamil Political parties at Valvettithurai on 7th February 1971 and by individual parties and Tamil members of Parliament including those now in the government party, were rejected in toto by the government and Constituent Assembly; And,

Whereas, even amendments to the draft proposals relating to language, religion, and fundamental-rights including one calculated to ensure that at least the provisions of the Tamil Language (Special Provisions) Regulations of 1956 be included in the Constitution, were defeated, resulting in the boycott of the Constituent Assembly by a large majority of the Tamil members of Parliament; And,

Whereas, the Tamil United Liberation Front, after rejecting the Republican Constitution adopted on the 22nd of May, 1972, presented a six point demand to the Prime Minister and the Government on 25th June, 1972, and gave three months time within which the Government was called upon to take meaningful steps to amend the Constitution so as to meet the aspirations of the Tamil Nation on the basis of the six points, and informed the Government that if it failed to do so the Tamil United Liberation Front would launch a non-violent direct action against the Government in order to win the freedom and the rights of the Tamil Nation on the basis of the right of self-determination; And,

Whereas, this last attempt by the Tamil United Liberation Front to win Constitutional recognition of the rights of the Tamil Nation without jeopardizing the unity of the country was callously ignored by the Prime Minister and the Government; And,

Whereas, the opportunity provided by the Tamil United Liberation leader to vindicate the Government's contention that their constitution had the backing of the Tamil people, by resigning from his membership of the National State Assembly and creating a by-election was deliberately put off for over two years in utter disregard of the democratic right of the Tamil voters of Kankesanthurai, and,

Whereas, in the by-election held on the 6th February 1975, the voters of Kankesanthurai by a preponderant majority not only rejected the Republican Constitution imposed on them by the Sinhalese Government, but also gave a mandate to Mr. S.J.V. Chelvanayakam, Q.C. and through him to the Tamil United Liberation Front for the restoration and reconstitution of the Free Sovereign, Secular, Socialist State of TAMIL EELAM.

The first National Convention of the Tamil United Liberation Front meeting at Pannakam (Vaddukoddai Constituency) on the 14th day of May, 1976, hereby declares that the Tamils of Ceylon by virtue of their great language, their religions, their separate culture and heritage, their history of independent existence as a separate state over a distinct territory for several centuries till they were conquered by the armed might of the European invaders and above all by their will to exist as a separate entity ruling themselves in their own territory, are a nation distinct and apart from Sinhalese and this Convention announces to the world that the Republican

Constitution of 1972 has made the Tamils a slave nation ruled by the new colonial masters, the Sinhalese ,who are using the power they have wrongly usurped to deprive the Tamil Nation of its territory, language citizenship, economic life, opportunities of employment and education, thereby destroying all the attributes of nationhood of the Tamil people.

And, while taking note of the reservations in relation to its commitment to the setting up of a separated state of TAMIL EELAM expressed by the Ceylon Workers Congress as a Trade Union of the Plantation Workers, the majority of whom live and work outside the Northern and Eastern areas,

This convention resolves that restoration and reconstitution of the Free, Sovereign, Secular, Socialist State of TAMIL EELAM, based on the right of self determination inherent to every nation, has become inevitable in order to safeguard the very existence of the Tamil Nation in this Country.

This Convention further declares -

a. that the State of TAMIL EELAM shall consist of the people of the Northern and Eastern provinces and shall also ensure full and equal rights of citizenship of the State of TAMIL EELAM to all Tamil speaking people living in any part of Ceylon and to Tamils of EELAM origin living in any part of the world who may opt for citizenship of TAMIL EELAM.

b. that the constitution of TAMIL EELAM shall be based on the principle of democratic decentralization so as to ensure the non-domination of any religious or territorial community of TAMIL EELAM by any other section.

c. that in the state of Tamil Eelam caste shall be abolished and the observance of the pernicious practice of untouchability or inequality of any type based on birth shall be totally eradicated and its observance in any form punished by law.

d. that TAMIL EELAM shall be a secular state giving equal protection and assistance to all religions to which the people of the state may belong.

e. that Tamil shall be the language of the State, but the rights of Sinhalese speaking minorities in Tamil Eelam to education and transaction of business in their language shall be protected on a reciprocal basis with the Tamil speaking minorities in the Sinhala State.

f. that Tamil Eelam shall be a Socialist State wherein the exploitation of man by man shall be forbidden, the dignity of labor shall be recognized, the means of production and distribution shall be subject to public ownership and control while permitting private enterprise in these branches within limit prescribed by law, economic development shall be on the basis of socialist planning and there shall be a ceiling on the total wealth that any individual of family may acquire.

This Convention directs the Action Committee of the TAMIL UNITED LIBERATION FRONT to formulate a plan of action and launch without undue delay the struggle for winning the sovereignty and freedom of the Tamil Nation;

And this Convention calls upon the Tamil Nation in general and the Tamil youth in particular to come forward to throw themselves fully into the sacred fight for freedom and to flinch not till the goal of a sovereign state of TAMIL EELAM is reached.

Reference : http://www.sangam.org/FB_HIST_DOCS/vaddukod.htm

A MEMORANDUM FROM THE TAMILS OF CEYLON (1974)

TO DELEGATES ATTENDING THE 20TH COMMONWEALTH CONFERENCE IN CEYLON.
SEPTEMBER, 1974

Greetings to all delegates in the name of the Tamils of Ceylon. We extend to you a very warm welcome.

This memorandum is presented to you in the hope that through you, world conscience will be awakened to the present plight of the Tamils in this country, who are being systematically subjected to a denial of human rights, various forms of racial discrimination and other practices which could lead to the genocide of the Tamils.

The Tamils of Ceylon constitute a separate nation divided from the Sinhalese nation by territory, language, religion and culture. (See Appendix) At the beginning of European conquest, there were THREE SEPARATE KINGDOMS in Ceylon: A Tamil kingdom in the North and two Sinhalese kingdoms in the South. The Tamil kingdom fell to the Portuguese in 1619. The Dutch replaced the Portuguese in 1659, who in turn capitulated to the British in 1796. The British also took over the Kandyan Sinhalese kingdom in 1815, thus gaining mastery over the three kingdoms covering the entire island. These territories which were isolated from each other and administered as separate areas were brought together into one administrative unit by the British in 1833. This was done for reasons of administrative convenience without consent of the peoples of the island. In fact the Kandyan Sinhalese protested against this unification.

The British thus imposed a common administrative system on the whole island with English as the Language of the government. In this way they brought together two peoples who had lived separately through the ages. When it became clear that the British were ready to share some of their authority with the local leaders, the conflict between the Tamils and the Sinhalese came to the surface. In 1945 when the time came for the transfer of power to the peoples of this country, the Board of ministers submitted their own proposals for a new constitution. The Tamils almost in one voice rejected their proposals in-as-much as they were calculated to place the minorities of Ceylon in a position of subordination to and dependence on the racial majority.

A Royal Commission under the Chairmanship of Lord Soulbury was sent to Ceylon in order to examine and discuss any proposal for constitutional reform in the island. Recognizing the general state of apprehension and suspicion in the minds of minority communities when power was to be transferred from neutral British hands to the people of a country, the commission became alert to the need for minority safeguards.

The Commissioners therefore accepted the assurance of the Board of Ministers in the belief that the latter were fully aware that the contentment of the minorities is essential, not only to their well-being but to the well being of the Island as a whole.

Moreover the British Government issued a White Paper on the basis of the Commissions report and made it clear to the Board of Ministers of Ceylon, that any legislative action by the British would be conditional on the acceptance of their proposal by the minorities. This acceptance was secured by many promises and assurances by the Sinhalese leaders, the hollowness of which have been manifest by the actions of successive Governments. It is significant that Lord Soulbury himself was later disillusioned by the disregard of these assurances by the Sinhalese leaders. Lord Soulbury has in his forward to the book, *Ceylon a Divided Nation* by Professor B. H. Farmer said:

“The Commission had of course a cursory knowledge of the age long antagonism between these two communities but might have been less hopeful of a solution had Mr. Farmers book been available to underline the deplorable effect of centuries of troubled history upon the Ceylonese today... Needless to say the consequences have been a bitter disappointment to myself and my fellow Commissioners...”

The Tamils however hoped that the administrative unity established by the British Government could be preserved and towards that end made three significant suggestions.

(a) Balanced Representation:

Our earliest request was for balanced representation in the legislature as advocated by the Duke of Devonshire, who was Secretary of State for Colonies. It was based on a balanced scheme of representation that would avoid the danger of concentration of power in one community but would ensure its equitable distribution among all communities and the people as a whole. But the Soulbury Commissioners did not grant this.

(b) The demand for a Federal Constitution:

Secondly, within a year of independence, when the position of the Tamils was fast deteriorating, the demand for a federal form of government was put forward. It was felt that this was the only way of keeping together two distinct nations in one state. It may be remembered here that Mr. S. W. R. D. Bandaranayake strongly advocated federalism as far back as May 1926 or even earlier, but would not concede when he came to power. The following excerpts are taken from his speech of his in the Ceylon Morning Leader July 17th.

“If they considered past history then they would see that the three communities, the Tamils, the Low-country Sinhalese and the Kandyan Sinhalese had lived for over a thousand years in Ceylon and had not shown any tendency to merge... A central form of Government assumed a homogenous whole...”

But when the objections were dissipated he was convinced that some form of FEDERAL GOVERNMENT would be the ONLY SOLUTION.”

The New Constitution of 1972 and the six-point formula.

Thirdly, these suggestions were finally rejected and a new constitution was unilaterally imposed in 1972. This Constitution took away even the meager safeguards provided in the Soulbury Constitution and in addition imposed further disabilities on the non-Sinhalese, non-Buddhist population. This brought the Tamils together under the banner of the Tamil United Front (TUF), comprising all Tamil political parties, major trade unions and prominent non-party Tamils. The TUF is today recognized as the voice of the Tamil people.

The TUF rejected the Constitution and put forward a six-point formula as the minimum prerequisite for keeping the two nations together, while preserving the territorial, linguistic, religious and cultural integrity of the Tamils. The Tamil United Front demands that the Constitution should be amended so as to secure the aspirations of the Tamil people in respect of the following:

- (a) The Tamil Language should be given the same status in the Constitution as the Sinhala Language.
- (b) There should be constitutional guarantee of full citizenship rights to all Tamil-speaking people who have made this country their home. There should be no different categories of citizens and no discrimination between them, and also no power to the state to deprive citizen of his citizenship.
- (c) The state shall be secular, while equal protection is afforded to all religions.
- (d) The Constitution should provide for valid fundamental rights guaranteeing the equality of all persons on ethnocultural grounds.
- (e) The Constitution shall provide for the abolition of caste and untouchability.
- (f) In a democratic and socialist society, a decentralized structure of government alone will make it possible for a participatory democracy where power will be peoples power rather than state power.

The reasonableness of the demand put forward by the TUF is amply demonstrated by the fact that every single political party with the Sinhalese leadership had accepted the demands in some form or other both before and after independence, but this Government has not even cared to consider these proposals.

The Tamils have traversed a long road and are now at the end of their tether. When two nations cannot get on together they come to the parting of ways. Has the parting come? That is the problem of the Tamils of Ceylon.

UNDER NEO-COLONIALISM.

The Sinhalese leaders have one objective, of converting the bi-national, bi-lingual, multi-religious state of Ceylon into a uni-national state with one nation - the Sinhalese, a uni-lingual state with the Sinhala only and with one religion - Buddhism, involving genocide against the Tamils. This is substantiated by the following statement to the Press by a Cabinet Minister of the present Government and reported in the Ceylon Daily News of

27 th August 1974:

“In fact one of the things happening now is that, many Indian Tamils who were earlier isolated are now learning Sinhala and even adopting our names and religion This is part of the social assimilation.”

For the sake of brevity we give, in some detail just six areas where there is pursuance of the above policy, and list the others;

1. CITIZENSHIP AND DISFRANCHISEMENT.

Within a few months of gaining independence, it was not difficult for the Sinhalese leaders to forget all the promises and assurances they had given to the Tamils, and by the Citizenship Act. No. 19 of 1948 to make a million Tamils stateless, who prior to Independence enjoyed the same rights as other Ceylonese.

This act affected adversely the totality of Tamils and even Muslims. Those who had Tamil or Muslim names had to submit proof of Citizenship in regard to many matters connected with the Government. The following are some of them:

- (a) Employment in public sector.
- (b) The issue of Passport or other travel documents.
- (c) The issue of certificates of citizenship.
- (d) The issue of Rice Ration books.
- (e) Inclusion of names in the Electoral Registers.

(f) The registration of transfers of property or shares. (g) The registration of a person as a Ceylonese Trader. (h) Other spheres reserved partly or fully for Ceylonese.

In the following year the Ceylon (Parliamentary) Elections Amendment Act. No. 48 of 1949 was passed which again deprived the same group of Tamils of the right to vote. At no time did the Board of Ministers (all Sinhalese) of the State Council of Ceylon, who negotiated the Independence with British

Government ever give even an inkling of their intention to deprive half the Tamil population of Ceylon of their Franchise rights. On the other hand, in the memorandum they submitted to Whitehall on constitutional reforms they devised a scheme of representation under which they expected the Sinhalese to have 58 seats, Ceylon Tamils 15 seats, Indian Tamils 14 seats.

The deteriorating position can be seen in the following table:

COMMUNITY	1947	1952	1956	1960	1960
	% of seats	% of seats	% of seats	% of seats	% of seats
Sinhalese	63	73	73	78	77
Ceylon Tamils	13	12	12	11	11
Indian Tamils	7	Nil	Nil	Nil	Nil
Muslims	6	8	7	6	7

The above figures will show that a constitution devised and fashioned to give weightage in representation to minorities was in fact perverted to give weightage to the majority-

2. INROADS INTO TAMIL TERRITORY

The Government implemented schemes of State-aided colonization of traditional Tamils areas by colonizing Sinhalese and thereby increased the Sinhalese voting strength in the legislature. Within the first few years of Independence, colonization of the Eastern Province, a Tamil area, by the Sinhalese had proceeded at such rapid rate that before the end of the 1950s there were enough Sinhalese to return a Sinhalese member to Parliament. Apart from such colonization, special licenses were given to Sinhalese to obtain lands in Tamil areas in preference to the Tamils of the area, illegal squatting on Crown land by Sinhalese was encouraged and regularized while Tamils were punished and driven away. All this was not a natural movement of population but a Government directed plan.

3. LANGUAGE.

It is in regard to the right to use their language on the basis of equality with their fellow citizens that the Tamils have experienced the greatest humiliation and disappointment. Up to 1955 there was never a doubt that Sinhala and Tamil would be on equal footing and enjoy equality of status. Indeed in the State Council a resolution to the effect that Sinhala and Tamil would be the official languages was accepted by a large majority.

Speaking on the occasion the late Mr. S. W. R. D. Bandaranayake said:

“But generally speaking there is no question that one of the most important ingredients of nationality is Language, because it is through the vehicle of language that the aspirations, the yearnings and triumphs of a people through the centuries are enshrined and preserved. Therefore all that it means to a nation from the psychological, from the sentimental, from the cultural points of view, the value of nationality from all those points of view are expressed through the medium of language. That is why language is such an important ingredient of nationality... What then is the object of having Sinhalese alone as the official language? If the objection is that it is rather awkward to have more than one official language, I should like to point out that other countries are putting up with more than two official languages and are carrying on reasonably satisfactorily... I do not see that there would be any harm at all in recognizing the Tamil language also as an official language. It is necessary to bring about that amity, that confidence among the various communities which we are all striving to achieve within reasonable limits. Therefore, on the second point, I have no personal objection to both these languages being considered official languages; nor do I see any particular harm or danger or difficulty arising from it.”

(Official Report State Council, 25h May 1944: Vol. I c809)

The Official Language Act No. 33 Of 1956, however, provided that Sinhala shall be

the one Official Language in Ceylon. The Tamils considered this act a great betrayal and have not ceased to agitate for equality of status for the Tamil Language.

In 1961 for 57 days the Tamil speaking people performed Satyagraha outside of the Chief Government Offices in the Principal cities of the Tamil territory -- Batticaloa, Trincomalee, Vavuniya, Mannar, Jaffna -- thus bringing the administration in these areas to a stand-still.

The Government imposed a state of emergency and used the Armed Forces to unleash a reign of terror in these areas. The Tamil M.P.s and leading Tamils like Kanthiah Vaithianathan were placed under detention. When some legislative provision has been made for the use of the Tamil language in the Northern and Eastern Provinces, Sinhala continued to be largely used as the sole language of public business causing inconvenience, embarrassment, and humiliation to the Tamils.

4. EDUCATION.

We list herein specific areas in education where there is severe discrimination:

(a) Education amending Acts Nos. 5 of 1960 and 8 of 1961 took over Schools run by Tamils and Christian denominations but Buddhist Privena Schools were allowed to continue as voluntary schools with state aid.

(b) Estate schools for children of Tamil plantation workers were not taken over and continue to remain the extremely poor standard in which they have been all the time.

(c) Tamil medium schools in Tamil areas were converted into Sinhala medium schools, thus forcing them to study in Sinhala medium.

(d) After the take-over of the schools, some schools in South Ceylon where there were predominantly Tamil children were converted to Sinhala schools without alternate provisions for the Tamil children.

(e) The medium of instruction in four schools in the North was changed from Tamil to Sinhala.

(f) Access to Higher Education.- Since the present Government came into power there has been racial discrimination. In 1970 admissions, a higher standard was required of Tamil Students. Merit was abandoned. and under cover of giving weightage to students in rural areas, the Government instituted a racial system of admission. We give below the minimum aggregate marks required of Tamil and Sinhalese students in 1970.

Aggregate marks required for admission to the University from:

	Tamils	Sinhalese
Peradeniya- Engineering	250	225
Katubedde- Engineering	232	212
Medicine and Dentistry	250	229
Agriculture, Veterinary & Bio-Science	184	174
Physical Science	204	183
Architecture	194	180

Since then Government has conceded that this was a mistake, but it continues with the same objective through a secret scheme of standardization based on language media and area quotas: the consequential effect is to whittle down the admission of Tamil students who on the ground of merit alone would be eligible for higher education.

5. VIOLENCE AGAINST TAMILS.

The Tamils have been subjected to violence in 1956, 1957, 1959, 1961 and 1974. In 1958 Tamils outside the Tamil territory were set upon by organized groups of Sinhalese and were subjected to murder, torture, rape and looting. In 1961 it was used to disperse the Satyagrahis; in 1974 violence was used to disperse large crowd listening to a non-political cultural address where nine persons were killed. The Police and Army often ran berserk and spread violence and terror over a much larger area than the prescribed scene.

6. STARVATION AND DEATH.

The plantation industry of tea, rubber and coconut constitutes the backbone of the economy of this country. It is a tragedy of the worst magnitude that the very Tamil workers on the plantations whose labor provides the life blood for the economic life of this country have been made political, social, and economic outcasts by the operation of national laws, since this country attained independence. The extent of the problem faced by over a million Tamil people concentrated on the plantations has assumed the character of genocide by reason of starvation due to unemployment, low wages, and drastic cuts imposed on the quantities of food items made available to them. The cumulative effect of all this is a sharp increase in their death rate and plantation workers and their families have been forced to move into towns to beg for food.

We conclude by merely listing the other means whereby the Tamils are put to grave hardships:

1 . Denial of equal opportunities of employment to Tamils in Government Service and Government controlled corporations.

2. Sustained propaganda against Tamils through Government approved school textbooks.

3. Continued Police and Army action in Tamil areas.

4. Denial of the right of peaceful assembly.

5. Denial to many Tamils and Tamil leaders the right to leave the country.

6. Absence of effective provisions in the Constitution protecting the Fundamental Rights of minorities.

7. Arbitrary arrests and detentions (at the moment there are 42 Tamils under such detention) and

8. cruel and inhuman treatment at the time of arrest and during detention.

9. The grant of :the foremost place to Buddhism and imposing on the State a constitutional duty to protect and foster that religion.

10. Denial of the right of representation to 50,000 in the Kankesauthurai Electorate by maliciously refusing to hold the by-election for the last two years.

THE COMMONWEALTH AND TAMILS.

Sri Lanka is today a State with two nations and the Tamil nation there in seeks its inalienable right of self-determination. The Tamil problem is not an internal affair. The Shri Rajagopalachari, the First Governor General Of India has stated:

“Most private wrongs are done within family walls, and most public wrongs within the borders of States. If world opinion is to consider state frontiers sacrosanct then there will be no chance for world progress as a whole; tyranny would have received a world charter.”

Any attempt therefore, to regard the Tamil question as an internal affair of the State of Sri Lanka, would amount to an evasion of recognizing the political and social realities in the country. There is little doubt that the situation, fraught with many dangers, is gradually getting out of hand and is one for which there are unfortunately many parallels. From all accounts the Tamils of Ceylon are beginning to despair of obtaining their right, through discussion, compromise, and peaceful means; tensions and frustrations are beginning to crystallize around issues which sooner or later am likely to lead to a point of no return.

In Ceylon today there is closely a situation where immediate action and assistance are necessary to stop a bad situation from getting worse. The question would arise whether the subject of minority nationalities in Commonwealth countries could be discussed even if such a subject is not on the agenda of the conference. There have been occasions in the past when the conference did consider subjects like Kashmir and Apartheid even though they were not on the agenda. The rapidly deteriorating situation here, demands in the name of common humanity that the Tamil question of Ceylon be considered at the 20th conference. Recent history shows that the nations of the world have moved to help a smaller nation in distress, only after many paid with their lives for their legitimate rights.

The CPA is an Association of Commonwealth parliamentarians who, irrespective of race, religion or culture are united by community of interest, respect for the rule of law and the rights and freedoms of the individual citizens and by pursuit of the positive ideals of parliamentary democracy.

THEREFORE, IT IS OUR HOPE THAT THE PROBLEMS OF THE TAMILS IN CEYLON WILL RECEIVE SYMPATHETIC CONSIDERATION OF THE DELEGATES ASSEMBLED AT THIS CONFERENCE AND THAT THEY WILL USE THEIR GOOD OFFICES TO HELP IN THE SOLUTION OF THIS PROBLEM.

S. J. V. Chelvanayakam, Q.C.,

President, Tamil United Front, 16, Alfred House Gardens Colombo 3,
Sri Lanka.

Reference: http://www.sangam.org/FB_HIST_DOCS/Commonwealth.htm

DUDLEY SENANAYAKE CHELVANAYAKAM PACT (1965)

On 24 March 1965, another Sinhala Prime Minister Dudley Senanayake signed a pact with the Tamil leader S J V Chelvanayakam, promising to redress Tamil grievances, in return for Tamil support for the PM's party to form the government. Most provisions in the pact were not implemented, and four years later, on 9 April 1969, the Tamil leadership withdrew their support for the government.

Mr. Dudley Senanayake and Mr. S. J. V. Chelvanayakam met on the 24-3-1965 and discussed matters relating to some problems over which the Tamil-speaking people were concerned, and Mr. Senanayake agreed that action on the following lines would be taken by him to ensure a stable government:

(1) Action will be taken early under the Tamil Language Special Provisions Act to make provision of the Tamil Language of Administration and of Record in the Northern and Eastern Provinces. Mr. Senanayake explained that it was the policy of his party that a Tamil-speaking person should be entitled to transact business in Tamil throughout the island.

(2) Mr. Senanayake stated that it was the policy of his party to amend the Languages of Courts Act to provide for legal proceedings in the Northern and Eastern Provinces to be conducted and recorded in Tamil.

(3) Action will be taken to establish District Councils in Ceylon vested with powers over subjects to be mutually agreed upon between two leaders. It was agreed, however, that the government should have power under the law to give directions to such councils under the national interest.

(4) The Land Development Ordinance will be amended to provide that citizens of Ceylon be entitled to the allotment of land under the Ordinance.

Mr. Senanayake further agreed that in the granting of land under colonization schemes the following priorities be observed in the Northern and Eastern provinces.

(a) Land in the Northern and Eastern provinces should in the first instance be granted to landless persons in the district.

(b) Secondly, to Tamil-speaking persons resident in the northern and eastern provinces.

(c) Thirdly, to other citizens in Ceylon, preference being given to Tamil citizens in the rest of the island.

Signed, Dudley Senanayake 24.3.65 - Signed, S.J.V. Chelvanayakam 24.3.65

Reference: http://www.sangam.org/FB_HIST_DOCS/D-C%20Pact.htm,

BANDARANAYAKE CHELVANAYAKAM PACT (1957)

The following agreement was signed between the Sinhala Prime Minister SWRD Bandaranayake and the Tamil leader SJV Chelvanayakam, on 25 July 1957.

On 9 April 1958, Mr. Bandaranayake, under pressure from extremist Buddhist monks, unilaterally abrogated the pact.

Representatives of the Federal Party had a series of discussions with the Prime Minister in an effort to resolve the differences of opinion that had been growing and creating tension.

At an early stage of these conversations it became evident that it was not possible for the Prime Minister to accede to some of the demands of the Federal Party.

The Prime Minister stated that, from the point of view of the Government, he was not in a position to discuss the setting up of a Federal Constitution, or regional autonomy or take any step that would abrogate the Official Language Act.

The question then arose whether it was possible to explore the possibility of an adjustment without the Federal Party abandoning or surrendering any of its fundamental principles or objectives.

At this stage the Prime Minister suggested an examination of the government's Draft Regional Council Bill to see whether provision could be made under it to meet, reasonably, some of the matters in this regard which the Federal Party had in view.

The agreements so reached are embodied in a separate document.

Regarding the language issue, the Federal Party reiterated its stand for parity but in view of the position of the Prime Minister in this matter they came to an agreement by way of adjustment. They pointed out that it was important for them there would be a recognition of Tamil as a national language and that the administration of the Northern and the Eastern Provinces should be done in Tamil.

The Prime Minister stated that as mentioned by him earlier it was not possible for him to take any steps that would abrogate the Official Language Act.

After discussion it was agreed that the proposed legislation should contain recognition of Tamil as the language of the national minority of Ceylon and that the four points mentioned by Prime Minister should include provision that, without infringing on the position of the Official Language as such, the language of administration of the Northern and eastern Provinces be Tamil, and that any necessary provision be made for the non-Tamil speaking minorities in the Northern and eastern Provinces.

Regarding the question of Ceylon citizenship for the people of Indian descent and the revision of the Citizenship Act, the representatives of the Federal Party put forward their views to the Prime Minister and pressed for an early settlement.

The Prime Minister indicated that the problem could receive early consideration.

In view of these conclusions the Federal Party stated that they were withdrawing their proposed satyagraha.

Part B

1. Regional areas to be defined in the bill itself by embodying them in a Schedule thereto.

2. That the Northern Province is to form a regional area whilst the Eastern Province is to be divided into two or more regional areas.

3. Provision is to be made in the Bill to enable two or more regions to amalgamate even beyond provincial limit; and for one region to divide itself subject to ratification by Parliament. Further provision is to be made in the Bill for two or more regions to collaborate for specific purposes of common interest.

4. Provision is to be made for the direct election of regional councilors.

Provision is to be made for a delimitation commission or commissions for carving out electorates. The question of MPs representing districts falling within regional areas to be eligible to function as chairman is to be considered. The question of Government Agents being regional commissioners is to be considered. The question of supervisory functions over larger towns, strategic towns and municipalities is to be looked into.

5. Parliament is to delegate powers and to specify them in the Act. It was agreed that regional councils should have powers over specified subjects including agriculture, cooperatives, lands and land developments, colonization, education, health, industries, fisheries, housing, social services, electricity, water schemes and roads.

6. It was agreed that in the matter of colonization schemes the powers of the regional councils shall include the power to select allottees to whom land within their area of authority shall be alienated and also power to select personnel to be employed for work on such schemes. The position regarding the area at present administered by Gal Oya Board in this matter requires consideration.

7. The powers in regard to the regional council vested in the Minister of Local Government in the draft bill to be revised with a view to vesting control in Parliament whenever necessary.

8. The Central Government will provide block grants to the regional councils.

The principles on which the grants will be computed will be gone into. The regional councils shall have powers of taxation and borrowing.

Reference: http://www.sangam.org/FB_HIST_DOCS/B-C%20Pact.htm



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