



QUEST FOR HUMAN RIGHTS -

The Sri Lanka Ethnic Issue

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Photographs

The photographs show the severe damage caused to the Vannarpannai Vaitheeswaran temple in the Jaffna peninsula in the aerial bombing by the Sri Lankan Air Force planes on May 27. The Sri Lankan armed forces had launched their offensive to capture the Jaffna peninsula from the LTTE on May 26. The Vannarpannai Vaitheeswaran temple was one of 18 centres notified by the Sri Lankan Government, where the Tamil civilians were asked to take shelter. But the temple was bombed from the air. The photographs also show the victims of the bombing—a man, a woman and a child who had sought refuge in the temple.

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INTRODUCTION

As hundreds of innocent civilians—both Sinhala and Tamil—perish in the escalating violence in Sri Lanka, the question of a negotiated political settlement becomes ever more difficult. Any such complex issue is inevitably rendered more complicated by the malevolent involvement of external powers. This involvement does unfortunately have long-term implications for India's security. While the prolonged conflict increasingly embitters both the major communities in Sri Lanka, India has steadfastly followed a policy since 1983, of attempting to work for reconciliation between the Sinhalas and the Tamil minority, by endeavouring to evolve a political solution which would meet the legitimate aspirations of the Tamil people within the framework of the unity and territorial integrity of Sri Lanka.

There has been periodic criticism of India's good offices and diplomatic efforts which have aimed at bringing together the representatives of the Sri Lankan Government and the Tamil minority to work out a viable and durable constitutional set up which would meet the Tamil aspirations and enable the Tamil minority to live in Sri Lanka in safety and with dignity. This booklet presents a factual account of the efforts made by India, through its good offices, to assist in the restoration of peace, harmony and mutual trust in Sri Lanka. While the Annexure "C" proposals, worked out in 1983, did provide a framework for further negotiations between the Sri Lankan Government and the representatives of the Tamil minority, what has emerged after three years of persistent diplomatic efforts in the proposals finalized on December 19, 1986, clearly establishes that on major issues pertaining to the unit of devolution, provincial boundaries, merger of Northern & Eastern Provinces, institutional linkages, devolution of power, powers of the Centre to legislate on subjects under the Provincial List, law and order and land settlement, considerable progress has been made in evolving a constitutional framework which would meet the aspirations of the Tamil people.

Regrettably, however, far from pursuing the proposals of December 19, Sri Lankan leaders preferred to take the issue of ethnic conflict away from the conference table. In recent escalations of the undeclared war against the people of Jaffna and the fall of some pockets of resistance in the Jaffna Peninsula, the leadership in Sri Lanka was emboldened to enlarge the military operations.

If ever there was any doubt about the real intentions of the Sri Lanka Government, this was set at rest with the mounting of massive military onslaught against the Tamil population of Jaffna peninsula from the last week of May 1987. It became clear that Colombo was till then only buying time to organize its military machine for achieving a military solution on the ground. The negotiations were nothing but a charade.

This booklet outlines the grievances of the Tamil minority in the aftermath of Indepe-

ndence in Sri Lanka and the consistent efforts made by India to find a political solution to the ethnic issue which would redress these grievances. It is the hope of people of goodwill that all parties to the ethnic issue will show a sense of statesmanship, accommodation and restraint, to facilitate an early and mutually acceptable political solution. An early political solution to the Sri Lankan ethnic issue will not only restore peace to that strife-torn Island, but also enable India and Sri Lanka to more effectively deal with the issues of foreign involvement in South Asia and the question of making the Indian Ocean a Zone of Peace.

CONSTITUTIONAL/LEGAL PROVISIONS AND TAMIL GRIEVANCES

Citizenship

The first Constitution of independent Sri Lanka prohibited the enactment of any law which would impose disparities or restrictions or confer advantages or privileges on the members of any community or religion. However, the Citizenship Act of 1948 deprived the Indian Tamils of Sri Lankan citizenship. As the Indian Tamils were not citizens of India, they became stateless. Their status was the subject of long drawn-out negotiations between India and Sri Lanka and finally under the 1964 and 1974 Agreements it was agreed that 375,000 of the stateless would get Sri Lanka citizenship and 600,000 would be repatriated to India. The implementation has been slow, and those Indian Tamils who have obtained Sri Lanka's citizenship are almost all still plantation workers. The leader of the CWC, the estate workers' main trade union organization, Mr. Thondaman, is now a member of the Sri Lanka Government. (The Indian Tamils have disassociated themselves from the demand for Eelam, though they have joined the Sri Lanka Tamils in demands for linguistic and other rights. However, they have suffered grievously in the recurrent communal riots since they live in the Sinhala dominated areas).

Language, Employment, Autonomy, etc.

Following its landslide victory on the "Sinhala Only" platform of the Sri Lanka Freedom Party, Government immediately passed an Official Language Act which declared Sinhala as "the one official language of Ceylon". Violent agitations by Sinhala extremists prevented the Government from adding to this Act, provisions for the use of Tamil.

The Federal Party of the Sri Lanka Tamils threatened to launch a Satyagraha and to defuse the situation. The Prime Minister Mr. Bandaranayake met Mr. Chelvanayakam (leader of the Federal Party) and worked out an understanding embodying a statesmanlike compromise. The Bandaranayake-Chelvanayakam Pact of 1957 recognized Tamil as the language of a national minority, and as the language of administration in the Northern and Eastern provinces, and also for the setting up of regional councils and boards in agriculture and education. Had it been implemented it would have ameliorated many Tamil grievances. It had however to be abrogated in the face of violent agitation by militant Sinhalese Buddhists cynically manipulated by the opposition United National Party. In 1959 the Prime Minister was murdered by a Sinhalese militant.

In 1965, a similar Pact was made by Prime Minister Senanayake of the United Nat-

ional Party with Mr. Chelvanayakam under which Tamil was to be the language of administration in the north and east and District Development Councils were to be set up. This Pact also faced great opposition and was later unilaterally abrogated by the Sri Lanka Government.

1972 Constitution

In 1972, a Republican Constitution was passed, which reaffirmed Sinhala as the single official language of Legislation, courts and administration, with some provision for the use of Tamil. Buddhism was accorded a prominent place and earlier minority safeguards were omitted.

Formation of TULF

The new Constitution increased the alienation of the Tamils who boycotted the deliberations of the Constituent Assembly and set up the Tamil United Front bringing together the main political organizations of the Tamils. The TULF made 6 demands—relating to equal recognition of language, religion etc. and a decentralized structure of Government. When the Sri Lanka Government still failed to respond to these demands, in 1976, the Tamil United Liberation Front was formed, with the creation of a “Tamil Eelam” in the north and the east as one of its goals.

Side by side with the hardening of the position of the Tamil political parties came the rise of extremism among Tamil youth who were frustrated by unemployment and alienated by the inability of the political leadership to obtain meaningful concessions. The extremists rejected the nonviolent path and took recourse to violence, which further inflamed communal tensions and helped spark the increasingly vicious communal riots.

The 1977 elections and after

In the 1977 elections the TULF, campaigning on the “Eelam” platform, won almost all the seats in the northern province and some in the eastern province, and became the official opposition party. As the victorious UNP under J.R. Jayewardene had declared in its manifesto that it would take steps to remedy Tamil grievances in 4 areas, an acceptable settlement seemed a possibility. The 4 areas identified were: (i) education; (ii) colonization; (iii) use of Tamil; and (iv) employment.

The Tamil grievances

These relate to:

- (1) Lack of equal opportunity in education: as a result of reservations, “stand-

ardization" of marks etc. which favour the Sinhalese.

- (2) **Employment:** Largely as a result of recruitment policies, linguistic requirements etc., the percentage of Tamils in the Government sector, professions and armed forces has come down radically since the 1950's. While some gradual reduction was inevitable, at present the Tamils are underrepresented in the police, army, and clerical services.
- (3) **Use of Tamil Language:** The Constitution recognizes only Sinhala as the official language but gives recognition to Tamil as a national language and as language for administration in Tamil areas. The Tamils state that this provision has not been implemented adequately.
- (4) **The policy of colonization:** The Tamils have expressed great concern at the Government's policy of colonization especially in the northern and eastern provinces. They have pointed out that from 1953 to 1971 the Sinhalese population of Trincomalee increased from 15,000 to 55,000 while that of the Tamils increased from 37,000 to about 73,000. Similarly, in Batticaloa the population of the Sinhalese increased from 31,000 to about 95,000 while that of the Tamils increased from 1,30,000 to 2,46,000—clearly a more rapid increase in the Sinhalese population. This has resulted from a deliberate policy of colonization by the Sinhalese following the establishment of new irrigation facilities and grant of Government owned land for settlement. The Tamils view this as an attempt to turn them into a minority in their traditional homelands.

The 1978 Constitution

This retained Sinhala as the official language but recognized Tamil as a national language along with Sinhala as the language of administration in predominantly Tamil areas. Assurances were given against colonization of Tamil populated areas and on employment. Later, the District Development Council Scheme was introduced. According to the Tamil leaders these schemes and assurances were never satisfactorily implemented and Tamil demands remained largely unfulfilled.

Largely as a result of these demands not being met, terrorism increased and a number of underground groups sprang up—the Liberation Tigers of Tamil Eelam (LTTE), the People's Liberation Organization of Tamil Eelam (PLOTE), Eelam Revolutionary Organization of Students (EROS), Tamil Eelam Liberation Organization (TELO). All are committed to the establishment of a separate State, and they have reduced the room for manoeuvre of the TULF political leadership.

Rather than taking decisive political steps to deal with the situation, the Sri Lanka Government responded with Draconian laws and vested the security forces with extraordinary powers. Because of indiscriminate utilization of these powers, serious

violations of human rights have resulted and these are added to the Tamils' sense of grievance.

Undisciplined troops have killed large numbers of innocent Tamil civilians in retaliation against extremist attacks and torture of detenus was reported to be routine.

The 1983 Riots

The ethnic riots in 1983 marked a watershed in the history of the ethnic problem. According to the Sri Lanka Government, the 1983 riots resulted in 316 deaths and rendered 100,000 persons homeless. Property destruction was estimated at SL Rs. 2 billion. There is widespread belief that the violence was planned, having the backing of political leaders including some members of the Cabinet, and that the security forces abetted the violence when they did not directly participate in it. The 1983 violence also had an anti-Indian tinge and members of the Indian Mission in Colombo were targets of attack. The riots also began the influx of Sri Lanka Tamil refugees into India.

Following the riots, the Sri Lanka Government sought to assuage Sinhala opinion by amending the Constitution to require all MPs to take an oath against separatism. This led to the TULF MPs losing their seats and resulted in making the cleavage between the Sinhalese and Sri Lanka Tamil leadership complete.

It is seen from the foregoing that the ethnic crisis in Sri Lanka emerged out of the alienation of the Tamil minority caused by the failure to maintain a pluralist and secular policy in which all communities could feel they had an equal stake. The cynical manipulation of explosive issues of language, race, religion etc., for short-term electoral gains and the constant failure to redress the genuine grievances of the Tamil community over the last 3 decades have brought about the current crisis which now threatens the unity of the country.

BACKGROUND TO INDIA'S INVOLVEMENT

India was actively engaged in dialogues with Sri Lanka right from the independence of the two countries in regard to the difficult issue of the citizenship and other rights of the Tamils of recent Indian origin. It also watched with concern the growing alienation of the Sri Lankan Tamil community beginning with the controversial 'Sinhala Only' doctrine in 1956, the erosion of the Tamil position in the Eastern Province through State Sponsored Colonization schemes and the inability or unwillingness of successive governments since 1956 to check this alienation through effective political and administrative measures. However, India's direct involvement in assisting Sri Lanka to work out a political solution to the ethnic crisis began in the wake of the large-scale violence in July/August, 1983.

The violence in Sri Lanka aroused great concern in India, especially in Tamil Nadu where emotions ran particularly high because of the close linguistic, cultural and family ties with Tamils in Sri Lanka. The first wave of refugees, whose number grew to 130,000, also started at that time. India, therefore, took a diplomatic initiative to defuse the situation and the then Foreign Minister Shri P.V. Narasimha Rao visited Sri Lanka. Following the Foreign Minister's visit, President Jayewardene sent his brother Dr. Hector W. Jayewardene to India in August as his special emissary for discussions with the Indian Government. During his meetings with the former Prime Minister, Dr. Jayewardene stated that the Sri Lankan Government was willing to consider proposals which would give the Tamil minority their due share in the affairs of the country within the framework of the united Sri Lanka. Our Prime Minister offered India's good offices to facilitate a political solution, which was accepted by the Sri Lankan President. Thereafter, Mrs. Gandhi appointed Shri G. Parthasarthy as her Special Envoy to Sri Lanka for mediatory efforts between the Sri Lankan Government and the Tamil United Liberation Front (TULF).

THE PROCESS OF NEGOTIATIONS

As a result of Shri Parthasarthy's discussions with both sides a set of proposals were formulated and the Sri Lanka Government agreed to convene an All Party Conference to consider these proposals (which came to be known as Annexure 'C'). The proposals in Annexure 'C' were centered on the creation of Regional Councils (separately) in the Northern and Eastern Provinces of Sri Lanka.

These Regional Councils were to be granted substantial devolution of powers including the subjects of law and order, land policy, education etc. and had power of taxation, raising finances etc. Though President Jayewardene had agreed that the proposal in Annexure 'C' would form the basis of negotiations, the All Party Conference when it met in 1984 did not focus on the Annexure 'C' proposals but considered only limited Schemes of devolution of power. Committees were set up to study individual aspects of this limited devolution and meetings were repeatedly adjourned. Discussions dragged on throughout 1984 while the cycle of violence by militants and indiscriminate counterviolence by the security forces against Tamil civilians took a grievous toll of innocent lives and vitiated the atmosphere. In December 1984, the Jayewardene Government presented proposals in the form of the draft 10th Amendment to the Constitution and the draft District and Provincial Councils Development Bill. These proposals did not contain any meaningful devolution of power. They merely extended the Scheme of decentralization at District level to the Provincial level for limited co-ordination. The TULF rejected these proposals and thereafter the All Party Conference was wound up.

In late 1984 and early 1985, the Sri Lanka Government escalated its military operations against the Tamils, indicating that it would tackle "terrorism" before trying to reach a political solution. This only resulted in increased violence and tension in Indo-Sri Lankan relations.

In 1985, the Prime Minister, Shri Rajiv Gandhi took the initiative to renew India's good offices as part of a policy of improving bilateral relations with neighbouring countries.

The Indian initiative came in the wake of spiralling violence involving indiscriminate killings of innocent Tamil civilians by the Sri Lanka Security forces and retaliatory attacks by Tamil militants on Sinhalese civilians in Anuradhapura. The Sri Lanka Government responded to the Indian initiative. President Jayewardene visited Delhi in early June 1985 and it was agreed that India would:

- (a) Help bring about a ceasefire between the Tamil militant groups and the Sri Lanka Government; and

- (b) Help arrange direct negotiations between the Sri Lankan Tamil groups and the Government of Sri Lanka.

Immediately following the Sri Lanka President's visit, a team of Sri Lankan officials and legal/constitutional experts visited India and held discussions with our Attorney-General on the Sri Lankan Constitution. It was agreed that there was scope for devolution of powers within the framework of the Sri Lankan Constitution.

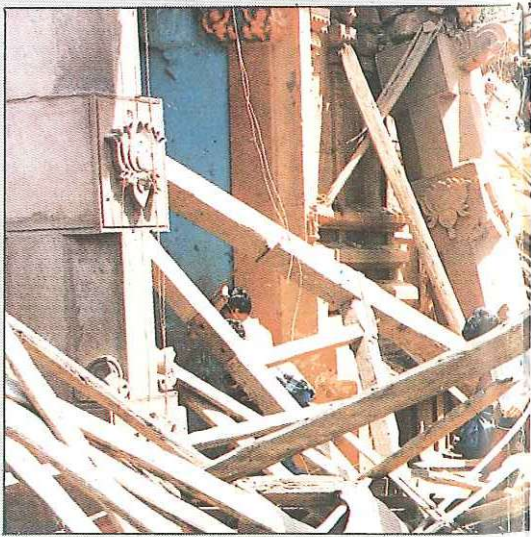
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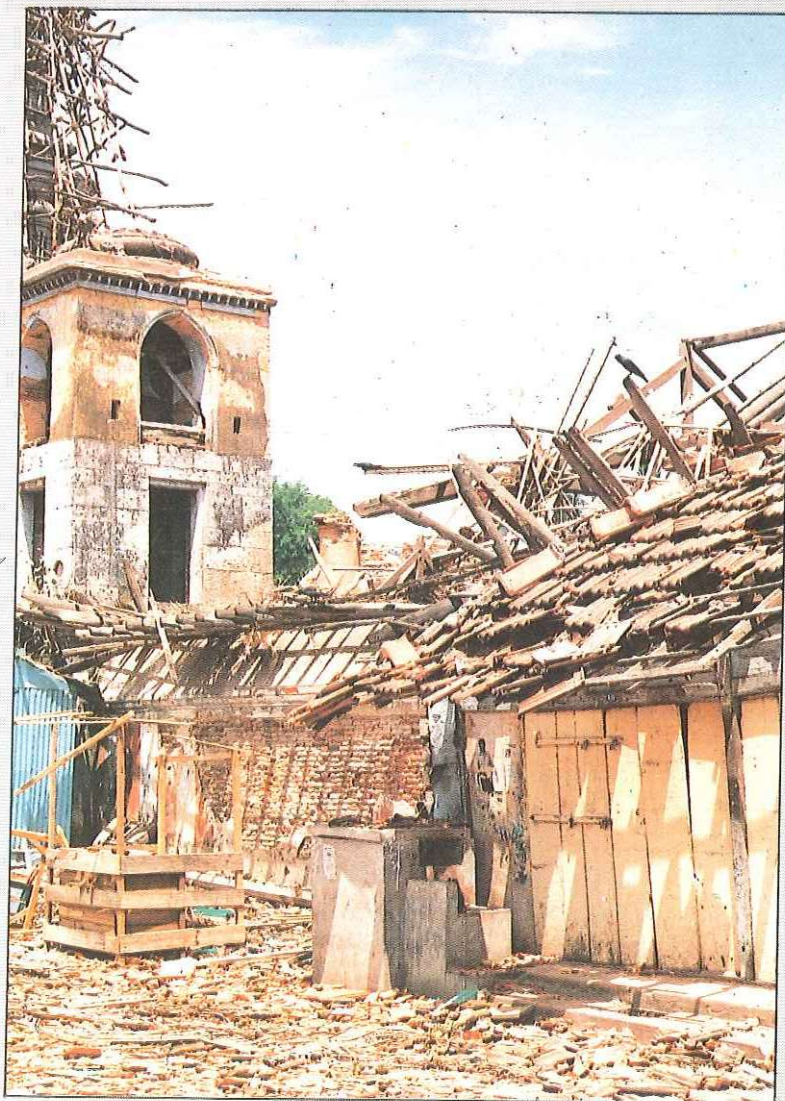
Two-rounds of direct negotiations were held in Thimpu in July 1985 and again in August 1985. These talks were adjourned in mid-August without agreement, and there was still a very wide gap between the positions of the two sides. The Sri Lankan side was prepared to concede the formation of separate Provincial Councils albeit with limited powers. The Tamil militants demanded their recognition as a nationality with right to self-determination and the right to an identified homeland—viz. the merger of Northern and Eastern Provinces. The moderate TULF also insisted on the need for merger of the Northern and Eastern Provinces and grant of substantial powers to this Tamil linguistic province. (For the Tamils the difficulty in accepting a separate Eastern Provincial Council lay in their fear that being today only 40% of that Province they may not be able to form or control the Provincial Government when it does emerge; they would thus not be able to stop the erosion of their demographic position in the area, or retain control over lands being colonized and the law and order machinery).

Delhi Discussions

Government of India, however, decided to continue the dialogue through a process of indirect negotiations, with Indian officials talking to both sides separately in an attempt to narrow differences to the point where direct negotiations could be resumed. At the end of these indirect negotiations on 30.8.1985 the Sri Lankan side presented a working paper (Draft Framework of Accord and Understanding) which, it was agreed by the Government of India, could serve as the basis for further negotiations.

The Draft Framework of Accord and Understanding was as indicated above, intended only as the basis for further negotiations. It envisaged the creation of Provincial Councils (Separate Provincial Councils for the Northern and Eastern Provinces) by amendment to the Sri Lankan Constitution, with devolution of limited powers to the Councils over subjects including law and order, land, education, culture, industry etc. The then Foreign Secretary discussed these proposals with the various Tamil militant groups in October and November 1985, but the latter rejected them even as a basis for further negotiations.





TULF Proposal: December 1985

Consequent to the rejection by the Tamils of Sri Lanka's proposals, Prime Minister Rajiv Gandhi stated in Parliament on November 20, 1985 that the "ball was in the Tamils' court". At India's suggestion, the Tamil United Liberation Front leaders prepared an alternate set of proposals (in December 1985). The TULF proposed a federal structure in which the Northern and Eastern provinces would be combined in a single Tamil linguistic State. Though this proposal meant the acceptance of a structure within the framework of the Unity of Sri Lanka, the Sri Lanka Government in January 1986, rejected the TULF proposal in harsh language and reiterated its inability to accept any proposals which altered the unitary character of the Sri Lankan Constitution. Thereafter, India's good offices were suspended for a few months. At this stage the Sri Lanka Government sent further communications indicating their willingness for further negotiations on the subjects of law and order and land settlement. They also agreed for the first time to consider the question of redrawing the boundaries of the Eastern Province. This phase was, however, marked by brutal almost genocidal attacks by security forces on the Tamil civilians and India's good offices were, therefore, kept suspended.

In the middle of April 1986, President Jayewardene indicated Sri Lanka's interest in reviving India's good offices, and on the Government of India receiving indication of Sri Lanka's willingness to move forward, a delegation led by Shri P. Chidambaram, Minister of State, visited Sri Lanka for further negotiations.

New Sri Lankan Proposals: May/June 1986

Consequent to the discussions with the Chidambaram delegation and later clarifications/communications, the Sri Lankan Government put forward detailed formulations for a solution. Following an evaluation of these proposals, the Government of India's Official Spokesman stated: "We feel that the stage has now been reached where the package of proposals in regard to the devolution of power can be conveyed to the Sri Lankan Tamils for their careful consideration". The package of proposals was accordingly handed over to the TULF and the other Tamil militant groups at the end of June 1986. The proposals which were discussed consisted of:

- (i) A Preamble explaining the principles on which the Sri Lankan Government was proceeding *viz.*, devolution of power of Provincial Councils within the framework of the unity and integrity of Sri Lanka and the maintenance of the unitary character of its Constitution. It implied retention of existing provinces as the unit devolution but, in order to meet the Tamil demand for "linkage", proposed institutional arrangements for some co-ordination between two Provinces on matters of mutual interest.

- (ii) A note on the actual establishment of provincial Councils and the devolution of powers to them as well as some details of the functioning of Provincial Councils; and,
- (iii) Specific proposals in regard to the devolution of powers to the Provincial Councils in relation to Law and Order and Land Settlement. The Sri Lankan proposals accepted the need for bifurcation of the Police Force into a National Division and Separate Provincial Divisions. They also clearly stated for the first time that Land would be a devolved subject.

TULF Talks

These proposals marked a step forward. On their basis the TULF reopened direct discussions with the Sri Lankan leadership. Two rounds of negotiations were held in July and August 1986. During these discussions some common ground emerged on many of the subjects under discussion, except for the crucial subject of the unit of devolution. Based on these discussions, the Sri Lankan Government prepared draft legislative proposals and these were then discussed by the TULF with Indian constitutional/legal experts in September/October 1986. The TULF revised the proposals to bring them in line with the understandings reached earlier as also the basic Tamil demands in relation to a single Tamil Linguistic Unit.

The Sri Lankan proposals, as modified by the TULF, were the subjects of discussions between the Tamil Nadu Government and the Sri Lankan Tamil militant groups at the end of October and early November 1986. The militant groups presented a detailed critique of the proposals, suggesting that the powers in respect of law and order, land settlement etc. were still inadequate; the fundamental difficulty of the Tamil militants was that the proposals did not specify an identified Tamil homeland i.e. merger of the Northern and Eastern Provinces. Their observations were conveyed by the Tamil Nadu Chief Minister Shri M.G. Ramachandran to Prime Minister Rajiv Gandhi in early November 1986.

Bangalore

Prime Minister Rajiv Gandhi held discussions with President Jayewardene in Bangalore during the latter's visit for the SAARC Summit in mid-November and during these discussions, President Jayewardene provided some assurances in regard to constitutional safeguards and on the questions of merger. He suggested that the Eastern Province could be trifurcated into 3 Provinces, one each for the Tamils, the Muslims and the Sinhalese presently residing there.

In subsequent discussions in New Delhi and Colombo, it became clear that the idea of the trifurcation of the Eastern Province was impractical as well as unacceptable as a solution to the merger question. The idea, therefore, was given up.

RECENT EVENTS AND DECEMBER 19 PROPOSALS

When Minister of State Shri Natwar Singh and Shri P. Chidambaram visited Colombo again in mid-December 1986, a new package of proposals was evolved (which has come to be known as the "December 19 Proposals").

The proposals essentially involve formation of a new Eastern Province by excising Sinhalese majority areas (Amparai Electoral District) from the existing Eastern Province, and the creation of two Tamil Provincial Councils in the Northern and the reconstituted Eastern Province. The two Councils would have institutional linkages for co-ordination between the two so as to make them acceptable to all concerned. The Sri Lankan government also agreed to consider a proposal for a Second Stage of constitutional development providing for the Northern Province and the new Eastern Province coming together; subject to the wishes of the people in the two Provinces being ascertained separately after a period of time. The proposals had the support of the Sri Lankan President.

However, soon after the return of the Ministers, the Sri Lankan Government expressed reservations and resiled from the December 19 position. The Sri Lankan Government and the LTTE also entered into direct negotiations without informing the Government of India. As a result, India could not discuss any proposals with the Tamil groups in the absence of a firm commitment by the Sri Lankan Government.

In January 1987, the situation in Sri Lanka took a turn for the worse after the Sri Lankan Government imposed an economic blockade on the Jaffna peninsula causing considerable hardship to the civilian population. The Sri Lankan authorities claimed that these measures followed a virtual setting up of a parallel administration in the Northern Province by the LTTE. The President also took the view that India could discuss the December 19 proposals with the Tamils, and if the latter accepted these proposals, he would try to persuade his party, the Muslims and Sinhala public opinion to accept them as the basis for resolving the ethnic problem. Dilatory tactics continued throughout January and early February while the Sri Lankan Government conducted large-scale military operations and made preparations for a possible assault on militant strongholds in Jaffna. On 10th February, a message from Prime Minister Rajiv Gandhi was conveyed to President Jayewardene that India was not in a position to resume discussions as long as the military operations against the Tamils continued, and the economic blockade was not lifted; the Sri Lankan Government was asked to clearly affirm its commitment to the December 19 proposals for any further negotiations.

Even after the suspension of its good offices role caused by Sri Lankan actions, India

has remained in close contact with both sides. It has expressed its grave concern at the developments affecting civilians and has called for caution and restraint on the part of the Sri Lanka Government.

Starting from February, 1987 the position of Tamil militants has weakened greatly due to a number of factors. The Sri Lankan forces gained effective control over the Eastern provinces in February/March 1987 and in the first week of March 1987, a final offensive on Jaffna seemed imminent. On 4th March speaking in the Parliament, Prime Minister Rajiv Gandhi made an indirect reference to India's options. Contact was also maintained with the Sri Lanka Government. Since the situation in Jaffna continued to deteriorate with serious hardship being caused to the civilian population, and since there was imminent possibility of large-scale casualties, Shri Rajiv Gandhi sent Shri Dinesh Singh as his personal emissary on March 13, 1987 to meet President Jayewardene and express India's grave concern. These steps led to some de-escalation in mid-March, 1987. Sri Lanka did not embark on a military offensive on Jaffna. It reaffirmed its commitment to December 19th proposals. The fuel ban was also partially lifted. In this phase intense efforts were made to create conditions for resumption of negotiations on the basis of December 19th proposals. On 10th April, 1987 Sri Lanka announced a Unilateral Ceasefire for 10 days. The situation appeared hopeful. However, with the brutal massacre of over 200 people on 17th/18th April, 1987, the Colombo Bomb Outrage on April 21, and the retaliatory and indiscriminate bombing and attacks by Sri Lanka's forces from 20th April, the fragile and temporary lull was shattered and full-scale hostilities resumed.

In an atmosphere of escalating violence, the Sri Lankan Prime Minister Mr. Premadasa announced on April 24 that in the light of provocative violence by the Tamil militants the Sri Lankan Government would be carrying out military attacks on militants' stronghold adding "Now on we will talk of a political solution only after we are able to protect and preserve the country. Whatever proposals (for resolving the problem) were discussed, I say emphatically we will consider them only after peace is restored." President Jayewardene, however, declared on April 26 that his Government was "pro-peace" and "pro-political settlement". He also said that the Government of Sri Lanka was extending a "Hand of peace and friendship" to the "terrorists" adding "it does not look as if our efforts and the efforts of India (to settle the ethnic problem) have been of any use to them (the militants). President Jayewardene's statement followed a strong condemnation by the Government of India of aerial attacks and other military operations by the Sri Lankan armed forces.

Nowhere is the two-track policy of Sri Lanka government towards a political solution of the ethnic problem more evident than in the public utterances of President Jayewardene and Prime Minister Premadasa. They seem to be talking double and at cross purposes. Within five days of Mr. Premadasa's announcement that "now on we will

talk of a political solution", President Jayewardene told newsmen on April 28 in Colombo "I am always for a military solution. War has to end in a solution. There will be a major military thrust".

This was not the first time in the past three years that President Jayewardene had spoken of a military solution. He has argued, and this is on record that his government had no choice but to pursue a military solution and hoped that the Sri Lankan army's attempts to recapture Jaffna would not result in too many civilian casualties.

The day President Jayewardene spoke of a military solution to the ethnic problem, Sri Lankan forces killed 400 Tamils in a five-day offensive in what was claimed to be a retaliation of the previous week's car bomb blast in central Colombo.

A government spokesman confirmed that about 150 militants had been killed in an air and ground assault on Tamil bases in Jaffna, while 250 more died in government sweeps through the Eastern Province.

There was no let up in military operations against the ethnic Tamil minority throughout the month of May. The Washington Times reported on May 19 "Three brawny British mercenaries mingle easily with tourists at the Tangerine Beach hotel (in Kalutara), playing tennis, swimming in the pool and dining at the posh supper club.

"A few miles away in Katukurunda, their colleagues are training Sri Lanka's deadly Special Task Force to kill Tamil rebels.

"They have some experience about fighting terrorism", said the National Security Minister, Mr. Lalith Athulathamudali, explaining that his government in 1984 hired a private security agency called Keeny Meeny Service (KMS).

After nearly a week of an on-again, off-again offensive, the Sri Lankan government launched on May 26 what appeared to be the final push to recapture the Jaffna Peninsula from the Tamil tigers, the main Tamil group fighting for the ethnic group's identity.

Nothing that is available in the armoury was spared. The Tamil cities with a large population were pounded with heavy shelling, bombing, strafing from land, sea and air. Shortly afterwards the army emerged in a brigade strength from most of its camps in the peninsula, the Times of London reported.

All this happened within five days of renewed assertions by Prime Minister Premadasa "anyone who advises us to find a political solution is regarded to be our worst enemy". It is crystal clear that he was directing his wrath against India and other countries which

have constantly advocated a political solution to the ethnic issue, allowing India's good offices to be used by both sides.

India was fully conscious of the suffering of people in the peninsula, reeling under the economic blockade imposed since the beginning of the year.

In his appeal to the Sri Lankan government on May 28, the Prime Minister, Mr. Rajiv Gandhi, warned against a military occupation of Jaffna since violence had already claimed thousands of lives in Sri Lanka.

"The military option is adding to the carnage. Hundreds have died in the last few days, Mr. Gandhi said. "The horrific loss of innocent life of this magnitude is totally disproportionate to the avowed aim of exterminating the Tamil militant groups".

Mr. Gandhi said "it is apparent now that the Sri Lankan government was buying time for pursuing the military option". How prophetic he was could be seen from the attempted takeover of Jaffna town in subsequent days.

A dispatch of June 9 in the Times of India reprinted by arrangement with Sunday Times, London, said "The streets lay silent and empty as the first Sri Lankan soldiers last week filed into this Tamil town on the north coast of the Jaffna Peninsula, after one of the bloodiest and most important battles in Sri Lanka's four-year ethnic conflict.

"There were two days of aerial bombardment. Helicopter gunships strafed the main street. The number of civilian casualties is disputed, but it was certainly higher than the 47 accounted by the government".

During the army operations not only was the unarmed civilian population massacred but also hospitals, school buildings and places of worship destroyed. It was in this context that India sent three messages in the first two days of June to Sri Lanka's government, emphasizing the urgent need for relief supplies to Jaffna through the Indian Red Cross.

The message of June 1 said : "Although attempts have been made to keep this tragic story from the world by a communication blockade and by sealing off Jaffna from the rest of the world, reports are already filtering out of large-scale civilian deaths, property damage, leaving thousands homeless and acute shortages of food, medicines and shelter. Even hospitals have become targets leaving the population without adequate medical facilities".

On June 3, essential relief materials were sent in unarmed and unescorted convoy of mechanized boats on a mission of mercy to Jaffna, which was forced to return under

implied threat of force on the high seas. As always, Sri Lanka took a negative and obstructive attitude even on an issue which is entirely humanitarian. Keeping in mind the urgent and imperative need for rushing essential relief to the suffering people of the Jaffna Peninsula, relief materials were air dropped on the following day in-and-around Jaffna after being inspected by a large group of Indian and foreign journalists, some of whom flew in the transport aircraft. India's was thus a mission of mercy. "Lining up for ration, the people (of the Jaffna Peninsula) said they were not getting enough to eat and they hailed India's food airdrop", Steven Weisman said in his despatch to New York Times of June 6. He further added "the main street of Velvedditturai is flanked by buildings with crumbled walls and roof, evidence of the government attack". He also noted that the biggest grievance of people of the area "was the arrest of perhaps 4000 youngmen last week as terrorist suspects". It is also reported by various sources that all young men between the ages of 15 and 45 have been rounded up and taken to unknown destinations. "The main street and coastal roads of Velvedditturai are testimony to the havoc that has been wroughtThe battle smashed line after line of buildings beyond repair. Roofs are caved in and brick and concrete walls are a mass of rubble", John Elliot said in his report to the Financial Times of London on June 6.

A random survey of the world press would show that the print medium in general has welcomed the Indian stand on the issue.

"The military option, we hope Colombo understands, is not a solution The army has taken over the key points in Jaffna Peninsula and is now poised to take Jaffna city. We do not think that it will be difficult for the army to take over the city, but we shudder to think of the civilian casualties that have occurred and will occur", The Nation of Bangkok reported on June 3.

The Los Angeles Times said on May 3: "A review of the 1986 Amnesty International report on Sri Lanka soon puts matters into a more balanced perspective. Amnesty International records 'arbitrary killings of many noncombatant Tamils by government security forces in northern and eastern Sri Lanka and of many disappearances'".

"The heart of the problem", Christian Science Monitor of Boston said on May 20, "is that the Sinhalese outnumber the Tamils by more than 4 to 1, as a result the Sinhalese control Parliament, and therefore the Government".

The Boston newspaper went on to say "they (Sinhalese) have systematically discriminated against Tamils in economic development projects, higher education and public service.

The Toronto Star of April 16 noted that the "air force (of Sri Lanka) has bought 12

U.S. helicopters, commercial versions of the Huey that was used in Vietnam and converted them for military use. The air force has also acquired a number of fixed wing planes from China”.

The Guardian of London said on April 2: “The army has denied that any shelling from nearby army camp in the old Dutch fort took place at the time of the incident, early on Monday morning. But a magistrate in Jaffna returned a verdict of homicide, which he said was planned and directed from the fort, after hearing evidence from the chief medical officer, Dr. Nachinarkinian.”

U.S. congressman Mervyn Dymally, the second-ranking Democratic member of the Asian and Pacific Affairs subcommittee of the House of the Foreign Affairs Committee, said in a statement on June 3:

“While the government of President Jayewardene has been emphasizing a negotiated settlement in its public statement, it seems that all along the government has been intent on pursuing the military option. It will not lead to a settlement, rather it will only serve to undermine the moderates and polarize the Tamil minority, destroying any hope of a lasting settlement”.

The International Commission of Jurists and the world council of churches, among others, in an appeal to the U.N. Secretary General on June 4, urged the government of Sri Lanka to reconsider its decision and to permit the humanitarian aid offered by the Indian Red Cross to reach the civilian population.

The Daily Telegraph of London reported on May 22 : “Hundreds of Tamil civilians have disappeared in the eastern Sri Lanka region of Batticaloa after being arrested by British-trained security forces, local clergymen, a citizens’ group and trade unionists claimed yesterday”.

The Tamil daily “Virakesari” of Colombo on May 7: “Virtually all public associations in Jaffna have expressed their protests against the government’s decision to close down Jaffna hospital”.

Financial Times of London reported on May 20 that “young men are scared to walk on the streets of the eastern Sri Lankan coastal city of Batticaloa. No one goes out after 6 or 7 p.m. for fear of being shot”.

The chairman of the U.S. House Foreign Affairs subcommittee on the Asia-Pacific region, Congressman Stephen Solarz, said on June 11 that he wished that the Indian relief operation in Jaffna had been worked out in co-operation with the government of Sri Lanka but added that it was “better to drop supplies than bombs”. He said he could

conceive of an extraordinary situation where "humanitarian considerations are so great that, the principle of humanitarian rescue has to take precedence over the principle of non-interference."

ASSESSMENT

India's Principled Position: Framework of a solution

From the very beginning, the Government of India made it abundantly clear that its efforts were at narrowing the differences between the two sides and at assisting them in reaching a solution which was within the framework of the unity and territorial integrity of Sri Lanka. It was recognized that the Tamils had legitimate demands and grievances and had faced discrimination for over 30 years. It was considered necessary and also possible to meet their legitimate aspirations through constitutional and structural changes. The problem of ethnic minorities has been faced by other countries such as Canada Belgium, UK, Switzerland, not to speak of India itself. Different countries have found different solutions arising from their unique characteristics and based on the genius of their people. It was felt that Sri Lanka too should and could find a model of provincial autonomy. It was clear that any lasting settlement will have to be acceptable to all sides and would involve compromises.

Indian leaders at the highest level have reiterated India's commitment and support to a solution which meets Tamil demands and aspirations within the framework of Sri Lankan unity and territorial integrity. Speaking in the Indian Parliament on August 12, 1983, Smt. Gandhi had said "I took the opportunity to reassure Mr. Jayewardene (H.W. Jayewardene) that India stands for the independence, unity and integrity of Sri Lanka. India does not interfere in the internal affairs of other countries. However, because of the historical, cultural and such other close ties between the peoples of the two countries, particularly between the Tamil community of Sri Lanka and us, India cannot remain, unaffected by such events there". On 6 April, 1984 speaking in the Indian Parliament, the then External Affairs Minister, Shri P.V. Narasimha Rao said 'It is not merely a policy for Sri Lanka. We stand for peaceful settlements of disputes wherever and whenever they arise in whatever manner. These are some of the parameters of our policy. We do not want any secession. We are against secessionist trends in any country. So, these are the parameters subject to which our policy is made and pursued and, therefore, there is no question of my having compromise on this.'

In 1985 speaking in the Parliament on 3rd May Prime Minister Rajiv Gandhi said "Our concern is for the Tamils in Sri Lanka. The concern is not only of people in the South but it is the concern of everyone in India. We have to see that the refugees go back, go back in honour, go back in safety, go back with the security of expecting and getting full freedom to express themselves, to work, to live within the integrity of Sri Lanka. We have made our position clear many times on this". Within this framework India has consistently supported the Tamil demands and has deplored firmly and unequivocally the injustice done to them. The civilian death and destruction caused by violence, the atrocities against the Tamils, and the resort to a military option

caused deep anguish and distress in India. These have been severely condemned and the solidarity with the victims of State oppression, expressed both in word and deed. India has also continued to shelter and provide basic amenities to over 1,30,000 Tamil refugees.

Double track policy of Sri Lanka Government

The lack of firm political commitment, the vacillation, at times withdrawal from the accepted position and the two-track policy of undertaking military operations even while professing faith in negotiations, on the part of Sri Lanka's Government have contributed greatly to the failures in the mediation efforts. With a history of betrayals in the past there is a deep-seated distrust of Sinhala politicians among the Tamil people. They, therefore, are disinclined to accept that the Sri Lanka Government is committed to a fair and long-lasting political settlement. Sri Lanka's Government has compounded their distrust and alienation by resorting to military measures at crucial phases of negotiations (in mid-August 1985 after the Thimpu talks, in early 1986 and in January 1987 after December 19th proposals). The massive military onslaught mounted from the last week of May 1987 with indiscriminate shelling, strafing and bombing from the sea, the air and army operations on land in the entire Jaffna peninsula resulting in loss of life and limb, damages to property and untold sufferings to the civilian population, has perhaps taken the situation to a point of no return and complete alienation of the Tamil population. It is already late, but it may not yet be too late to halt the military onslaught on the helpless civilian population of Jaffna peninsula and create conditions conducive to a return to the negotiating table. Going by past experience it may be a little too much to expect from the leadership of the Sri Lankan Government. But the time, the events, and the situation call for statesmanship and not partisan policies. One only hopes that the Sri Lankan Government realizes this. It is now or never. A population, even if it is an ethnic minority, can be subdued only for the time being but not subjugated forever.

QUEST FOR HUMAN RIGHTS - The Sri Lanka Ethnic Issue

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