

The
TAMIL
NATIONAL
QUESTION

and
The Indo-Sri Lanka Accord

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Edited by

Seevaratnam

Towards the end of April 1988, over two hundred and sixty delegates from all over the world met in London for the First International Tamil Conference called by the World Federation of Tamils. They presented papers on diverse aspects of the struggle for Tamil Eelam : from Sinhala-Buddhist chauvinism and the Buddhist clergy, through India's influence as a major regional power, to the right of the Tamil nation to self-determination. These papers have been published in this volume.

The volume sets the scenario for understanding the Tamil quest for self-determination, the failure of the Indo-Sri Lanka Accord to fulfill Tamil aspirations, and the future direction of the struggle for Tamil Eelam. It is essential reading for politicians, academics, activists and indeed anyone who wishes to pursue the truth and the justness of the Tamil cause.

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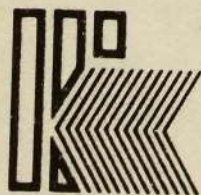


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PREFACE

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JAFFNA

Ours is a national liberation struggle, a struggle for freedom to shape our political destiny, a struggle waged with courage, heroism and sacrifice, a struggle soaked in blood and tears, a struggle built on the ashes of several thousands of martyrs.

—Political Committee of the LTTE

THE first International Tamil Conference held in London on 30 April–1 May 1988 was attended by over two hundred and sixty delegates representing Tamil Associations the world over. Delegates came from as far afield as Australia, Botswana, Brunei, Canada, France, Malaysia, Germany, Papua New Guinea, Philippines, Sweden, India, Sri Lanka and the United States, as well as from the United Kingdom.

The conference was called by the World Federation of Tamils to discuss the Tamil Eelam issue in the light of the political environment created by the Indo-Sri Lanka Accord. Of particular concern was the disinformation put out by the Sri Lankan and Indian governments regarding the Liberation Tigers of Tamil Eelam (LTTE). It was recognised that there was an urgent need for international opinion to be informed of the indisputable fact that the LTTE had the support of Eelam Tamils both inside and outside Sri Lanka. Moreover, it was perceived that given the inability of Eelam Tamils within the country to express themselves freely, the responsibility lay with Eelam Tamils overseas to articulate the pain and the sufferings of a people who had been denied their right to self-determination.

A wide range of papers, covering diverse aspects of the struggle for Tamil Eelam, were presented at the conference: from Sinhala-Buddhist chauvinism and the Buddhist clergy, through India's influence as a major regional power, to the right of the Tamil nation to self-determination. These papers were found to be of great value, particularly to Eelam Tamils and their supporters everywhere. They place on record the views of the various authors,

and the rationale behind the resolutions which were adopted unanimously by the conference. It was therefore decided to publish them.

The five resolutions pertained to the right to self-determination, political asylum for Tamil refugees, the urgent need for an immediate cease-fire and negotiations leading to a political settlement and the safety of Velupillai Prabhakaran. Most significantly, the conference was unanimous in its recognition of Velupillai Prabhakaran and the LTTE as the true leaders of the struggle for Tamil Eelam.

EDITOR

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PART I
INTRODUCTION

CHAPTER 1

Inaugural Address*

JUSTICE V.R. KRISHNA IYER

IN 1955, my wife and I happened to visit Sri Lanka and as we passed through Jaffna, at the railway station, we quietly asked the station master who looked like a Tamil, 'do tell us what are the conditions here?' He looked around, saw someone at a distance, and then told us, 'let us move aside to a place where our conversation will not be overheard.' Then we went out a distance and this man unfolded himself and said, 'We are aliens in this country, we are being oppressed. There is no safe way of living for Tamils in Sri Lanka.'

This was in 1955. We are now in 1988 when the situation has escalated steadily and all that we call human rights have been violated by the Government which obviously represented the jingoist sector of the Sinhala community. It is unfortunate that the electoral process has over the decades thrown up such a dominant group in Government, to crush, stage by stage, by a Python process, the Tamil population which is the largest minority, which is a cultural entity, an ethnic entity, almost a religious entity, a national entity. This minority had occupied high positions, key positions, strategic positions and contributed to the enrichment, the building up of the economy of the society in Sri Lanka. It was gradually eased out. It was not merely discrimination, discrimination is a very mild word to describe such a situation. They were being eased out, squeezed out, all that remained was the human being minus human dignity and cultural integrity. At last it reached a stage where violence was openly practised by the Sinhala hoodlums, if I may say so. The violence which was simmering below the surface

* Delivered at the International Conference on the Tamil National Struggle and the Indo-Sri Lankan Peace Accord organised by the World Federation of Tamils, held at London on 30 April 1988.

4 *The Tamil National Question*

was let loose and people could not know whether they would survive for the morrow.

There was a small but frightful film which I saw during those days. It showed Tamil families including women and children being dragged out and killed. Nobody was feeling safe in any part of Jaffna. Let us take Jaffna, northern, eastern parts, or Colombo and you can imagine the horrors perpetrated. Of course, these are familiar matters but often we have to remind ourselves about what had happened. Unless we have a live historical memory, we often forget the present issues which are projected by the past. Terrorism is a false label for the struggle of a people in despair facing genocide by State massacre. Just look at the technology of Tamil liquidation by Sinhala mafia. The electoral roll was used to identify the Tamils, even in the city of Colombo. You go to this house, this is a Tamil house; that shop, it is a Tamil shop. Therefore kill the people there, destroy their belongings and, if it is a Sinhala shop, leave it; this is Sinhala land, let him off. This kind of thing happened, of course, in Delhi immediately after Indira Gandhi was assassinated. Because Sikhs killed her, that kind of thing happened but I, as a citizen of India, feel ashamed that even though there were 2,000 murders in Delhi city, there was no action, no first information report, no criminal justice, nothing at all. Imagine all the people in Jaffna, all the people in the east being totally denied any right to life which is the basic right that we recognise under the United Nations Charter. To battle back for survival is not terrorism. That is why India helped the Tamil militants.

This is what happened. Taking the electoral roll and going from place to place, goondas raged and killed. There are some occasions of crisis and terror where a prison may be a sanctuary for the people. But here the Tamils inside the Welikade prison were dragged out, killed and the blood of the prisoners was offered to the Buddha statue within the prison premises. Could you imagine a greater sacrilege of the Buddha himself? Offering the blood of human beings inside the prison to the Buddha statue inside the prison campus? This is demoniac display with State abetment.

STATE TERRORISM PRACTISED

What we learn as lawyers is that when a man is killed there will at least be a post-mortem. But, an emergency was declared, a law was made by which even a post-mortem was said to be unnecessary.

Why? To make a long story short, there was State terrorism, not merely the fear of the Sinhalese sector going berserk. State terrorism practised at that time was so terrible that the President shamelessly declared: 'I am waging war'. Imagine a President of a country saying that he is waging war against a substantial minority in that country itself.

President Jayawardene did declare war on Jaffna and what was more, he said, 'no food, no medical supplies'. Hospitals were bombed. A country's President organising bombing of his own people! When the Tamil people there could not be treated as citizens of Sri Lanka, the ultimate result was that they had no human rights, no fundamental rights whatever, no right to life which is the very core of existence, all denied to the Tamils. It was in this situation, this macabre background, that the Tamils had to fight back. When the Tamils fought back there was an outcry that this was violence, this was terrorism. But at the same time, when the army of Ceylon practised terrorism, it was an army operation.

Why are we not going out to the world and talking to the nations about the desperate situation of the Tamils, these violations of human rights and the terrorism that is being practised by the State itself. Once I went to Brussels where human rights specialists met. I found people there were not informed about what was happening in Sri Lanka. The participants there were complaining that the human rights sub-committee and the United Nations had not been properly posted with what was taking place.

Inevitably, like a tiger at bay, the Tamil people had to fight back. For sheer survival. Once we appreciate the gory, grim and ghastly scenes which we had seen spreading over the decades, from 1948 onwards, we will realise the dialectical forces at work. When the Indian Prime Minister, Indira Gandhi, sent her messengers, her negotiators, President Jayawardene, capable of doing two things at the same time with perfect ease, fooled our emissaries.

Poor Indira did not anticipate a presence like President Jayawardene who could fill the bill, double-speak, double-think, new-speak, all things he could do with perfect ease. So he would one day sympathise with the Tamils and say that he was Gandhi's disciple. The next day he would send a whole army to wipe them out. Even the young Prime Minister of India who had also been trying to negotiate for some time would send one day Bhandari, another day somebody else, third day still another. For each day-

he was changing horses mid-stream but we are not here so much concerned with Rajiv Gandhi. I think it is wrong for us to focus on him—we should give importance to people who otherwise might go into oblivion. Rajiv Gandhi, moved by the inhuman siege of Jaffna, sent compassionate food and medicines.

PEOPLE OF INDIA DISTURBED

Anyway, it is not right for you to confuse between the Government of India or the Prime Minister of India and the people of India. Do you not think that the Americans are greater than Reagan? No more can you identify the people of India with Rajiv Gandhi. The people of India are very disturbed at things happening there in Sri Lanka. Anyway, even the Prime Minister of India at a certain stage found that what was being done to the Tamil people in Sri Lanka was beyond all understanding and he said, 'We will send mercy ships of food and medical supplies'. Imagine thinking of sending mercy ships of food and medical supplies to Jaffna Tamils because they were being starved of these by their own Government! I can understand Hitler trying to do it for some other Governments but here we see this monster regime starving out its own people, denying them the basic help and medical supplies. The "powerful" Sri Lanka Navy told the Indian vessels, 'Please return'. Then the next day or two days later, we found the Indian Air Force going and dropping supplies. In those days, one never knew whether these supplies reached any of the needy Tamils who were hungry. We are not concerned here with dissecting those details. All that I need say is we reached a situation in which suddenly we discovered one day that midwifery, that historic midwifery, of a still-born child, the so called India-Sri Lanka Accord. A serendipity indeed!

One need not have expected its viability. You did not require an astrologer to say that it would have died a natural death. Because when there is a convulsion of a historic character, when there are a whole people in political locomotion, angry, indignant and determined to maintain their rights, and that is what the Tamil people were trying to do at that time, when they were struggling for survival, it's not one man murdering somebody else. It is a whole people being obliterated and then they resolved 'we shall survive'. It is not one person, it is not Prabhakaran who decided to do so. It was not the LTTE. It is a whole people. 2,000 LTTE men cannot perform what is being done today or what was being done then.

It is the whole Tamil people. It is this historic might that has confounded Jayawardene and Rajiv Gandhi in arriving at an Accord on their own as if they were producing some kind of talisman, some remarkable settlement.

A statesman, as distinguished from a politician, is one who has a vision of the future, a feel of the past, an understanding of the contemporary forces at work. You cannot be a dialectical student if you do not inform yourself of the contradictions at work. I cannot appraise what is happening in Sri Lanka unless I gear myself to an understanding of the dynamics of the forces at play. You would realise, Rajiv Gandhi should have realised, Jayawardene's forces must have been knowing it, that a whole people were being tortured and subjected to terrorisation. 'Let's kill. And you don't make any noise about it because you are not concerned that they are human, therefore they cannot have human rights. All that you need do is to retrieve your reputation by mentioning names like Gandhi and Jawaharlal Nehru in this kind of situation.' These holy names being chanted for perpetration of the most diabolic crimes! This is the JRJ cult!

This was the situation of extermination. Mahatma Gandhi once argued that when a government becomes satanic, sedition is my duty. So it was after a huge upsurge by the Tamils and they had resisted this demoniac assault on their human rights, this Accord was born. The preamble to the Accord has a touch of grandeur and strikes authentic notes of history, for the authors speak of the historic home of the Tamils in the North and the East, of the multi-ethnic, multi-lingual, multi-religious character of the Island. The mystic chords of memory thus give life arguing the case for a historic homeland and home rule for the Tamils in Sri Lanka. Devolution of power, joinder of North and East, recognition of ethnic identity and participation in the collective process of governance are all implicit in the preambular recitals. The right to self-determination without separation, the right to self-rule without sovereignty, the right to a federal status without secession are the logical consequences of the preambular imperatives.

I do not stand for the disintegration of the Island nor for the formation of a Tamil Sovereign State. Self-determination can have a limited connotation implying reasonable autonomy within the parameters of a republic. Eelam, as constitutional pundits may construe, has no compulsive semantics and may be compatible with an effective federal existence. Look, for instance, at what

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Lenin did when the October Revolution was achieved. He insisted that the Bolsheviks should declare themselves in favour, along with the right to self-determination even of the smallest nationality, also of the concession of 'cultural autonomy' to national minorities included within the State. This won the participation of national entities in the revolution of October 1917.

What the Tamils urgently need is the recognition of their collective right to autonomous existence as the redemption of their tryst with ethnic destiny. This is what the Tamils demand and the Sinhalas should accommodate, not crush, as their brutal bracket attempted. Their homeland is North and East joined together, broadly speaking. This is virtually recognised in the Accord. But in the clauses of the instrument this unification is precariously dependent upon *a revocation by referendum*. Such a referendum clause, with opportunities for colonisation and instigation of heterogeneous elements, is a stultification of the preambular promise, a treachery against Tamil unity. The land question is also vital but has been slurred over in the instrument. The emergency provisions *de facto* denied even minimal autonomy. The Triarchy, where the junior-most partner is the Tamil provincial power, is subjected to the discretionary power of a puppet Governor and the overall paramountcy of the President and the Sinhala-dominated Parliament. Again, here is another disenchantment and frustration. The legislative and administrative powers conceded to the provinces are illusory.

The Indian State, within the Indian Republic, is itself weak and fragile and there is great demand for more powers. Compared to such a situation, the devolution of power to the Tamil Province in Sri Lanka makes it a glorified municipality. There are many more fundamental flaws in the Accord which have induced even the most moderate Tamil group, the 'TULF', reject outright the 13th Constitutional Amendment and the companion legislative bill. To use military coercion and macabre pressure to make the Tamil militants accept what is suicidal is nothing short of historic injustice. This is precisely what the IPKF, as an instrument of terror, is now hell-bent upon. It is Peace Keeping Force used to engineer an ulterior purpose and therefore generates resistance. The Tamils of Sri Lanka have great regard for India, for Gandhi, for Nehru, for Indira Gandhi, and have great expectations from that noble neighbour, but by a travesty of history and a vicious quirk of Rajiv vanity, the Indian army has made the Tamils hate Indians. The

Sinhalas hate the Indians since the birth of Sri Lanka. Now the Tamils also hate, as even Indian generals from Jaffna have stated. That is the punishment for infantile strategies and unprincipled policies.

The Indian army has great traditions. The Indian people have great stakes in the reputation of its jawans. It is therefore our patriotic duty to insist that the IPKF, around one hundred thousand strong, does not do injury to the national honour or violate human decencies even under provocation. Blind defence of all that the Indian army does is not patriotism but bigoted chauvinism. After having come to London and met many Tamils from Jaffna I have gathered some facts about the horrendous doings of soldiers from India, suppressed by the media. Gruesome killings of patients in hospitals and reckless shootings of civilians, including such innocents of the brother-in-law of the former Chief Justice (a Tamil) are indefensible, whatever the LTTE provocation. Rape of girls and of women are credibly attributed to the jawans. Could you believe that women shot and killed were robbed of their Mangal Sutra made of gold, by some blackguardly soldiers from India? Even instances of rape followed by killing have been mentioned to me. Tortures of many innocents, supported by affidavits, have been narrated to me. I confess that I am ashamed of these delinquents in uniform. The time has come for an Indian Commission to visit the Island and investigate the doings of its army men. Our national pride is wounded if a fraction of the crimes attributed were true. I protest against the Occupation Army syndrome and sympathise with the Tamils of Sri Lanka that they have been subjected to humiliation, harassment and vulgar violence. The militants may fight and may pay the price but the innocents shall not be molested or murdered. Gandhi will turn in his grave if the stories given to me reach him. Nehru and Indira would be stricken with pain if the violations imputed to the jawans were veracious.

I can understand a cease-fire but not a surrender of arms. The LTTE must stop violence and simultaneously the IPKF too. That is cease-fire. But if the entire weapons of the Tigers were surrendered and later the IPKF were ordered out of the Island by Jayawardene—he is capable of it and will be pressurised to do it—then the void created would make the Tamil people an easy prey for the Colombo army and the Sinhala hoodlums. The Prime Minister of India must guarantee effective devolution and joinder of North and East. To negotiate these matters a cease-fire may be necessary,

but not a surrender of weapons which will render the militants helpless cannon fodder to the berserk Lankan forces.

Let me conclude that it is foolish for one hundred thousand Indian soldiers to chase a single Prabhakaran or attack a few thousand LTTE men. The 13th Amendment and the legislative bill are a fraud on the Accord. What we need today is a guarantee of the grant of the basic collective rights of the Tamil brothers and sisters and a vindication of the human rights both individual and as a group. This is the historic struggle on which they have launched and for which they will die. The strength is derived from the soul of a suppressed people seeking liberation on human terms. Victor Hugo once wrote:

There is one thing stronger than all the armies in the world:
and that is an idea whose time has come.

The Tamil people of Sri Lanka are now inspired by one idea, the idea of peace, honour, self-determination in the shape of effective political autonomy.

Therefore not all the armies of the world can resist that idea. This is simple history, this is simple political sanity, therefore, let us try to see that the human rights of the Sri Lankan Tamil brothers and sisters are protected, defended, that is the planetary duty of any person, any patriot. Wherever human rights are 'hitlerised', we must defend the victims.

CHAPTER 2

Indian Government had Betrayed Its Own Culture and Ethics

A.P. VENKATESWARAN

Asatoma Sath Gamaya

Thamasoma Jyothirgamaya

Mrithyorma Amritham Gamaya.

WHEN there is a conflict, truth is the first casualty. The first line of a Vedic hymn says, 'lead us from untruth to truth', the second, 'from darkness lead us into light', and the third, 'from death lead us to immortality'. I think everyone who has died in this struggle has become immortal.

The Tamils are the oldest inhabitants of the subcontinental region; this is accepted by historians peeping into the mists of time. There is evidence to show this in the inscriptions of Harappa and Mohenjo Daro, the Indus Valley civilisations. They are supposed to have moved down further south with more powerful invasions and, don't make a mistake, the successful invaders are usually the barbarians. Throughout history, civilised nations have been conquered by barbarians, not by the civilised. So the Tamils moved out and populated further southerly parts of the Indian subcontinent. So to try and deny them the right to their own homeland, when all others who had come after them were already there, is the height of irony. I believe that this is the root of the problem which we see today, that is, the world does not recognise the injustice which is sought to be done to the Tamils of Sri Lanka.

GROSS INJUSTICE

What has been the character of the Tamils? Generally speaking, in the subcontinent, we have been a peace-loving and law-abiding people. The Tamils have been especially so; even amongst the sub-continent we are the most peace-loving and the most law-abiding people. So what has made the Tamils now from that earlier categorisation to be described almost as a martial race. Why are

they fighting? Why are they dying? What is behind their struggle?

I believe that it is a gross injustice which has been done to them. The fact is that their rights have been totally removed, and that they have been humiliated. Pacts have been made only to be broken. So in this situation what will not justify a person taking to arms! I think the Tamils taking to arms in Sri Lanka was more than justified. And as an Indian I feel ashamed that under the Accord of the Indo-Sri Lanka agreement, our forces are fighting with Tamils whom they went to protect, as Justice Krishna Iyer has so forcefully pointed out. Speaking of blaming the Indian soldiers, soldiers are meant to carry out commands, but I do believe that in our own Indian ethics, soldiers are not merely meant to carry out commands because if you look at the history and the mythology and the culture which is Indian, we do not believe in the British concept of the Charge of the Light Brigade, 'Theirs is not to reason why, theirs is but to do and die'. No. We are supposed to fight only for Dharma. Only if the war is righteous shall you fight it.

By that yardstick I believe that the Indian Government had betrayed its own culture and ethics. For the first time, it had sent out soldiers to fight when there was no cause for us to fight. There was no purpose for us to fight. When I speak to the Indian army officers, whom I know and who have come back after serving in Sri Lanka, they are the most puzzled and most unhappy people because they do not know the cause for which they are fighting. The guilt, therefore, rests entirely on those who sent them to do this dastardly business of fighting in Sri Lanka against our Tamil brothers and sisters.

And why should this have happened, despite repeated knowledge of the nature of the gentleman with whom our Prime Minister has signed the Accord, that he is the most slippery customer, that he has consistently over all the years of his life (in which I don't think he has really achieved a single constructive creative thing), always gone back on his word? We know that Mr. G. Parthasarathy, Chairman of our Policy Planning Committee, went to Colombo after the atrocities were committed on the Tamils all over the island (and these atrocities were clearly inspired by the Sri Lankan Government and many lives were lost and many displaced from their homes), and that Annexure C scheme was agreed upon between President Jayawardene and Mr. Parthasarathy and no sooner had Mr. Parthasarathy come back immediately after concluding this understanding than Mr. Jayawardene went back upon it.

GONE BACK ON ASSURANCES

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In the two or three years when I dealt with the affairs of the foreign office in Delhi, there was not a single instance where the Sri Lankan side had not gone back after giving certain assurances concerning the situation of the country. It was a regular feature and it really puzzles me and strains my credulity as to how anybody could take this gentleman's word at its face value. When I was at my desk, we did send the TULF delegation twice to Colombo. The reason for that was that the TULF members represented the parliamentary constituencies of the Tamil people of Sri Lanka. They had discussions, some of which appeared hopeful and worth pursuing but on which the Sri Lankan side began sliding back. Then on 19th December 1986 there was a ministerial delegation which went to Colombo led by Mr. Chidambaram and certain understandings were reached but not implemented. When the Indo-Sri Lanka Accord was suddenly concluded, what was agreed upon in 1986 was further changed.

I am not sure whether many of you know that the Indo-Sri Lanka Accord came about in a matter of two weeks. The first draft came from Colombo. There was not really too much for negotiation on it. That itself should make any normal person very suspicious as to why there had been a change of heart in a gentleman who had not been willing to give even a fraction of what is in the Accord, at least in words, earlier. The reason became very clear for the Accord, because in the December 1986 discussions the maximum that could be achieved was the agreement on the part of the Sri Lankan Government that there would be an association between the Northern and Eastern Provinces but the Eastern Province would be minus the district of Amparai. As you know, Amparai had a much less Tamil population than the other two districts of the Eastern Province. So there was a fair chance that such a union could survive.

TRAGIC DEVELOPMENTS

All right, even if it looked generous on the part of Mr. Jayawardene that the agreement included this Amparai district when the Accord was being concluded, anybody should have had alarm bells ringing in his head when a further clause is put in the Accord that there would be a referendum taken regarding union by the end of 1988. Of course, none of the points which had been included in the



Accord has really been implemented. In fact, the developments in the Accord have been most tragic in the reverse direction than in the direction which people were hoping things would move. So in a sense what happened to the Accord was a self-destructive agreement. The Sri Lankan side is ensured that they get merit for doing something which they knew well before hand would not work, but would blow up. And this is exactly what has happened because I don't think anyone, even the most optimistic observer anywhere in the world, can say that the Accord succeeded in what it set out to achieve.

The story of the conflict with the IPKF is also equally disastrous. It started on 10th October, after the arrest of 17 LTTE cadres by the Sri Lankan Navy. The President requested them to be sent to Colombo; they all swallowed cyanide capsules and 14 of them died. The result of this action was the inflammation of opinion and the fighting which started then has not ceased. But I have never understood how when you have a peace keeping force, the efforts of the peace keeping force are to continue this conflict. In any peace keeping force anywhere in the past, under the UN now, the peace keeping force would shoot back only if it were shot at. A peace keeping force also by definition never took the side of one party or the other. So it is a grotesque travesty that the Indian Peace Keeping Force should be now so clearly on the side of the Sri Lankan Government in its oppressive actions.

I am afraid that what is happening now would lead to bitterness for many decades to come, in our own kith and kin in Sri Lanka and ourselves. Barbara Tuchman, the well known historian, in a recent book called 'The March of Folly' makes a comment. She says a phenomenon noticeable throughout history regardless of the place or period is the pursuit by governments of policies contrary to their own interests. She defines folly as 'the pursuit of policy contrary to the self-interest of the constituency or state involved'. I think the Government of India's action in this particular case comes very clearly into the definition of folly as stated by Barbara Tuchman.

One last word before I leave you in peace and that is 'where do we go from here?' I think the only way we can go is to have an immediate cease-fire. There was a cease-fire in Sri Lanka some months ago at a time when I believe some 18 Indian soldiers were being handed back by the LTTE which was received with very grudging acceptance by the Indian side which again was most pecul-

iar. In fact they even went on saying that they were dead and would not be handed back. When they were handed back I do not think there was even a sense of appreciation, or let alone appreciation, of even acceptance that something decent had been done. But at that time there was a 48-hour cease-fire and after the 48-hour cease-fire the fighting was resumed; not by the LTTE, it was resumed by the IPKF.

EDUCATING TAMILS IN TAMIL NADU

Prabhakaran has sent a number of messages asking for a cease-fire and there have been messages from civilian groups in Sri Lanka asking for a cease-fire and they are falling on deaf ears. Here I believe what is necessary is a greater effort on the part of the Sri Lankan Tamil community in educating the Tamils in Tamil Nadu. They have done a good job educating Tamils in the United Kingdom and in organisations in Europe and other countries. But the biggest group of Tamils obviously lives in Tamil Nadu and unless that effort is made, and I was telling our Chairman, Mr Seevaratnam earlier, a true Tamil consciousness cannot develop and unless that true Tamil consciousness is developed inside India we would not be able to get the constituency in India which we need to stop this kind of situation which has taken place due to the Indo-Sri Lanka Accord. The only way that the Government in India can be made to move in the proper direction would be by influencing opinion in Tamil Nadu which has changed a bit already because earlier there was a chief minister of Tamil Nadu, Mr. M.G. Ramachandran, who was not keeping good health and he was persuaded to go along with the policy of the central government. At that time since the people in Tamil Nadu adored him, they felt that going against what he felt was right would be an act of disloyalty to him. But he is now dead and many are now struggling to take his place.

This is the right time for you to take initiatives. Tamils from all over the world, not only Tamils from Sri Lanka, should carry the message to the Tamils in Tamil Nadu that they are being fed a type of lies through the television, the radio and the press. One-sided pictures are being presented to them and they have really no way of understanding what the truth is. But if people who have connections, relations, friends, speak to them, write to them, it would make a very big difference.

PART II
HISTORY OR BACKGROUND

THE HISTORY OF THE
CITY OF BANGALORE

CHAPTER 3

Sri Lanka: In a Civil War Situation

KAREN PARKER

I would like to begin by discussing why it is that Tamil people have a struggle. I am not a Tamil. I have taken on issues relating to Tamils in the United Nations, before my Government, and before the Government of India. What is it in International Law that underpins this initiative? Quite frankly, it's not because Tamils are Tamils. Tamils are no different from any other group when it comes to International Law. Under International Law principles, all people are equal. Tamils are considered naturally no more peaceful, no more intelligent, no more warm and loving than any other people in the world. Though I must say, given the last six months in the field, certain members of the Tamil community have shown themselves to be rather unusually courageous, rather unusually brilliant military commanders and, in the face of what appears to be overwhelming odds, dedicated and determined. This is difficult to find in 1988 among any peoples of the world.

But the struggle in Tamil Eelam is not adopted by the International Community because Tamils are Tamils. The struggle is discussed in the International Community because Tamils as Tamils have been persecuted and denied their basic rights as people. And that persecution has led to a series of events, that has led to an armed conflict, that has achieved diplomatic status, that has given a legal right for Tamils to be engaged in the activities they are now engaged in both internationally and in Sri Lanka.

RECOURSE TO REBELLION

The third preambular paragraph to the Universal Declaration of Human Rights reads: 'Whereas it is essential if man is not to be compelled to have recourse as a last resort to rebellion against tyranny and oppression, that human rights should be protected by

the rule of law'. What occurred in Sri Lanka is that the rule of law for Tamil people ceased to exist. What happened in Sri Lanka is that the government became a racist government, not a national government and the oppressed people of that racist government began to see themselves more as oppressed people rather than citizens of Sri Lanka who happen to be Tamil rather than Sinhalese or anything else. The *Tamil cause* did not generate in my view because Tamils consider themselves different or better than anyone else but because the government in Sri Lanka was saying that Tamils were less than someone else, especially the ruling party in Sri Lanka.

Now the Universal Declaration of Human Rights is rarely discussed in terms of its establishment of a legal basis for rebellion. But I defy anyone to find another juridical meaning to the words 'whereas it is essential if man is not to be compelled to have recourse as a last resort to rebellion against tyranny and oppression.' I defy any jurist to find in those words a prohibition to rebellion against tyranny. The only way it can be construed is an acceptance that mankind, a people, will indeed, as their natural right, exercise the right to rebellion against tyranny.

For the most part, the right to engage in armed conflict is usually discussed in terms of the right to self-defence. In other words, country A may not invade country B but country B can fight back if invaded and country B has the legal right to use force against oppression. Country A would be considered the aggressor country. When it comes to a people it is normally discussed in terms of a right to self defence. So that a government in an internal setting must appear to be against part of the population in order for that population to say I am exercising my right to self-defence. There is also in International Law, an acceptance of the fact that inside countries and purely in a civil war setting there are power struggles and there is no international prohibition to the concept of a power struggle even if the power struggle takes on the force of arms. The International Law regime recognises civil wars, and civil wars may be fought not only from the perspective of an oppressed people against a domineering government but can be a mere power struggle as occurred in my country's civil war and has occurred in other countries' civil wars.

Civil wars can be revolutionary, as is the case right now in El Salvador where the opposition forces want to take over the National Government. Civil wars may be secessionist such as occurred in

Pakistan creating Bangladesh or the attempt to create the State of Biafra in Nigeria. And civil wars may be, in the case of Sri Lanka, a war in which one segment of the population wants a homeland with some degree of autonomy if not total self-sufficiency but something short of total sovereignty or separatism.

A civil war is found, and this is the International Law rule, when there is an armed conflict in the territory of a state between Government armed forces and dissident armed forces or other groups who under responsible command exercise sufficient control over territory so as to be able to engage in military operations and implement humanitarian law.

The International Community recognise that that state existed in Sri Lanka when in 1987, after three years of struggle in the United Nations, we achieved the adoption of a resolution in which the situation of Sri Lanka was discussed in terms of humanitarian law. Those are two sacred words to anyone involved in armed struggle. This is not the law of the Universal Declaration of Human Rights but the law of the Geneva Conventions, the protocol's addition to the Geneva Convention and what we call the Laws of Armed Conflict. They are of course related.

I argued since 1983 that there was by law an armed conflict governed by these rules because in my view at least the Liberation Tigers of Tamil Eelam had met that test. Throughout the years constantly looking to see which other of the militant groups might have met the test, I never found any of the others independently meeting that test; and only in the limited periods when there appeared to be some intrinsic unity between the groups would any of the others groups ever be protected by humanitarian law. But throughout the last several years at least, the Liberation Tigers of Tamil Eelam have met that test, they are protected as well as obliged by the Geneva Conventions, and the International Community adopted that concept in the Resolution of the Human Rights Commission 1987.

A VERY GRAVE VIOLATION

That instantly changed by law the status of LTTE from any implication that they might be terrorists. I had to contend with everything possible to prevent the use of words 'humanitarian law' in the United Nations. Every time I would make a speech going through this test and showing why the LTTE made it or arguing

about where are the POW's in this war to point out violations or would expose attacks on a civilian population as violations of the Geneva Conventions, the Government of Sri Lanka would come back and argue, 'there are no POW's in Sri Lanka', pretending that the Geneva Conventions did not apply. Of course, what they were really doing was admitting a very grave violation of humanitarian law. But they were constantly trying to defend and the biggest struggle of human rights organisations dealing with the issue year after year was to get recognition that humanitarian law applied.

Then on October 10th, the universe changed. Until that time there had been and was an armed conflict in Sri Lanka between Liberation Tigers of Tamil Eelam and the Government of Sri Lanka and that both sides were protected by and obliged by the International Humanitarian Law rules. What happens when another country comes into a civil war? And then who's who?

What obligations? There are two ways of looking at it. One is, you have an Internationalised civil war or you have a civil war and an international war going on at the same time. I prefer the second characterisation but in a way it does not make any difference, because whereas the Liberation Tigers of Tamil Eelam and the Government of Sri Lanka in their armed conflict with each other were obliged by the civil war rules of humanitarian law, the Government of India is obliged by the International rules of humanitarian law meaning the entire Geneva Conventions, not just Article 3 which governs civil wars. So now we have to look at the situation. We have combatants of the LTTE and combatants of the Government of India. Let's look at what we see in a war. It's different to what we look at when there is not a war if we are going to find culpability for human rights or humanitarian law violations.

What we looked at was the Prevention of Terrorism Act, the Emergency Regulations and all those other Acts of the Sinhalese Government directed at the Tamil population and talked about it in terms of human rights. We talked about torture. We talked about disappearances. We talked about summary and arbitrary execution. We talked about the situation in the Boosa camp. We talked about their sweeps into neighbourhoods and the abductions and the arrests of, in particular and almost exclusively, the Tamil youth.

WHAT HAPPENS IN A WAR?

Now that we have a war, what have we talked about. Well when

we talk about what's going on, it starts making more sense because what happens in a war? Bullets fly and people die. It's not an issue of a little torture here and there, it's an issue of the regrettable and devastating effect of bodies piling up and I am sorry to be graphic that is what happens in war. And we talked about the protection of the civilian population from military operations, not the police coming in, not interrupting a riot with a slightly hefty billiard club. You talk about someone coming into your home and shooting up your relatives, wearing uniforms. Civilians are protected from the dangers of war, hospitals are protected from military attack. I have prepared an outline, it has not been distributed, for those who are interested I am sure we can get a copy, *The Basic Rules of Military Operations*. In other words, what can an armed force do that's legal and what can an armed force not do. When we are talking about human rights in Sri Lanka it's not a human rights violation unless it breaks one of these rules.

International Humanitarian Law says you may not attack hospitals even if the other side says 'Yea but there were soldiers in there'. Doesn't matter if there are soldiers in there. A hospital is off limit. You also must take Prisoners of War. That means that you cannot treat the captured enemy as if the war is still going on and you can shoot them. You hold them as a prisoner of war. I notice that in the course of the Indian-LTTE armed conflict, the LTTE turned over to India some of the captured combatants. I am not yet aware that the Government of India has turned over any captured combatants. In fact, the International community is rather disturbed that captured combatants may not be alive. Every captured combatant who is dead represents a war crime on the hands of the Indian Government and that leads into another point.

INTERNATIONAL ACTION

What happens when you violate human rights? You are a human rights violator. What happens when you violate the rules of war? You are a war criminal. The existence of humanitarian law changes not only the quality but also the culpability of violations and subjects perpetrators to perhaps universal jurisdiction for the rest of their life for the acts carried out. And it is my view that a number of the Indian Peace Keeping Force have the rest of their lives to wonder if someone isn't going to find them because their relative will identify that that's the one that came into my house and killed

my mother or my father or my sister or my brother as a war crime and I have just as much right to seek them out the rest of their life as people have been seeking out the Nazis 40 years later. That is the gravity of that kind of violations in International Law. Why is there International Action? Why does Karen Parker get involved in Sri Lanka? Why has the United Nations got involved in Sri Lanka? Is it not intervening in the internal affairs of Sri Lanka?

First of all we don't presume to speak for Tamil, for Sinhalese, or for anyone else but to the degree we are discussing the basic rules of human rights, a humanitarian law, we are not intervening in any country. These areas of law have been internationalised. They are no longer in the internal jurisdiction of countries. South Africa can't say 'Apartheid is internal law therefore Ms Parker when you come over here and talk to us about apartheid you're intervening', it is not intervening when one involves oneself in violations of human rights or armed conflict law. We call it the Internationalisation of Rights and there is another reason why the International Community gets involved and that is because situations such as are occurring in Sri Lanka, create refugees. So that the problem inevitably, even if we have hard hearts in Washington or Ottawa who actually don't care that Tamils die in Sri Lanka, must deal with Tamils in the United States or in Canada or elsewhere who have fled and have a legitimate right to flee not simply because of violations of human rights leading to persecution which gives people a right to seek asylum from persecution but because people also have a right to flee flying bullets and they may not be sent to any country where there is an ongoing war or violations of the Geneva Conventions. So the issue in Sri Lanka becomes a key issue in the United Kingdom as to whether or not a Tamil who arrives here is entitled to asylum, or whether or not a Tamil who arrives here may be sent back to Sri Lanka by the British Government without the British Government committing a violation of human rights or armed conflict law.

GRAVE BREACH OF HUMANITARIAN LAW

Armed conflict law prohibits forcible repatriation of persons who have fled armed conflict and, in particular, repatriation to a country where the Geneva Conventions are not being complied with. A forcible deportation under those circumstances is considered by Article 147 of the fourth Geneva Convention signed and ratified

by the Government of United Kingdom a grave breach of humanitarian law. A grave breach is another word for war crime. And so it is not just combatants who may commit war crimes in International Law. Governments sending refugees from armed conflict back to armed conflict situations also commit war crimes. That is one of the other reasons why the International Community deals with even internal situations.

What has the International Community done on Sri Lanka? The human rights organisations and groups, myself included, have pushed for a number of years in the United Nations forums for there to be recognition of the serious and grave problems in Sri Lanka and for there to be recognition of the state of war and the classification of the combatants.

INDIA HAS NO DEFENCE

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The United Nations Commission on Human Rights did agree with our characterisation of conflict as I said in the Commission on Human Rights Resolution of 1987. Before that there had been a resolution passed in the sub-commission and another in the commission on human rights which were somewhat weaker but still indicated a concern with the problem. We also make sure that the United Nations special rapporteur for torture received all information and allegations of torture in Sri Lanka. That the special rapporteur for summary and arbitrary execution received information about people whose deaths were not a result of a legitimately carried death sentence. Now I certainly hope that members of this community who have known of deaths occurring at the hands of the Indian Peace Keeping Force or the Sri Lankan Army in the last year have submitted details of those deaths to the special rapporteur for summary and arbitrary execution. It would be rather dreadful if the next year's session of human rights reports not one death in Sri Lanka when hundreds of deaths of the civilian population have taken place since October 10th. Every single one of those cannot be justified by military necessity. India has no defence. Every one of those is a summary and arbitrary execution and should be reported.

GEOPOLITICAL CONSIDERATION

We sometimes forget that no international or frequently relatively

few internal affairs ever occur without manipulation from inside and out. We are probably in an era in which no international event occurs without some finger in the pot from one or the other or more of the super powers. It is impossible to understand accurately the events in Sri Lanka without looking a little farther than the relationship of Tamils and Sinhalese, without looking a little farther than the relationship of India and Sri Lanka, or the relationship past, present and future between India and say the LTTE. My Government has had a very interesting and interested involvement in the events in Sri Lanka, particularly since the current administration came to power in 1981, and I am quite convinced that some of the events that have occurred in the last six months at least if not more in Sri Lanka have been in part staged at the behest of that government, and certainly the continuation of Mr Jayawardene has to be looked at broader than just his supposed iron fisthold over Sri Lanka.

CHAPTER 4

An Evaluation of Solutions to the Sri Lankan Ethnic Conflict and Sinhala-Buddhist Chauvinism and the Buddhist Clergy

BRIAN SENEWIRATNE

I

AN EVALUATION OF SOLUTIONS TO THE SRI LANKAN ETHNIC CONFLICT

BASIC PROBLEMS AND PREMISES

THE Sri Lankan ethnic conflict is a deeply complex problem which involves historical, ethno-religious, linguistic, geopolitical and economic factors which are intertwined with local power politics and, increasingly, with Indian geopolitics and international power play. All these factors must be addressed in formulating a solution to the problem.

1. Centralisation of power

A fundamental problem has been the centralisation of power in Colombo which has occurred over the past 400 years. This has resulted in an over-development of the south west and a neglect of the rest of the island.

The neglected periphery covers the Tamil north and east and parts of the Sinhalese south and south-west. It is the neglect of the Tamil periphery that has resulted in the Tamils asking for a separate State and their youths taking up arms to achieve this goal. Their problem cannot be settled without devolution of power to this area. It is a similar neglect of the Sinhalese periphery that resulted in 1971 in an uprising of Sinhalese youths which nearly overthrew Mrs. Bandaranaike's government. Mrs. Bandaranaike tried to settle the 1971 problem in much the same way the President

Jayawardene and Prime Minister Gandhi are trying to settle the current problem i.e. by turning the guns on the youths. Despite the slaughter of thousands of Sinhalese youths by Mrs. Bandaranaike's armed forces, 15 years later the Sinhalese youths are active again and are now challenging the present government, a clear indication that political problems cannot be settled by bullets. The Jayawardene-Gandhi attempts to crush the Tamil militants is similarly destined for failure.

For long term peace in Sri Lanka, which includes settling the Tamil conflict and problems faced by the Sinhalese youth, a mandatory requirement is a realistic devolution of power to the periphery so that it is freed from the stranglehold of Colombo.

2. Sinhala-Buddhist ethno-religious chauvinism

Despite the self-evident fact that Sri Lanka belongs to all its people, there is a deep-rooted perception among the Sinhalese that Sri Lanka is a Sinhalese-Buddhist country. This disruptive concept was politicised in the early 1950s by S.W.R.D. Bandaranaike as a means of getting into power and has been pursued by every Sinhalese leader since.

The strongest advocates of this Sinhala chauvinism have been sections of the Buddhist clergy. These hardline extremists who can markedly influence the Sinhalese-Buddhist majority have collaborated with the opposition of whatever political hue to prevent successive Sri Lankan governments from implementing any realistic devolution of power to the Tamils. A solution to the ethnic conflict must be such that these extremists should not be able to portray it to the Sinhalese-Buddhist majority as a 'sell-out of a Sinhalese-Buddhist nation to the Tamils', something which they have repeatedly done over the past 35 years with devastating results.

This Sinhalese-Buddhist extremism has more than an element of violence associated with it e.g. the assassination of Bandaranaike himself. A solution that comes into conflict with this group of terrorists will not only be unimplemented but those who propose it will not survive. Such is the reality of the situation in the country.

3. Economic factors

Economic factors have played a major role in the Sri Lankan ethnic conflict. If the economic cake was large enough for all, there is little doubt that there would be fewer problems. When there is

economic insecurity, man turns on man of a different colour, ethnic group or creed, which, in the Sri Lankan context, is the majority Sinhalese turning on the minority Tamils. When this inflammatory situation is ignited by unscrupulous politicians for their own political gain, an ethnic explosion occurs, which is what happened in the mid-1950s and has continued since. Any solution to the ethnic problem must increase overall productivity, not just that of the south west. Such an increase will not occur unless there is a substantial contribution to the GNP from the periphery which in turn will not occur until there is devolution of (developmental) power to the periphery.

4. Failure to build a nation

For over half a century, Sri Lanka has failed to build a nation. The minorities, both ethnic and religious, were not made to feel that they were part of the country. Let alone promote inter-ethnic understanding and respect for each other's culture and religion, some of the steps taken positively marginalised the Tamil minority. Having failed to build a nation, we now want a single undivided country!

5. Polarisation

There has been an increase in polarisation to an extent that it is now a factor to be considered in formulating a solution. The Tamils are a brutalised people. They have lost confidence in the Sri Lankan government and now, in the Indian government. It is unrealistic to expect them to agree to solutions where there is continuing control from Colombo. The Sinhalese, on the other hand, feel threatened. Sinhalese politicians and hardline extremists have whipped up a war hysteria in the south, claiming that the Tamils in the north, with the assistance of India, will invade and conquer them. The Indian invasion has more than confirmed these fears.

The 1987 Peace Accord and the events that followed, shattered the trust that the Tamils had in India, while the suspicion that the Sinhalese hardliners had regarding India's intentions, have been given a degree of credibility that did not exist earlier. These recent changes will affect the formulation of a solution and the role that India can realistically expect to play in the future.

6. The 'wrong' ethnic group in the 'wrong' area

The selective development of the south west has resulted in some

half million Sri Lankan Tamils settling down in the Sinhalese area. Another three-quarter million Indian Tamils were settled on the tea estates, also in the Sinhalese area. In the reverse direction, Sinhalese-dominated governments have relocated over quarter of a million Sinhalese from the south to the Tamil areas to populate new agricultural schemes opened in these areas.

Whatever solution is put forward must cope with this problem 1.2 million Tamils in the Sinhalese area and some 270,000 Sinhalese in the Tamil area. To uproot these people and send them to the opposite area is totally unrealistic and a serious violation of their civil rights. A corollary is that any solution that jeopardises the lives of the Tamils in the Sinhalese areas and that of the Sinhalese in the Tamil areas, such as occurred at the partition of India, is unacceptable.

7. Indian politics, geopolitics and regional power aspirations

One of the most difficult problems in formulating a solution to the Sri Lankan ethnic problem is to accommodate the reality of Indian political and geopolitical interests. It may well be the factor which prevents any solution which brings long-term peace with justice to all the people of Sri Lanka.

(a) *Indian political interests.* India is unlikely to support any solution which grants a degree of autonomy to the minorities or the peripheral areas of Sri Lanka which is greater than that which India is prepared to offer its own people. The Tamils cannot realistically expect India to propose a solution which gives them a greater degree of autonomy from Colombo than have the Sikhs from Delhi. Unfortunately, the situation in Sri Lanka has, over the years, deteriorated to the point where a complete devolution of power to the periphery i.e. a complete freeing of the periphery from central control, is almost a mandatory requirement.

(b) *Indian geopolitical problems.* The normally secure southern Indian flank has been undermined by the Sri Lankan regime inviting countries hostile to India to establish either military or naval intelligence bases or assist in the military build up of Sri Lanka.

India probably prefers to deal with one government in Colombo than with two or more governments in different parts of Sri Lanka. India clearly realises that if there is a separation of the country and close links are established between India and the new government in the Tamil area, it would encourage Colombo to invite America, Pakistan and other countries hostile to India, to establish

a major military presence in the Sinhalese area.

(c) *Indian regional power gains.* Aside from the problem of national security, India could have regional power ambitions similar to those of Britain in a bygone age. The recent massive build up of the Indian military machine in Sri Lanka lends some credibility to the view that India has no intention of withdrawing its troops from Sri Lanka. The possibility that Indian troops will be in Sri Lanka for a long time may be a factor which must be considered in formulating a solution to the Sri Lankan problem. Under such circumstances, it may not be possible to implement a solution that is not completely acceptable to India because of the massive Indian military presence in Sri Lanka.

8. A military solution is not possible

A military solution to this conflict is unlikely to succeed. The Sri Lankan government cannot win this war nor can India win it for them. The militant Tamil groups are too organised, and have too much support at grassroot level to be wiped out, and the cause they are fighting for is too great to be destroyed.

The futile Indian attempt in October 1987 only resulted in serious damage to Indian prestige, the reputation of its armed forces and the confidence that the Tamil people had in them. Where militants have extensive grassroots support, they cannot be crushed. On the other hand, the militant Tamils cannot win this war either. They can drag it out and frustrate both the Indian and the Sri Lankan governments, but I doubt if they can establish Eelam by force. If they drag it out long enough they might incur the wrath of the battle-weary local people, which would spell disaster to a militant movement that relies heavily on grass roots support.

9. Support of the plantation workers is essential

A solution must benefit this down-trodden and neglected group who have suffered serious discrimination. This is not only for humanitarian reasons but because their support is crucial in the (non-violent) implementation of a solution. With the collapse of the tourist industry and many of the more recent sources of foreign exchange, the tea industry is once again crucial in the economy. The Plantation Tamils have, whether they realise it or not, become a group capable of exerting considerable pressure on the central government. The establishment of a separate Tamil State would not benefit the Plantation Tamils who are therefore unlikely to

support such a move. However a solution such as the five-State devolution of power suggested, will markedly benefit this group which they will almost certainly support.

POSSIBLE SOLUTIONS

An undivided country

Sri Lankans threw away this option years ago. Ethno-religious chauvinism masquerading as nationalism has sabotaged the building of a nation. The changes that will be required, such as abandoning ethno-religious chauvinism, a change in the official language with Tamil having an equal place, the abolishing of educational discrimination, the equal development of the north and east with equal opportunities for employment being offered to the Tamils in this area, are too radical for the Sinhalese hardliners and the bigoted sections of the Buddhist clergy.

If such a division is ever to occur, there is no doubt that it will have to be by the use of force, the limitations of which have already been detailed. If it is obtained by force, it will have to be maintained by force. There is the problem of the safety of the 1.2 million Tamils in the south and the 270,000 Sinhalese in the north east if there is a division on ethnic lines. A division achieved by force may well expose these people to a massive slaughter as occurred at the partition of India. Relocating these people in the 'correct' area is both unrealistic and a serious violation of their civil rights.

Five separate States

A possibility that has not so far been seriously considered is the establishment, not of one separate State but of five loosely federated States with five Prime Ministers and five Parliaments.

1. A Northern State—capital Jaffna, the northern half of Trincomalee harbour as its port.

2. An Eastern State—capital Batticaloa, the southern half of Trincomalee harbour as its port.

3. A Southern State—capital Galle, Galle harbour deepened to take international shipping.

4. A Central State—capital Kandy, taking in Anuradhapura and Polonnaruwa. No port.

5. A Western State—capital Colombo, Colombo harbour as the port.

The central government, also located in Colombo but distinct

from the Western State will have power only over foreign affairs and defence in the event of external aggression. It will not have the ability to interfere with the function of the States which will be autonomous.

Advantages of the Five-State proposal

There are many advantages of such a division. The major decentralisation of power will enable the periphery to develop. As such, it will almost certainly be acceptable to the Tamils. It will also be very acceptable to the Sinhalese periphery such as the extreme south (a stronghold of the militant Sinhalese groups). With the Tamil area divided and the Sinhalese area also divided, there will be no threat (real or imaginary) to any particular ethnic group.

Since there is no North-South division on communal lines, there will be a decrease in the polarisation which is currently devastating the country. It is a solution which cannot be portrayed by Sinhalese extremists as a sell-out of a Sinhalese-Buddhist country to the Tamils. Any ethnic group will be able to live in any state, as is the option available in Canada or in Australia.

The devolution of power to the periphery and the anticipated development of this area will considerably increase the contribution of the periphery to the GNP.

Those who are against the suggested Five State division may argue that Sri Lanka is too small to be divided. I would ask them to look at Switzerland, a country smaller than Sri Lanka, divided into over 20 cantons which have a maximum devolution of power. It is one reason why there is peace in that country and a high degree of prosperity.

The functioning of the States

Each State will have a Parliament and a Premier responsible for all the functions of the State, including internal security. The only possible exception will be external defence and foreign affairs which can be left in the hands of the central government. Such a move will remove the Sri Lankan (Sinhalese) army from the Tamil areas and restore some security to the Tamil people.

How the Federal States will function is not a problem for the central government but one for the people of each State to grapple with. With the indisputable increase in local development which devolution of power to the periphery will result in, there is little doubt that development will get off the ground in the currently

neglected areas of the north, the north-east and the south of Sri Lanka.

IMPLEMENTATION

In considering the implementation of any solution, attention must be focussed on those groups who feel threatened by the new proposals and are therefore likely to oppose them and those who are in a position to exert the necessary pressure on the government to implement the proposals.

The Buddhist clergy and the Sinhala opposition

A solution which comes into head-on conflict with the view that Sri Lanka is a Sinhala-Buddhist country (such as the current Tamil demands for a separate Tamil State) will invite massive opposition from this group. A solution such as the five-State proposal suggested, in which there is no clear cut separation of the Tamil area from the rest of the country, is less likely to evoke total opposition. Moreover, their well-tried sabotage methods of portraying the solution as a sell-out of the country to the Tamils, will not work.

The militant Tamil youths

The militant Tamil youths have so far insisted on a separate Tamil State, Eelam and nothing short of this. I cannot speak for the Tamil youths but my understanding of this demand is that it is a request for a total devolution of power i.e. a complete freeing of the Tamil areas from Sinhala domination in Colombo. As long as this requirement is met (as it is in the five-State proposal), I do not think there will be much difficulty in persuading the Tamil youths to accept it.

The Sri Lankan government

Governments, present and future, will always have virulently anti-Tamil members and those who are totally opposed to a devolution of power to the periphery i.e. loss of power to the centre. If armed force is not a feasible proposition, then there must be some alternative non-violent pressure that can be applied. A Gandhi-style non-violent non-cooperation campaign in the Tamil areas may well be ignored by the central government. A similar campaign in the tea plantations, the tendon of Achilles of the Sri Lankan

economy, will not and cannot be ignored. The importance of the plantation workers in implementing a solution is obvious. Similar, though less effective pressure can be applied by a non-cooperation campaign by the Sinhalese. If the benefits to the Sinhalese areas of a devolution of power can be pointed out, such a campaign would not be unrealistic.

The Indian government

My assessment is that the greatest problem in implementing a realistic devolution of power to the periphery is the Indian government. India has little to lose by the continuation of the Sri Lankan conflict. Indeed, it will provide the necessary excuse to retain a major military presence in the island and ensure that the southern Indian flank is militarily secure. On the other hand, India has much to lose from a complete devolution of power in Sri Lanka, since the Indian periphery e.g. south Punjab, could seek a similar solution.

The only two forces that can pressure Delhi to permit a just and equitable solution to the ethnic problem in Sri Lanka are international opinion and, even more so, pressure from within India itself e.g. Tamil Nadu. The importance of organising a major lobby in these two areas is obvious.

II

SINHALA-BUDDHIST CHAUVINISM AND THE BUDDHIST CLERGY

Sinhalese-Buddhist ethno-religious chauvinism and its strongest advocates, the Buddhist clergy, are the most important factors that prevent a solution to the Sri Lankan ethnic conflict.

Sinhala-Buddhist chauvinism

Sri Lanka belongs to, and is the homeland of all its people (Sinhalese, Sri Lankan Tamils, the Plantation Tamils, Moors, Malays, and Burghers) who have lived there for hundreds of years and have made it what it is. Despite this self-evident fact, the Sinhalese majority have a deep rooted perception that Sri Lanka is a Sinhalese-Buddhist nation which 'belongs' to the Sinhalese and is the custodian of Buddhism. The most powerful advocates of this ethno-religious chauvinism are the Buddhist clergy. 'Even though non-Sinhalese and non-Buddhist have been living in this country for a long time, Sri Lanka is the country of the Sinhala Buddhist'

writes the Venerable Madhie Pannaseeha, Mahanayaká Thera of the Amarapura sect, one of the three major Buddhist sects in Sri Lanka. He is one of a group who has a major influence on the majority community in Sri Lanka, which can make or break governments. Statements by other leading Buddhist clergy are even more extreme. Those of the Venerable Chandananda Palipane, the Mahanayake (chief priest) of the powerful Asgiriya Chapter of the Siam sect and the Venerable Sobitha, President of the Sinhala Bala Mandalaya (Sinhalese pressure group) can only be described as bigoted.

This same Sinhala chauvinism is seen in the Sinhalese political leaders. David Selbourne, the British commentator, has drawn attention to recent statements which have led him to conclude that in his opinion, a negotiated settlement is not on the political agenda of the Colombo regime. He points to recent statements made by Lalith Athulathmudali, the Minister for National Security. Addressing new recruits to the National Auxiliary Force in April 1986, this is what he said: 'By joining the Security Forces to defend the nation in its biggest crisis in history, each one of you have secured a place in your country's history, like your forefathers, who have shed their blood on this very soil fighting against the foreign invaders'. Selbourne points out that if the Minister for National Security sees the Tamils as foreign invaders in April 1986, we should not have any illusions about a negotiated settlement coming from this group of politicians in Colombo. President Jayawardene's statements are equally disastrous. In an interview with the Canadian 'Globe and Mail', when presented with Canada as a model of devolution of power, this is what he said: 'It is easy for Canada to settle its problems because all of your people are Canadians' If the President of Sri Lanka does not see the Tamils as Sri Lankans in 1986, what chance is there or terms being offered which will settle the problems facing the Tamils?

Anyone who is even vaguely familiar with the Sri Lankan scene can recognise these statements by the religious and political leaders as the authentic voice of Sinhala chauvinism which is the single factor that has prevented any meaningful offer being made to the Tamils. Statements such as this are evidence of a very strong current of ethnic chauvinism which is destroying Sri Lanka. In such a context we cannot have any illusion of a negotiated settlement which makes a genuine accommodation of Tamil problems taking place in the next month, the next year or the next five years.

This chauvinism is deeply rooted in mythology, in history and in mythology masquerading as history. It is deeply ingrained in children and is evident in later life e.g. statements made by our political leaders.

The origins of the ethnic groups

Sri Lanka was populated from India and both races, the Sinhalese and Tamils, are of Indian origin. Scholars of internationally accepted texts by Stroudt and Bailey have concluded that the Sinhalese and the Tamil have been in the island for at least 2,000 years, and it is not known with certainty which ethnic group arrived first.

The presentday Sinhalese however, choose to believe a legend and what is more, teach it to their children, that a Bengali Prince, Vijaya, arrived in Ceylon in 548 B.C. and founded their ethnic group. They base these beliefs on the 'Mahavamsa' and fail to realise that this so-called historical text was written by a Buddhist monk whose perceptions of Sri Lanka were probably no different from those of his presentday counterparts. The Tamils point to equally dubious evidence that a South Indian Dravidian people were already there when Vijaya arrived. There is evidence that there were civilised people in the country when Vijaya arrived but it is not known whether they were Dravidian Tamils from South India.

There is indisputable evidence that over the centuries, Sinhalese kings and nobles went across to southern India for their brides. Between the thirteenth and eighteenth centuries this immigration from South India was particularly marked. These immigrants, though Dravidian (South Indian) in origin, adopted the customs of the Sinhalese people and became 'Sinhalesed'.

Referring to the origins of the races, Stroudt speaks of the Sinhalese as a 'composite people which include, in addition to the Aryan speaking North Indian, admixtures from Dravidians of the south of India'. Gananath Obeyesekera, an outstanding Sinhalese anthropologist has this to say: 'The Sinhalese identity nowadays is predicted on the view that since they speak an Indo-European language, they are of North Indian origin whereas the Dravidian-speaking Tamils are from the South. The historical reality however is totally different. Except perhaps for the oldest stratum of settlers prior to 200 B.C., almost all subsequent settlers in Sri Lanka came from South India, mostly from Tamil Nadu, Orissa and Kerala and quickly became Sinhalesed. In fact, some of the most vociferous

anti-Tamil castes among the Sinhalese were post-fifteenth-century migrants from South India.'

These historical facts are at variance with what the present day 'patriots', believe. They preach their chauvinist gospel out of ignorance or to justify their chauvinism. Claiming that their ancestors arrived first, the Sinhalese feel that they own the island and have a right to make their language the sole official language of their country and their religion, Buddhism, the official religion. The Tamils believe equally strongly that they have been in the country for just as long (or longer), and that they should have equal rights in the country which is their home and that their language (Tamil) should have the same status as the language of the Sinhalese (Sinhala).

What is remarkable about all this nonsense as to which ethnic group arrived first is that supposedly sensible people should argue and indeed fight, about something that happened over 2,000 years ago, and should allow this to disrupt the country and threaten each other's existence.

Sri Lanka's early history

Because of the proximity of Sri Lanka to India, over the centuries there were invasions from India and at various times South Indian Tamil kings ruled the country. This historical fact of repeated South Indian invasion in ancient times is part of the basis for the current phobia among the Sinhalese of being overrun by India and in particular South India (Tamil Nadu), with its 50 million people who speak Tamil.

After centuries of fighting and a divided country, in 164 B.C. a young Sinhalese king, Dutugemunu, defeated the ageing Tamil king Elara and unified the country (for a period). The Sinhalese notion of an all island sovereignty goes back to this event which is magnified out of all proportion by the Sinhalese and is one reason why there is so much opposition to the current Tamil cry for a separate State in the North.

The British contribution to ethno-religious chauvinism

The colonial rulers and in particular the Christian missionaries, have played more than a minimal role in the intransigent attitude of the Buddhist clergy. It is not widely known that when the Christian missionaries arrived in Sri Lanka, they were welcomed by the Buddhist clergy in the true spirit of Buddhist tolerance in the belief

that one religion is as good as another. In fact, it was the Buddhist clergy who assisted in the translation of the Bible into Sinhala. It was when insensitive missionaries with a colonial attitude denounced Buddhism as paganism and took unjustifiable steps to almost compel the inhabitants to abandon their 'native' religion by offering selective advantages in education and job opportunities to converts, that problems arose. The promotion of Christianity at the expense of Buddhism and active suppression of Buddhism resulted in an understandable hostile reaction of the Buddhist clergy.

There were other consequences of the British occupation of Sri Lanka. For centuries the Buddhist clergy had not only been the king-makers in pre-colonial Ceylon but had acted as counsellors to the Sinhalese royalty. With the replacement of Sinhalese (Buddhist) kings by British (Christian) 'kings' and with the very obvious favoured treatment meted out to Christian converts, especially in appointments to senior administrative positions, the Buddhist clergy lost their 'king making' role. While Ceylonese politicians struggled to get political freedom from British colonial rule, the clergy struggled to regain their lost position.

Buddhist extremism

In the early years of this century, as the first steps were being taken by Ceylonese politicians towards self government, there was a Buddhist revival. There appeared several Buddhist propagandists who promoted a revival of Buddhism and a restoration of Sinhala to its former place. Anagarika Dharmapala (1864-1931, formerly Don David Hewavitarne), Piyadasa Sirisena (1875-1946, formerly Pedrik de Silva), L.H. Methananda, the Principal of one of the important schools in Colombo and P. de S. Kularatne, are some of them. The gospel they preached was somewhat different to the present day proponents of the same gospel in that the latter, initially led by Cyril Mathew and his JSS and now by the JVP, have in their fold, armed thugs who are prepared to achieve a Sinhalese-Buddhist country by violence, if necessary.

Political involvement in religious extremism

1948 saw the transfer of power from the colonial British to the Ceylonese elite in the United National Party (UNP). Although many of the new leaders were Buddhists (and Sinhalese) they refused to meddle in the inflammatory area of religion and lan-

guage. Bandaranaike, a veteran Sinhalese politician in the UNP, was a Christian who had become Buddhist for political reasons. In 1951, the ambitious Bandaranaike resigned from the Sinhalese-dominated UNP because of nepotism in that party and set up another Sinhalese-dominated party, the Sri Lanka Freedom Party (SLFP). Having failed in his first attempt (1952) to wrest power from the UNP, he decided to introduce ethno-religious chauvinism into Sri Lankan politics. He promised two changes guaranteed to get the support of the Sinhala-Buddhist majority. The first was to change the official language from English to Sinhala without giving Tamil an equal place and the second, to make Buddhism the state religion.

The Buddhist clergy recognised that this was the man who would restore their 'king making abilities'. Thousands of Buddhist priests left their temples to canvas for Bandaranaike who was elected to power with an overwhelming majority. The clergy had at last regained their position as 'king makers'.

In addition to restoring their religion and themselves to their 'proper place', here was also a man who would offer selective advantages to the Sinhalese and discriminate against the Tamil minority which would take them towards their long-cherished goal of making Sri Lanka into a Sinhalese-Buddhist country.

Although religious extremism was at that time (mid 1950s) less marked in the UNP opposing Bandaranaike's SLFP, it is significant that when J.R. Jayawardene the Deputy Leader of the UNP protested against Bandaranaike's important pact with the Tamils, his protest march to Kandy was led by the Buddhist clergy. Further, when the pact was finally torn up, it was because of pressure from the Buddhist clergy in association with Jayawardene and Bandaranaike's own Minister of Health, Wimala Wijewardene.

The rise and fall of Cyril Mathew and the JSS

One of the important features of Sri Lankan politics in recent times has been that politicians have used dissatisfied urban people to intimidate their opponents and build up private armies of hooligans. These thugs, with the political protection they enjoy, not only intimidate the populace but also interfere with the activities of the law enforcing bodies such as the police.

Prior to the 1977 elections, the JSS (Jathika Sevaka Sangamaya) was an almost unknown working class trade union. Most of the trade unions in Sri Lanka are controlled by the Marxist parties

which provide them with a Marxist ideology. The JSS did not have any form of organised political leadership. They were a group of dissatisfied working class people, mainly centred in the slums and shanties around Colombo. At the 1977 election, some of their leaders were elected to parliament and found positions in Jayawardene's cabinet. This gave them access to the bureaucracy. An important point was that the JSS lacked a political, or for that matter, any other ideology. Here was a powerful group of hoodlums who were recruiting into their group large numbers of people by intimidation, who were devoid of a banner and who owed their allegiance to individual bosses some of whom were in Jayawardene's new Cabinet.

Cyril Mathew, the Minister of Industries and Scientific Affairs in Jayawardene's first Cabinet, is a politician with a power base in Kelaniya which is just outside Colombo. His political ideology has been of Sinhalese Buddhist extremism which has been clearly enunciated in his many publications and speeches in Parliament.

Just as Bandaranaike had seen the opportunities in 1956 for a political leader who could lead disgruntled Sinhalese Buddhist extremists, Mathew saw the potential of getting the JSS behind him. Capitalising on the fact that the JSS had no political ideology, Mathew provided his ideology which was Sinhalese Buddhist extremism, and the call to make Sri Lanka into a Sinhalese Buddhist nation (of Bandaranaike's cry for Sinhalese Only and Buddhism as the State religion). Mathew was elected President of the JSS which gave the JSS, which already had access to the Prime Minister and the Minister of Transport, further access to another senior politician and gave the latter a power base in Colombo. If a destruction of the Tamil economic base in Colombo (Mathew was Minister of Industries) was what was needed to implement a plan to drive the Tamils away from Colombo and the south as a first step in the conversion of Sri Lanka into a Sinhalese Buddhist nation, Mathew had the necessary facilities to do so. This, and not the killing of the thirteen Sinhalese soldiers by the Tamil militants, was the factor responsible for the highly organised July 1983 massacre of Tamils in southern Sri Lanka.

For seven years Mathew and his band of hoodlums with access to the powers that be, inflicted a reign of terror in Colombo culminating in the 1983 holocaust when thousands of completely innocent Tamils were butchered for no reason other than that they were Tamils.

In 1984 Mathew overstepped the mark. Forcing his way into the All Party Conference with a band of equally rabid Sinhala extremists, he obstructed every meaningful offer Jayawardene made to the Tamils. At the end of the year, with belated courage, Jayawardene sacked Mathew from the cabinet. However, his demise and that of his hoodlums was followed by the rise of two new champions of Sinhala chauvinism—Mrs Bandaranaike and the JVP she once tried to exterminate.

The new Sinhala extremism

With the possibility of a general election in the offing, Mrs Bandaranaike is going down the well trodden path of espousing Sinhala chauvinism to get the majority community behind her. With her own civic rights only just restored, she was first to protest at Jayawardene restoring the long denied civic right of the Plantation Tamils. Later she protested that the 1987 Peace Pact gave too much away to the Tamils. The Tamils can hope for little better than what they obtained from Jayawardene if this new champion of Sinhala chauvinism succeeds him.

The JVP, initially a group of disadvantaged Sinhala youths from the periphery, have gone from Marxism to extreme Sinhala chauvinism, realising the political advantage of doing so. More virulent and murderous than Mathew's JSS, they have threatened to kill anyone who advocates any 'concession' to the Tamils. They have already assassinated scores of those who disagree with their extremism, including Harsha Abeywardene, the UNP President and Vijaya Kumaranatunge, the leader of a moderate Sinhalese party. The current situation in Sri Lanka is that what matters is what this band of brigands is prepared to concede, not what political leaders decide.

The effect of Sinhalese Buddhist extremism

Sinhala Buddhist extremism has done serious damage to the settling of the ethnic conflict, to democracy in Sri Lanka (e.g. the violence unleashed by the JSS and now the JVP on the dissenting voice) and, above all, to Buddhism itself.

Reference has already been made to the sabotage in 1957 of Bandaranaike's important pact with the Tamils which promised a degree of devolution of power to the Tamils. Dudley Senanayake's pact in 1965 went the same way because of the same group. Jayawardene's attempt in 1984 (the All Party Conference) was

sabotaged by the same forces. Now, the 1987 Gandhi-Jayawardene Peace Pact is under attack and those who support it are being assassinated. Until a Sinhalese leader is found who can stand up to the Buddhist clergy and Sinhala extremists, the chaos will continue. The problem in Sri Lanka is not Tamil terrorism but Sinhala extremism.

Serious damage has been done to democracy in Sri Lanka. In the first 7 years of the present government, JSS hoodlums prevented Sri Lankans of all ethnic groups from expressing an opinion which differed from that of the government. JVP extremists now threaten those who express an opinion which goes against Sinhala Buddhist chauvinism.

Enormous damage has been done to Buddhism. This great religion has survived for centuries without the need for sponsorship by hoodlums, terrorists and religious extremists. It is time that true Buddhists took some effective action to rescue their religion from these hooligans and thugs.

Teaching ethnic chauvinism in schools

An important feature of post-colonial Sri Lanka has been the teaching of ethnic chauvinism and religious extremism to school-children. Up to the 1960s, when the State took over the publication of all basic school textbooks, both communities were equally guilty of this, with the Tamils no less guilty than the Sinhalese. Children of one ethnic group were not supplied with information which would create an understanding and respect for the way of life, culture and religion of the other.

After the State took over the publication of textbooks and put the production of these in charge of Sinhalese Buddhist activists and extremists, the dominant ideology portrayed has been a Sinhalese Buddhist one. The Sinhalese are portrayed as a pure Aryan race and Sri Lanka as a Sinhalese Buddhist nation. It has been observed that if the government texts are all that a Sri Lankan child reads, he will be unaware that there are ethnic groups in the country other than Sinhalese Buddhists. This ethnic purity and racial superiority has a strong echo of Hitler's doctrine.

In addition to propagating these Nazi-type ideas, the government textbooks have portrayed the Sinhalese as 'We' and the Tamil as 'They'. The foundation of this 'We-They' concept laid down in childhood, has persisted into adult thinking and has been a fundamental factor which has prevented nation-building and promoted

separation of the ethnic groups.

The damage done to ethnic relations by government produced school textbooks has been detailed by a Sinhalese, Reggie Siriwardene, in a well-documented analysis of the effects of school textbooks on ethnic relations in Sri Lanka.

Ethnic chauvinism in the Sinhala community

Aside from the Buddhist clergy, extremists in the JVP and political opportunists, there is an alarming drift in the Sinhalese community towards ethno-religious chauvinism. There are several reasons for this drift. The teaching of ethno-religious chauvinism in schools which has now gone on for nearly fifty years is producing adults who think on chauvinist lines. There is the deteriorating economy which is due to several factors, some of which are related to the ethnic conflict and others which are not. Politicians find it convenient to attribute all the problems to the unresolved ethnic conflict for which they blame the Tamils. There is the major problem of a heavily biased anti-Tamil press which has become the voice of 'Sinhala' extremism to the exclusion of Tamil opinion. In a Buddhist country, it is surprising that in the past few years the view has been gaining ground that it is permissible to kill, provided the victim is a Tamil. The Tamils have been dehumanised as have been the Blacks in South Africa. Above all there is the universally resented presence of over 70,000 Indian soldiers on Sri Lankan soil for which the Sinhalese blame the Tamils.

The result

It is difficult to realistically hope for a reversal of Sinhala chauvinism. The unfortunate consequence is that with its current prevalence in the country, the building of a single undivided Sri Lanka may well be impossible. The 1987 Peace Pact states that Sri Lanka is a "multi-ethnic, multi-lingual, multi-religious plural society in which all citizens can live in equality, safety and harmony....". Jayawardene and Rajiv Gandhi saying so for their own political survival and pursuit of regional power ambitions, is of little consequence. The question is whether or not the majority community in Sri Lanka accepts that this is so. There is no indication that it does and until it does, the possibility that the various ethnic groups can co-exist in equality and dignity is remote.

CHAPTER 5

Sinhala Nationalism, the Native Physician, Buddhist Chauvinism and the so-called Enemy

B. SEBASTIAN PILLAI

THE mythology of a lion race can only be foisted on a gullible people. Legend has it, a race was born of a lioness suckled and nurtured to nationhood finds credence only among a people carefully indoctrinated in the concept of superiority. That very perception of groundless exclusivity stems from an innate fear of circumstances. The Sinhalese child has from impressionable age unto adulthood been brainwashed to suspect and fear of the traditional enemy. These atavistic phobia had been shored up by successive migration cum invasion of the Dravidian from the northern seaboard. It is an understandable knee-jerk reaction of fear for the stronger and more numerous Dravidian migration of the last two millennia by the less numerous Sinhalese settlers. To buttress their fortification and defences the Sinhalese settlers have come to view the Tamils as alien. Generation upon generation of Sinhalese people have been systematically indoctrinated of the so-called enemy within. The active participation of the Buddhist clergy in the process of identification of the Dravidian enemy has had significant impact. Buddhism being a philosophy of life lends itself well for manipulation to inculcate the faithful of the bounded duty of every Buddhist to seek its destroying force and eliminate it. The Tamils have consequently earned the dubious reputation of Buddhism's natural enemy. The Sinhalese people have since time immemorial learnt at the feet of the Privena cloistered monks and developed an unquestioning respect for their notions. The position of moulding of attitudes towards other races by the Sinhalese people was also shared by the native physician—another power-wielding body. The village physician who often appears to invoke the supernatural for his healing power of the sick and afflicted is looked upon as influential. The native physician is often

a Buddhist monk as well. The dual role of the monk-cum-physician is inextricably linked to the Sinhalese ethos and the role this group played, in confronting the Tamil people as alien and dangerous, has an element of self-interest and self-preservation. It was all too easy to point at the other race as an explanation of most of the ills of its own people and naturally the concept enjoyed popular currency among the Sinhalese masses.

The phenomenon of Marxism being offered as a solution to Sinhalese ills had to be wrapped in a cloak of Tamil alienation and confrontation as being necessary for acceptability. Over five centuries of racial fears and confrontation of the Tamils cannot be ignored even if new and more rational remedies to socio-political problems are to be formulated on scientific line. The emergence of the JVP is a manifestation of this modern and rational approach to the primeval Sinhalese chauvinism given the backdrop of millennium of fear of engulfment by Dravidians. It is noteworthy that the JVP indoctrination lectures included an anti-Indian segment to ensure that the enemy was properly identified as being of Indian origin. The Indians were identified by the JVP as the central pivot of all alien adverse influences.

In this deep-rooted hatred of the Tamils it is well-nigh impossible to expect a turn around of attitudes in less than one generation. When every Sinhalese child is coached the chauvinistic slated tale of Dutugemunu, the Sinhalese people become mentally and emotionally unprepared for accommodation to the Tamils. There is no credible leadership able to convert the attitudes of the Sinhalese. Any revolutionary change towards reconciliation would take conscious and genuine efforts by Sinhalese leadership and influential groups no less than two generations to achieve. The Indian negotiators intervening in the Tamil ethnic conflict must appreciate this generational constraint. Nothing can be left to the goodwill of the Sinhalese politician to restore Tamil rights. The LTTE leader Mr. Prabhakaran correctly forecast that any proposed settlement of Tamil aspirations would soon be engulfed and consumed by chauvinistic Sinhalese forces. The Indian interceders will have to come to terms with this fact and impose a meaningful settlement taking into consideration the legitimate representatives of the Tamil people. The LTTE has been the only organisation still in the field struggling to safeguard the legitimate aspirations of the Tamil people. We, the Tamil expatriates of the Northern Territory of Australia, implore the Indian powers that be to invite the LTTE

as the main negotiating partner without imposing restrictive conditions and negotiate a settlement for the Tamils of Eelam. The Sinhalese are still not ready to emerge from their primeval fears for fair and just accommodations to the Tamils. Time and tide waits for no man. The Sinhalese will have to wait for two generations to reap the benefits of peaceful co-existence.

PART III
TAMIL NATIONAL PROBLEM

Part II
TAMIL NATIONAL MOVEMENT

The Role of the Expatriates in Relation to the Eelam Tamil Liberation Struggle

ANA PARARASASINGHAM

THE most significant aspect of the liberation struggle, however, is the emergence of a new social order. Such a development is inevitable given that the Tamil uprising which we are currently witnessing is a mass movement drawing its support and its leadership from grassroots of our society. Tamil political leadership today is not in the hands of *Men of Letters* or professionals or for that matter, not even with those often loosely described as the *Educated Middle Class*. Tamil leadership today is not an elitist movement but truly representative of the Tamil masses of the North and East of the island.

As expatriates living away from our homelands, it is our bounden duty to recognise this essential nature of the liberation struggle and direct our efforts in the full knowledge of the fact that we are in the process of creating a society that would meet the goals and aspirations of the masses—in other words, a more equitable society. Secondly, it is vital that we understand the will and determination of the Tamil nation in pursuing the goal, despite the hardship imposed by almost six years of continuous war.

The undeniable fact is that the liberation movement, despite all assertions to the contrary by the governments of Sri Lanka and India, continues to enjoy popular support amongst our people. How else could one explain the phenomenon of a huge Indian occupying force not being able to disarm the LTTE or for that matter the plight of the Sri Lankan troops being tied down to their barracks, before the Indian intervention?

Thirdly, it must be clearly understood that the current Tamil leadership has exhibited not only great courage but also all the qualities one should expect from a perceptive and pragmatic leader-

ship. In support of this assertion I wish to cite the reservation expressed by Mr. Prabhakaran in regard to the Indo-Sri Lanka Accord in his speech to the nation delivered on the 4th of August 1987, in Suthumalai.

Subsequent events have not only proved Mr. Prabhakaran's words to be true, but most importantly have revealed his perception of India's ulterior motives to be deadly accurate. It must be admitted, however, that these leadership qualities were not acquired overnight but have been gained through a process which has included false starts, costly errors and perhaps a tendency to over-react. Nevertheless, the leadership which has emerged today, through this process, is one we could all be confident would see us through.

Fourthly, as expatriates, we too must admit to having been misled into supporting groups and organisations which have allowed themselves to be manipulated by those seeking to exert their own dominance. We are all only too aware of the quisling groups which are being used to hunt down the LTTE and the immense damage these groups have done to our cause. I am positive that at some stage of their development, these groups too were committed to the liberation of our land, but have fallen by the wayside due to their lack of vision and an honest dedicated leadership. Again, let us be frank with ourselves and admit that these mistakes were made because our own vision of the liberation was unclear and was based on emotions rather than reason.

THE ROLE OF THE EXPATRIATES

The role to be played by the expatriates in the liberation of our nation should be based on an accurate perception of the situation as it exists today. Essentially, the current situation could be summarised as follows:

(1) The Tamil uprising is a mass movement drawing its support and leadership from the grassroots.

(2) The masses have shown their will and determination to realise the objectives of self-determination despite the hardship imposed by a prolonged war.

(3) The LTTE has emerged not only as a military organisation but as a strong political leadership with an accurate understanding of geopolitical realities.

(4) The Tamil liberation struggle is not the struggle of a minority

attempting to fight for its rights but a nation exerting its rights of self-determination.

The main strength of the expatriate community could be briefly listed as follows:

(a) The expatriate community is in a position to influence public and government opinion in countries of their domicile. Such opinions could be used to persuade the Indian government to seek a political solution.

(b) The expatriate community is in a position to directly influence India by appealing to Indian politicians and the Indian media.

(c) The expatriate community is in a position to broaden and strengthen the vision of the Tamil leadership by contributing their own views and understanding.

(d) The expatriate community is in a position to assist in providing the necessary framework for the Tamil right of self-determination being taken up by international bodies.

SOME PRACTICAL SUGGESTIONS

We submit that the Conference considers the following suggestions which the Australian Federation wishes to present:

1. Formation of an international body consisting of accredited representatives of Tamil leadership (LTTE and its allies) and representatives of the expatriate community.

2. Assign to this body the task of co-ordinating the activities of the various expatriate groups and the Tamil national leadership.

3. Assign to this body the task of internationalising our struggle.

CHAPTER 7

The Right of the Tamil Nation to Self-Determination

JUSTICE SATCHI PONNAMBALAM

NATIONAL self-determination as a political principle has evolved over the last 150 years as a by-product of the doctrine of nationalism. The term 'peoples', in the UN Charter and Covenants is used as being coincident with 'nation'. What is a nation?

At the time of World War I, on the basis of Krehbiel's formulation, it was said that 'a nation exists when its component parts believe it to be a nation.' This repeats the much earlier idea of the great French scholar Ernest Renan when he simply referred to the nation as a 'corporate soul'. While this attempt at defining emphasises the subjective factor, yet it is inadequate in offering no means of distinguishing a nation from a community or tribe. An indispensable characteristic is the possession of a specified territory by the nation.

Taking into account the many views expressed, we find the following as indispensable characteristics of a nation:

- (1) possession of a specified territory;
- (2) a consciousness among the people as a nation; and
- (3) cultural integration which binds the people by ties of cultural oneness.

Applying these criteria, the Tamils of Sri Lanka vis-a-vis the Sinhalese are indisputably a nation. However much Jayawardene brothers and their recently recruited pseudo-intellectual cohorts, in their myopia may want it otherwise to carry on their mad programme of Tamil genocide, the Tamils are a nation, living in a specified territory, possessed of consciousness as a nation and manifesting socio-cultural integration and coherence as one people.

It is essential to correctly designate the political conflict in Sri Lanka as one between the oppressor Sinhalese government sub-

jugating the Tamil nation in the name of the interests of the Sinhalese nation on the one hand, and the oppressed Tamil nation fighting for freedom, on the other. It is a national question sui generis. That the Tamils of Sri Lanka are an oppressed nation, now subjected to genocidal repression by the very Government which must protect their lives, is put beyond any doubt by what Jayawardene, as President of the country told Ian Ward, a British journalist in July 1983. He said: 'I am not worried about the opinion of the Jaffna people. . . . Now we can't think of them. Not about their lives or of their opinion about us.' (*Daily Telegraph*, London. 11 July 1983).

This *Daily Telegraph* interview was re-published in the *Sunday Observer* (Colombo) and all the Sinhala newspapers. The TULF President and M.P. for Nallur referred to the above statement in the *Sunday Observer*, in parliament and said: 'I only hope that what was published would be contradicted by the President. . . I hope to God that the article which was an interview was wrong as it was stated there that the President did not care for the lives of the people of Jaffna.' No contradiction was ever made and the President stood by the correctness of that news report.

A multi-nation State can continue to exist only if the cultural diversity of the separate nations is recognised as the bedrock and the equality of the constituent nations is accepted as axiomatic. The legislature in such a State must devise the structure to prevent the domination of one nation by the other. If domination is pursued, the State will fall apart and destroy itself. In Sri Lanka, domination and subjugation of the Tamils was what the blinkered Sinhalese chauvinist politicians wanted and achieved. Hence, the nation-breaking that is taking place.

The Tamil people have been subjected to and are fighting against the internal colonialism of the Sinhalese. The UN Declaration on the Granting of Independence to Colonial Countries and Peoples (G.A. Resolution 1514 of 1960) states: '... the process of liberation is irresistible and irreversible and all people have an inalienable right to complete freedom, the exercise of their sovereignty.'

Professor Virginia Leary, in her 'Ethnic Conflict and Violence' in Sri Lanka (I.C.J. 1983, p. 69), states: 'The Tamils could be considered to be a "people". They have a distinct language, culture, a separate religious identity from the majority population, and to an extent, a defined territory. Claims to self-determination under international law, however, must also be balanced against the inter-

national law principle of the territorial integrity of states.' True and a correctly stated international law principle indeed. But territorial integrity of states is not an end in itself. It is only of instrumental value in furthering the interests of all its citizens and to provide for the peoples comprised in the territory of the State their legitimate right to exercise power for their well-being. In international law, a nation of peoples have rights, viz., right to freedom from oppression, from racial discrimination, human rights, fundamental freedoms, etc.

The UN Declaration on the Principles of Equal Rights (GA Resolution 2625 of 1970) gives the right of self-determination to peoples within existing independent states when governments fail to 'conduct themselves in compliance with the principles of equal rights' and when the States do not 'represent the whole of the people belonging to the territory without distinction as to race, creed or colour.' The Article reads as follows:

Nothing in the foregoing paragraphs shall be construed as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial principle of equal rights and self-determination as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.

The Sri Lanka Government which does not hide its naked genocidal massacre of the innocent Tamils in their homelands cannot be regarded as conducting itself in compliance with the principle of equal rights. Nor can that government be regarded as representing the Tamil people when Jayawardene himself has said that he was not worried about the opinion of the Jaffna people and not about their lives. What is self-determination in international law? The UN Declaration on the International Status of "Peoples" and their Right of Self-determination (GA Resolution 2625 of 1970) states:

The establishment of a sovereign independent state, the free association or integration with an independent state or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.

The Sri Lankan Government has not simply been against but oppressive of the Tamil people, as a nation; and its political, economic, social and ethno-cultural interests. Tamils in Sri Lanka have no state and are seeking to create their own sovereign state of Eelam based on their right of self-determination. They are a stateless nation oppressed by alien Sinhalese colonialism and domination.

The Tamil freedom fighters today assert and bear arms in exercise of their right to self-determination. In practical terms, what is now necessary is a constitutional formula for secession. In this, the Tamil people need the help of the international community, as the oppressor does not want to recognise its own international obligations. Otherwise, the state of international relations would be seen to be one of paralysis and bankruptcy, the inaction dictated by out-dated clichés of 'internal affairs', 'territorial integrity', 'national unity', etc. To avoid further unnecessary violence, turmoil and loss of innocent lives, on both sides, it is the right and duty of the UN and concerned Member States, to intervene in recognition of the right of the Tamil people to self-determination. The particular justifiable circumstance of the Tamil people's desire for self-determination by secession is that it developed out of the dynamic of national oppression and has generated its own momentum. It is a national liberation struggle *sui generis* and in the words of David Selbourne of Oxford University 'a true national question, if ever there was one.'

There is need for enlightened and progressive realisation that self-determination necessarily involves attack on existing union, territorial unity and state sovereignty. But that is for the higher cause of human liberation, human rights and human dignity. The existing state cannot be regarded or defended as permanent and unalterable in the face of internal colonialism, genocidal repression, organised pogroms and mass massacre of a nation of people.

CHAPTER 8

The Tamil National Struggle

JAMES K. KARAN

THE Tamil National Struggle is about freedom and independence of the Tamil-speaking people in Ceylon from political subjugation, oppression and genocide.

THE EARLY HISTORY

Let us dwell very briefly on the ancient and early history of Ceylon. Despite the myths propagated by Sinhalese politicians and historians, both the Tamils and the Sinhalese have inhabited the island of Ceylon from time immemorial.

The Greek astronomer and geographer Ptolemy, in the second century A.D., located the Tamil kingdom of Nada Dipa in the territory of Chilaw in the west to below Trincomalee in the east. From the ancient times Tamils have occupied the North and East of the island as their exclusive homeland and the ancient Tamil name of Ceylon was Tamparaparani. Even the two great Indian epics Mahabharata and Ramayana, written in Sanskrit before the 6th century B.C. and Pali chronicles mention the existence of the Naga kingdoms.

The ancient capital of Anuradhapura was founded by Tamil kings. From Devanampiya Theesan in 3rd century B.C., followed Senan and Kuddikan (177-155 B.C.) and Ellalan (145-101 B.C.) he was defeated by the Sinhalese prince Dutugemunu. This fact is borne out by the Mahavamsa itself. The Tamil kingdom of Jaffna came into existence in 1214. In 1505 the Portuguese landed in Ceylon and conquered the Sinhalese kingdom of Kotte near Colombo. It was only a century later in 1621 that they were able to conquer the Tamil kingdom in Jaffna and capture the Tamil king Sankili who was then taken to Goa in India and hanged. The Dutch took

control of Ceylon from the Portuguese, and in 1802 by the Treaty of Amiens they gave up possession of the island to the British.

As late as 1799 Sir Hugh Cleghorn, the first Colonial Secretary of Ceylon wrote in the famous *Cleghorn Minute*: 'Two different nations, from very ancient period, have divided between them the possession of the island: the Sinhalese inhabiting the interior in its Southern and Western parts from the river Wallouve to that of Chillaw, and the Malabars (another name for Tamils) who possess the Northern and Eastern Districts. These two nations differ entirely in their religions, language and manners.'

The map of Ceylon by Du Peron drawn in 1789 clearly demarcates the geographical areas of these two nations. It was in 1833 that the British purely for administrative convenience began administering the island as a common unit and thus brought them under a single unitary political authority. The British governor of Jaffna Patnam and the low-country Sinhalese region, Sir Robert Brownrigg wrote on 10 July 1813 to the Secretary of State for the Colonies: 'The Tamil language... which with a mixture of Portuguese is used through all provinces, is the proper tongue of the inhabitants from Puttalam to Batticaloa northward inclusive of both these districts. Your Lordship will therefore have no objection to my putting the Tamil language on an equal footing of encouragement with Sinhalese.' However, as Walter Schwarz observes in his report in *The Tamils of Sri Lanka* published by the Minority Rights Group, London, 'The most important effect of the early history of the minority problem of today is not in the facts but in the myths that surround them particularly on the Sinhalese side'

THE NATIONAL OPPRESSION SINCE INDEPENDENCE

The General Elections for the new house of representatives under the Soulbury Constitution was held in 1947 and Ceylon was granted independence on 4 February 1948. The Tamil Congress won all seven seats in the North and Eastern provinces. The Ceylon Indian Congress won all eight seats in the plantation areas. Mr. D.S. Senanayake, the leader of the Sinhalese who later became the first Prime Minister of independent Ceylon, earlier urged the Tamils to accept the new constitution and assured them on behalf of the Sinhalese thus: 'Do you want to be governed from London or do you want, as Ceylonese, to help govern Ceylon?.... On behalf of the Congress and on my own behalf I give the minority communities

the sincere assurance that no harm need you fear at our hands in a Free Lanka'. Accepting this assurance the Tamils unanimously voted for the Soulbury Constitution. However, the events took a different turn.

(a) *National Flag*

The first expression of discrimination was shown on the eve of independence in the designing of the national flag of Sri Lanka and this became a great controversy. The Senanayake Government was persistent in the adoption of the Sinhalese Lion Flag but was willing to allow only the use of a Saffron stripe for the Tamils and a Green stripe for the Muslims.

(b) *Citizenship*

In the parliamentary general elections of Ceylon in 1947 the representatives of the plantation Tamils contested and won seven seats in parliament and significantly influenced the outcome in fifteen other electorates. The first Sinhalese-dominated government by discriminatory legislation deprived them of their citizenship in 1948 and disenfranchised them in 1949. Thus almost a million people were rendered stateless and voteless. In the general election that followed they lost all their representation in parliament.

The proof of citizenship was insisted upon for employment in public and private sectors, issue of travel documents, issue of rice ration books, registration of transfer of properties or shares, registration as traders, and other spheres reserved partly or fully for Ceylonese. Entitlement to state health and education facilities was virtually non-existent. They consequently suffer enormous civic disabilities and disadvantages and continue to suffer the stigma of statelessness. This was a grave injustice done to those helpless people.

Article 15 of the Universal Declaration on Human Rights provides that 'Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality'. In 1931, Universal Adult Franchise was granted in the Island and in 1981 there were nearly half a million people still stateless.

Referring to the plantation Tamils, Prof. Paul Seighart, in his report, *Sri Lanka: A Mounting Tragedy of Errors*, says, 'However, there is one community in Sri Lanka that has every justification for seeing itself as a grossly underprivileged minority, and that is the so-called "Indian" Tamils. The bulk of these continue to work

on the tea estates, and by their labour make a vast contribution to the national income, yet are miserably deprived in the provision of food, health and education. For none of these deprivations do they have any remedy, since most of them cannot now even be represented in Parliament or in local government. Although virtually all of them today were born in Sri Lanka, the great majority do not now even have Sri Lankan citizenship'.

(c) Language Policy

In 1956, the Sinhalese government led by Mr. S.W.R.D. Bandaranaike made Sinhala the only official language of Sri Lanka. He contested the general elections with the slogan 'Sinhala Only, Within 24 Hours', although it was an agreed policy among leaders of all communities and political parties that Sinhala and Tamil languages would replace English as the official languages of the country.

(d) Education and Employment

The language policy and the selective recruitment and discrimination in employment severely restricted Tamils from entering government and semi-government sectors. This resulted in frustration and alienation for a community which relied heavily on employment as a means of economic survival. After 1977, of some 500,000 vacancies in State and Corporation sectors, those belonging to the Tamil community were 2 per cent according to the Department of Census and Statistics, between the years 1977 and 1981; 94 per cent were Sinhalese, and only 5 per cent were Tamils. The unemployment rate among young Tamil males was 41 per cent as opposed to 29 per cent among Sinhalese.

The controversial provision for standardisation was a great cause for tension among many Tamil youths. The implicit racial quota under the university admission policies barred many competent Tamil youths from pursuing higher education.

(e) Colonisation

From 1950, the government of Ceylon has undertaken large-scale colonisation of Sinhalese in the traditional Tamil homelands with a view to changing the ethnic and the demographic composition of these areas. These large-scale colonisations were state-sponsored and aided. Because of this settlement of Sinhalese in traditional Tamil areas, particularly in the Eastern province, the government

in the early 1960s created a new district in Amparai with 80 per cent Sinhalese population and gave 2 parliamentary constituencies of Amparai and Seruvila which returned Sinhalese M.Ps. This was also designed to create a strong Sinhalese enclave breaking up the geographical continuity of the traditional homelands in the eastern province. Similar resettlements have affected the Trincomalee district. Even the Vavuniya district in the Northern province soon rendered Tamils a minority in their own heartland and weakened the Tamil nation's possession of an exclusive, distinct and separate territory, and thus weakened their claim for a separate and distinct Tamil nationhood.

FOUNDING OF THE FEDERAL PARTY

The disenfranchisement in 1949 of plantation Tamils made two members of parliament, S.J.V. Chelvanayagam and C. Vanniasingham, to protest vehemently and break away from the Tamil Congress to form the Federal Party (F.P.) in 1949. S.J.V. Chelvanayagam, becoming leader of the party, declared with prophetic foresight, 'Today it is the Indian Tamils, tomorrow it will be the Ceylon Tamils who will be axed'. The Federal Party was to become the dominant national political party of the Tamils for the decades that followed.

PARLIAMENTARY AND CONSTITUTIONAL PROCESS

G.G. Ponnambalam, who founded the Ceylon Tamil Congress in 1944, argued before the Soulbury Commission for a 'balanced representation', generally known as 50-50, for the Tamils in the legislature. The scheme of representation the Commission approved resulted in 67 per cent Sinhalese representation in the 1947 election. However, by 1970 the Sinhalese representation had risen to 80 per cent by making the plantation Tamils stateless and by planned colonisation of Tamil areas. In 1977 the representation had further increased to 84 per cent although the Sinhalese population was only 74 per cent. By the Sixth Amendment to the Constitution in 1983 the Tamil representation was virtually removed leaving an in-built permanent ethnic majority in parliament.

In the 1956 general elections, the Federal Party won the most number of seats in the Tamil homelands and became the Tamil national party representing the Tamil aspirations. It sought to

achieve the rights and demands of Tamils and secure their protection through a federal constitution as practised in countries like Switzerland and Canada. The peaceful protest by the Federal Party in 1956 to resist anti-Tamil legislations, discrimination and colonisation was responded to by mob violence. The agreements entered into, like the Bandaranaike-Chelvanayagam Pact of 1957 and the Senanayake-Chelvanayagam Pact of 1965 which provided some redress for Tamil grievances, were unilaterally abrogated or dishonoured.

Race riots and mob violence against the Tamils began in 1956. The alarming riots of 1958 unparalleled in the Island's history were directed against the Tamil civilian population. However, there was more to come. There have been recurring riots against the Tamils all over the country including the plantation areas. In all those riots several thousands of Tamils lost their lives, limbs and their belongings. Many became refugees and destitutes. Several thousands fled Lanka rather than face indignities and humiliation.

TAMIL NATIONALISM AND SINHALESE CHAUVINISM

The Tamil nationalism in the post-independent Ceylon came about as a reaction to Sinhalese chauvinism. The disenfranchisement of the plantation Tamils giving birth to the Federal Party (Ilankai Tamil Arasu Kadchi—ITAK) marked the early beginnings of Tamil nationalism since independence. Sinhalese chauvinism exalting myths and legends was determined to oppress and even exterminate the Tamils. In its blindness it sought to seek historical validity to subjugate and exclude the Tamils from the Sri Lankan state. In 1972, the Sinhalese government of Srimavo Bandaranaike imposed a Republican Constitution unilaterally against the will of the Tamil people. The Tamil representatives did not take part in the constituent assembly nor were a party to the creation of the new republican constitution. The new constitution gave pride of place to Sinhalese and Buddhism in Sri Lanka. The two leading Marxist parties of Ceylon were a party to this constitution with Colvin R. de Silva, a Marxist leader, being the Minister of Constitutional Affairs during this painful period. Following this the hitherto divided Tamil political parties—the Federal Party, Tamil Congress, Ceylon Workers' Congress, Eela Thamilar Otrumai Munnani and several Tamil youths and student organisations—met at Trincomalee and formed the Tamil united Front (TUF). The Tamil

leaders, S.J.V. Chelvanayagami, G.G. Ponnambalam and S. Thondaman, were brought together for the first time for a united struggle.

S.J.V. Chelvanayagami, the then Tamil leader, resigned his parliamentary seat in protest of the new constitution and challenged Srimavo Bandaranaike's government to hold a by-election to test the acceptability of the new constitution by the Tamil people. After two years of waiting the government ordered the by-election in 1975 where Chelvanayagami sought the Tamil people's mandate for separation and won by a huge majority. Winning the by-election he declared 'throughout the ages the Sinhalese and Tamils in the country lived as distinct sovereign people till they were brought under foreign domination. It should be remembered that the Tamils were in the vanguard of the struggle for independence in the full confidence that they also would regain their freedom. We have for the last 25 years made every effort to secure our political rights on the basis of equality with the Sinhalese in a united Ceylon. It is a regrettable fact that successive Sinhalese governments have used the power that flows from independence to deny us our fundamental rights and reduce us to the position of a subject people. These governments have been able to do so only by using against the Tamils the sovereignty common to the Sinhalese and the Tamils. I wish to announce to my people and to the country that I consider the verdict at this election as a mandate that the Tamil Eelam nation should exercise the sovereignty already vested in the Tamil people and become free. On behalf of the Tamil United Front I give you my solemn assurance that we will carry out this mandate.'

THE HISTORIC PANNAKAM RESOLUTION

On 14th May 1976, the TUF leaders and the party met at Pannakam in the Vaddukkoddai constituency and reconstituted the party, at its first national convention, as the Tamil United Liberation Front (TULF) and adopted the historic resolution which declared that, 'The Tamils of Ceylon, by virtue of their great language, their religion, 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 the Sinhalese and their 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, and thereby destroying the attributes of nationhood of the Tamil people'.

The TULF resolution also called upon the Tamil youth in particular, 'to come to throw themselves fully in the sacred fight for freedom and flinch not till the goal of a sovereign socialist state of Tamil Eelam is reached'.

HISTORIC MANDATE

In the 1977 General Election, the TULF election manifesto to the Tamil people stated, 'What is the alternative now left to the nation that has lost its rights to its language, rights to its citizenship, rights to its religion, and continues day by day to lose its traditional homeland to Sinhalese colonisation? What is the alternative now left to a nation that has lost its opportunities to higher education through "standardisation" and its equality in opportunities in the sphere of employment? What is the alternative to a nation that lies helpless as it is being assaulted, looted and killed by hooligans instigated by the ruling race and by the security forces of the state? Where else is an alternative to the Tamil nation that gropes in the dark for its identity and finds itself driven to the brink of devastation? There is only one alternative, and that is to proclaim with the stamp of finality and fortitude that we alone shall rule over our land our forefathers ruled. Sinhalese imperialism shall quit our homeland. The Tamil United Liberation Front regards the General Election of 1977 as a means of proclaiming to the Sinhalese Government this resolve of the Tamil nation.... Hence the TULF seeks in the General Election the mandate of the Tamil nation to establish an independent, sovereign, secular, socialist state of Tamil Eelam that includes all the geographically contiguous areas that have been the traditional homeland of the Tamil-speaking people in the country'. The manifesto further stated, 'The Tamil nation must take this decision to establish its sovereignty in its homeland on the basis of its rights to self-determination. The only way to announce this decision to the Sinhalese government and to the world is to

vote for the Tamil United Liberation Front. The Tamil-speaking representatives who get elected through these votes, while being members of the National State Assembly of Ceylon, will also form themselves into the National Assembly of Tamil Eelam which will draft a Constitution for the State of Tamil Eelam and establish the independence of Tamil Eelam by bringing that Constitution into operation either by peaceful means or by direct action or struggle.

In the General Election, the Tamil nation responded overwhelmingly by voting for 18 seats out of a possible 19 seats to the TULF. The Jayawardene government, which was returned to power in the elections, deluded the Tamil leadership by the device of the District Development Council.

THE TAMIL LIBERATION STRUGGLE

The repeated pogroms, state terrorism, brutality and repression, Draconian legislations, the emergency laws and prevention of terrorism acts coupled with arbitrary detentions and torture on one side and the inability of the parliamentary political leadership to deliver their promises to the people by the constitutional process, made the Tamil youth disenchanted and restive. The anti-Tamil riots of 1977, the UNP's betrayal of election pledges and the unilateral imposition of the 1978 Constitution without the participation or consent of the Tamils, made the Tamil nation and their youth realise that, after having exhausted all peaceful means to protect the security of the Tamil people and their continued existence in Sri Lanka, only by armed resistance could they save themselves from the oppression of the Sri Lankan state. When the Sinhala chauvinism and repression through its state machinery reached genocidal proportions, the Tamils lost their conservatism and became radicalised. The Liberation Tigers came to be the vanguard of the Tamil liberation struggle and the desire for national liberation became an inevitable historic necessity to secure the existence of the Tamils as a nation in Sri Lanka. In 1983, Sri Lanka witnessed the anti-Tamil pogrom and the holocaust which attracted the attention and concern of the civilised world.

Sinhalese chauvinism was nurtured through myths, legends and twisted historical facts. The writings and preachings of Anagarika Dharmapala (1864–1931), Piyadasa Sirisena (1875–1946), Muni-dasa Cumaratunga (1887–1944) and D.C. Wijewardene gave mean-

ing and respectability to these concepts. The Sinhalese political leaders like D.S. Senanayake, by their utterances such as 'unless we stem the tide of growing domination of Indians in Ceylon in our economic and social life, our extinction as a Ceylonese nation is inevitable', and later S.W.R.D. Bandaranaike saying, 'The fact that in the towns and villages, in business houses and in boutiques most of the work is in the hands of Tamil-speaking people, will inevitably result in a fear, and I do not think it is an unjustified fear, of the inexorable shrinkage of the Sinhalese language....' gave political direction to their fears, phobia and bigotry. Sri Lanka, Sinhala, and Buddhism in their eyes became synonymous. Therefore, to realise the further practicality to this rationale, the exclusion of the Tamils from the Sri Lanka and its polity became inevitable. Thus commenced the political, social, economic and cultural subjugation of Tamils by a process of exclusion, assimilation and extinction. From this evolved the genocidal violence, destruction of Tamil economy, way of life, places of worship, centres of culture, etc. The support and participation of the Buddhist clergy played a major role in these destructive processes and Sinhala and Buddhism were given pride of place and ultimately enshrined in the Sri Lankan Constitution. This conclusively stamped Sri Lanka as the country of Sinhalese and Buddhists only, and therefore others who inhabit there have to live at their mercy.

Having exhausted all avenues through parliamentary and constitutional processes to seek accommodation within the Sinhalese state and to protect the Tamils and their continued existence in Sri Lanka, the Tamil nation was left with no alternative but to resort to an armed struggle to resist this genocidal oppression. The UN Convention on the Prevention of the Crime of Genocide (General Assembly resolution 2670 of 1948) defines genocide as 'the killing of or causing serious bodily or mental harm to a national, ethnic, racial or religious group, committed with intent to destroy such a group in whole or in part'. Article IV of the Convention states, 'Persons committing genocide shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.'

Raphael Lemkin, in his book *Axis Rule in Occupied Europe*, says, 'Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruc-

tion of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be the disintegration of political and social institutions, of culture, language, national feeling, religion, and the economic existence of national groups, and the destruction of personal security, health, dignity, and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved and directed against individuals, not in their individual capacity, but as members of the national group'.

In a memorandum to the 7th Summit meeting, the Liberation Tigers of Tamil Eelam declared, '...It is the plight of the Tamil nation of four million people and their legitimate struggle for political independence based on the democratic principle of national self-determination. The Tamil nation was forced into this political path as a consequence of nearly thirty-five years of violent and brutal oppression practised by successive Sri Lankan governments, aimed at the annihilation of the national entity of the Tamils. Decades of peaceful, non-violent, democratic political struggles to gain the very basic human rights were met with vicious forms of military suppression. The intensified military occupation of Tamil lands, the intolerable terrorism of the armed forces, the implementation of racist and repressive legislations, the mass arrests and detention of political activists—all these Draconian methods were employed to stifle and subjugate the will of our people to live free, and stamp out their legitimate struggle for justice. This ever-unfolding thrust of national oppression made unitary existence intolerable and finally led to the demand for secession by the oppressed Tamil people...'

The armed struggle for freedom intensified in response to the military occupation and offensive in Tamil homelands. The deep concern of the 50 million Tamil brethren in Tamil Nadu in India for the tragic plight of the Tamils in Sri Lanka and the regional security considerations resulting from the civil war made India to offer its good offices to resolve the conflict.

Under the Indian Government auspices representatives of Tamils and the Government of Sri Lanka met in Thimpu, Bhutan, where the Tamils representing 6 liberation organisations unilaterally set out four cardinal principles and sought the recognition of the Tamils in Sri Lanka as a nation, the existence of an identified homeland for the Tamils, the right of self-determination, and the

right to citizenship and fundamental rights. By this, Thimpu recognised the armed struggle and legitimised its leadership. The Sri Lankan Government failed to make any positive proposals to meet Tamil aspirations.

On 29 July 1987, the Indo-Sri Lanka Agreement was signed to establish peace and normalcy in Sri Lanka. The conflict in Sri Lanka was primarily and essentially about the oppression of the Tamil people by the Sri Lankan state. This agreement was not between the parties to the conflict even though it was to decide and seal the fate of the Tamils while securing India's regional and security concerns. Certainly this was not the first agreement of this nature between the countries concerning the Tamils in Sri Lanka. In all probability it will not be the last either. All the earlier agreements had common characteristics. They were entered into over the heads of the Tamils without consultation and agreement with their representatives or leaders. None of them have achieved what the Tamils wanted, resulting only in more misery and suffering.

Suthumalai is a historic turning point in the Tamil national struggle. On 4th April 1987, Mr. V. Prabhakaran, the leader of the LTTE, on the grounds of Suthumalai Amman Temple, addressing a mammoth assembly of Tamils of over 100,000, and in the presence of national and international media, declared: 'My beloved and esteemed people of Tamil Eelam! Today there has taken place a tremendous turn in our liberation struggle. This turn has come suddenly in a way that has stunned us, and as if it were beyond our power to influence events. Whether the consequences of this turn will be favourable to us; we have to wait and see....

'...I do not think that as a result of this Agreement, there will be a permanent solution to the problem of the Tamils. The time is not very far off when the monster of Sinhala racism will devour this Agreement. I have unrelenting faith in the proposition that only a separate state of Tamil Eelam can offer a permanent solution of the problem of the people of Tamil Eelam. Let me make it clear to you here beyond any shadow of doubt that I will continue to fight for the objective of attaining Tamil Eelam. The forms of struggle may change, but the objective or goal of our struggle is not going to change. If our cause is to triumph, it is vitally necessary that the wholehearted and totally unified support of you, our people, should always be with me'.

This is not only historic but also prophetic.

THILEEPAN'S MARTYRDOM

The Indian Government went back on its assurances although the LTTE started laying down their arms. As the Tamils feared, the Sinhalese were being settled in the Tamil areas of the Eastern Province while Tamil refugees were unable to return to their villages, and the notorious Home Guards and Special Task Force of the Sri Lankan Government were still functioning in Tamil areas. The Interim Government which was promised to the Tamils was unduly delayed whereas the police personnel were being recruited in police stations established in the Tamil areas by the Sri Lankan Government. The Indian Secret Intelligence Agency, Research & Analysis Wing (RAW), had been carrying out covert operations in Sri Lanka for a long time. After the Indo-Sri Lanka Agreement, the RAW became very active in Tamil areas in promoting armed Tamil mercenary groups to undermine the LTTE. These groups were killing LTTE cadres and Tamil civilian activists. All these were contrary to the letter and the spirit of the Accord.

All representations made by the LTTE on these matters to the Indian authorities fell on deaf ears and hence the LTTE was forced to launch a peaceful campaign to register its demands. One of their young political leaders, Mr. Thileepan, fasted unto death demanding the implementation of the Indo-Sri Lanka Agreement and the assurances given by the Indian Government to the LTTE. He achieved martyrdom on 26th April 1987. This created enormous concern amongst the Tamils in Sri Lanka and they became anxious about their safety and security, and rallied behind the Tamil Tigers. India then responded by an agreement with the LTTE on 28th September 1987 under which an Interim Administrative Council was to be formed without delay. The Administrative Council was to have 12 members and 7 of them including the Chief Administrator were to be LTTE nominees. When the LTTE submitted a list in order of priority so that its representation could give weightage to all Tamil regions the Sri Lankan Government, with a view to defeating this objective and blocking the implementation of the Council, rejected some of the LTTE nominees, including the nominee for Chief Administrator.

While the dispute on the names of the intended Administrative Council was on, the Sri Lankan Government detained 17 LTTE members including two regional leaders, Pulendran and Kumarappa, and attempted to remove them to Colombo for inter-

rogation. This was a fundamental breach of the Indo-Sri Lankan Agreement, because under the Agreement all LTTE cadres, as well as the other militant groups, were given amnesty and guaranteed protection. Despite repeated appeals by the LTTE leaders, the Indian authorities failed to get the 17 LTTE members released; and they were forced to take cyanide capsules, and 12 of them died. This sad development created enormous confusion in the Tamil areas and understandably there were violent reactions in some areas.

THE INDIAN MILITARY OFFENSIVE

On 10 October 1987 began the attack on Jaffna. This seems to have been preplanned and managed. First they attacked the printing presses of the two registered daily newspapers *Murasoli* and *Eelamurasu* in Jaffna, blew up their building and printing equipment and also removed the LTTE television station, the only television network in Jaffna. At the same time access to local and international media was cut off from the Tamil areas. These were all designed to keep information of what was to happen to the Tamils of Sri Lanka away from the outside world.

Information of what has actually happened during the IPKF offensive has in fact come out of the Tamil North and East, through the appeals made by civic leaders, heads of religious organisations and through some adventurous international media personnel, who had ventured unnoticed into the combat zone and have widely reported of indiscriminate shelling and aerial bombardment of civilian population. It is now estimated that civilian deaths including women and children ran into thousands, and over 400,000 people, which is about half the population of the Jaffna peninsula, were made homeless during that period and were forced to take refuge in temples, churches, schools and elsewhere. The conditions of the civilian population were so appalling that some of the appeals from civic leaders and heads of churches were heart-rending.

There was acute shortage of food and medicine, and essential services were cut off. Hospitals were damaged and ran out of supplies. IPKF have also committed enormous civilian atrocities, including rape of women, killing of children and old people, attacking hospitals, temples and churches. A particular reference has to be made about the Jaffna General Hospital where on 24 October the IPKF killed doctors, nurses and other staff along with over

100 patients. This is despicable of a supposedly peace-keeping force from India who originally came to the Tamil areas to provide safety for the Tamils. As BBC reported, 'it is an irony that the Indian Peace Keeping Forces are killing the same people whom they came to protect.'

The LTTE has appealed repeatedly for cease-fire and negotiations to resolve the problems which are essentially political. India must practise what it preached to Sri Lanka before this Accord. But India has not responded positively and expects the LTTE to disarm themselves and accept the Accord unreservedly, which is unrealistic. The fast-unto-death undertaken by the Tamil mothers Annammah David, Poopathy Kanapathipillai and Nesammah Vadi-velu of the Mothers Front in Batticaloa in the Eastern Province of the Tamil homeland, brought to focus the true inner feelings of the Tamil citizenry. In response to their request the LTTE shifted from its earlier stand and announced that they were willing to talk to the Indian Government without any pre-conditions. The Indian army used trickery and deception and removed one of the mothers from the venue of her fast. Mrs. Poopathy Kanapathipillai later achieved martyrdom.

CHAPTER 9

The Tamil Struggle—A Brief Historical Survey

DAVID FEITH

IN July 1983, people throughout the world were shocked by news reports of communal violence in Sri Lanka. Not only were hundreds of innocent people physically abused and killed, and their houses burned and looted, but this was done systematically. The attacking gangs were reported carrying electoral rolls and their targets were Tamil houses only; the police and security forces did not attempt to stop the carnage; there were accusations of complicity by members of the government. Thousands of Tamils fled Colombo for the safety of Jaffna in the north, where Tamils form a majority of the population.

Since that time many people have become aware that there are serious problems tearing Sri Lankan society apart. The image of a tropical island paradise has been shattered by continuing reports of violence, and there is a growing concern that the situation there is one of civil war.

This article attempts to clarify the situation in Sri Lanka by briefly giving a historical perspective of the relationship between the two main communities, the Sinhalese and the Tamils. These two communities have not always been in conflict with each other. In fact over the more than two thousand years of shared history there has been a great amount of interaction, of sharing, of amicable cohabitation on the island. The current conflict between the two communities originated in the colonial period, with the rise of nationalism and consequent sharpening of distinctions between communities. This article discusses this development and the deterioration of the relationship between Tamils and Sinhalese up to 1986.

Historians of Sri Lanka often start books by observing that a central fact of the history of the island is its connection with India,

separated from it only by a narrow stretch of water (Ludowyk, p. 19; Mendis, p.1; Wriggins, p. 12). 'Right throughout its history India has left a deep impression on Ceylon—the India of the Buddha, Asokan India, the India of the Guptas, and much nearer home British India too' (Ludowyk, p. 19). For thousands of years there have been movements of people between India and Sri Lanka and there has been in Sri Lanka an awareness of India's proximity. This is worth bearing in mind.

It is not known whether the original inhabitants of the island came from India, but the fifth-century A.D. Buddhist chronicle, the Mahavamsa, records the legend of the first arrival of Sinhalese people. It is uncertain which part of India these people originated from—some accounts suggest Kalinga, or Orissa, others suggest Bengal; however, it is certain they came from an Indo-Aryan area of north India. Seven hundred Sinhalese arrived, led by Vijaya, who has become known as the father of the Sinhalese race. Vijaya took as his wife one of the indigenous Sri Lankan women, described as a yakkhini, who assisted him in founding a kingdom by betraying the people of her father's city (Ludowyk, p. 37). She bore Vijaya two children, but he did not regard her as worthy enough to be his queen, and so he sent for a bride from a royal family in India. When his Indian bride arrived he sent away his local wife, and their children 'fled to the mountainous central region...from them, according to the chronicle, the wild jungle tribes of Ceylon trace their descent' (Ludowyk, p. 38).

There are two points worth emphasising in this story: firstly, when the Sinhalese arrived in Sri Lanka there were other people living there. The Sinhalese looked down on these people, and referred to them as yakkhas and yakkhinis, of demons, but there was inter-marriage between the two groups. Secondly, from the earliest times, the Sinhalese leaders preferred to marry a bride from an Indian royal family, and this was a way of enhancing their status. This practice of obtaining a bride from India continued over the centuries, with most of the women coming from south Indian kingdoms. These points clearly illustrate that the Sinhalese 'race' is not a separate race at all, but a mixture of various peoples, some originally from India and some the aboriginal people of Sri Lanka. What distinguishes them is not racial features, but their Sinhalese language, which over the centuries many other people have adopted.

The earliest Sinhalese speakers 'probably came to Ceylon about

500 B.C. from the west and the east coasts of India in merchant vessels that travelled along the Indian coast' (Mendis, p. 8). They established agricultural settlements, in the northern, south-eastern and eastern plains of the island. Their language is of the Indo-Aryan family spoken throughout north India.

The languages of south India, the Dravidian linguistic group, are completely different; of the Dravidian languages the oldest is Tamil. Tamil-speaking people have lived on Sri Lanka from early times, although it is impossible to give a precise date of their arrival. Ludowyk says it is likely Tamils had settlements in Sri Lanka before the second century B.C. (Ludowyk, p. 57).

Tamils traded with Sri Lanka, and Tamil women were married into Sinhalese families. Many Tamils adopted the Sinhalese language and many Sinhalese must have spoken Tamil also.

In the second century B.C. 'adventurers from South India are said to have invaded Ceylon twice,... and ruled for some time over the island. The second of these invasions was made by a Tamil named Elara (145–101 B.C.) who ruled over the northern region till he was put to death by Dutugemunu' (Mendis, p. 30). Dutugemunu is remembered by the Sinhalese as a great hero who freed the island from Tamil rule and this legend is important to remember in explaining Sinhalese perceptions of Tamils.

Early in the history of Sri Lanka, Buddhism was brought from India and established there. During the third century B.C. when Asoka was emperor in north India, he sent as a missionary his relative Mahinda to the court of Devanampiya Tissa, ruler of Anuradhapura. Mahinda taught the teachings of the Buddha to king Tissa, 'court officials, and common people' (Ludowyk, p. 45). The king gave the Buddhists parkland to establish themselves; sacred relics and a branch of the sacred Bodhi tree were brought from India; thus Buddhism was instituted as the state religion.

Though the Tamil-Sinhalese conflict in recent years has been seen as partially religious, religious differences have not always existed between the two groups. In the early centuries of the Christian era the Tamils from south India who settled in Sri Lanka were not necessarily Hindu. At that time Buddhism and Jainism were widespread in south India and many Tamil rulers were patrons of Buddhism. 'Brahmins were officials in the court of Sinhala kings, and the gods of the Hindu pantheon were respected by Hindu and Buddhist alike' (Ludowyk, p. 58). There was a mixing, a cross-fertilisation of religions, as there was with other social institutions,

like language and caste.

From about the sixth century A.D. onwards, in south India there rose to power the Pallava dynasty who ruled there for several centuries. During their reign occurred an important development in the history of Hinduism—the growth of the *bhakti*, or devotional religious movement. This personalised form of religion revived Hinduism at the expense of other religions, and Buddhism in south India more or less disappeared. With the spread of *bhakti* devotionism there was a surge of temple building in south India, which also spread to Sri Lanka. ‘Temples for the worship of Siva were set up at Manthai and Trincomalee probably by Tamil settlers’ (Mendis, p. 75).

In the ninth century, another south Indian power, the Pandyas, invaded Sri Lanka and according to the *Chulavamsa*, ‘local Tamils joined the invaders to capture the capital, Anuradhapura’ and plunder its treasures (Spencer, p. 48). In retaliation the next Sri Lankan ruler invaded south India, and with the assistance of the Pallavas captured the Pandyan capital Madurai, and in turn plundered its treasure.

With the rise to power of the Chola empire in south India, the history of invasion and counter-invasion, and mutual involvement in each other’s affairs, continued. Up until the ‘mid-tenth century, south Indian military expeditions to Sri Lanka had been brief, ad hoc affairs, designed to facilitate short-term gains with minimal involvement and followed by withdrawal to the mainland’ (Spencer, p. 50). However, the Chola ruler Rajaraja I was more ambitious, and hearing that the Sri Lankan king was facing a revolt by his Indian mercenary troops, he decided to invade. The Chola army ransacked Anuradhapura, the site of both the royal treasury and the religious treasures at the monastic centre. Chola forces stayed in Sri Lanka, establishing their capital at Polonnaruwa and in the wake of their incursions, Indian merchants extended their commercial activities across northern Sri Lanka (Spencer, pp. 53–58). The Cholas attempted to consolidate their rule in Sri Lanka, and built temples and collected taxes, but they never ruled the southern parts of the island. In the mid-eleventh century an ambitious Sinhalese prince, Vijayabahu I, established himself in the south and tried to defeat the Cholas. After a prolonged struggle of raids and counter-raids, Vijayabahu captured Polonnaruwa, and the Cholas withdrew to India.

This is a very brief sketchy account of Sri Lankan history, but

it illustrates a point. For centuries, before the coming of Europeans to Sri Lanka, there had been close contact between Tamils and Sinhalese. The recorded history tends to list only battles and conflicts which were certainly numerous. However, there was contact at other levels also. Tamils and Sinhalese lived together as neighbours, at least in the coastal trading areas. There was inter-marriage between the two groups and many shared religious beliefs and customs. The Dravidian kinship system of preferred cross-cousin marriages is common amongst Sinhalese as well as Tamils. Many Tamils spoke Sinhalese and many Sinhalese spoke Tamil. Tamils fought in Sri Lankan armies and Sinhalese fought in south Indian armies. Although in some areas the one group was predominant, in areas where both groups lived, Tamils and Sinhalese were hardly distinguishable.

With the sixteenth century came European colonisation to Sri Lanka. In 1505 the Portuguese made a treaty with the king of Kotte, granting 'protection' in return for cinnamon and thus began 150 years of Portuguese involvement in the island. In their search for trade and wealth they extended their control over the western provinces and Jaffna; traders were followed by missionaries who started schools and won converts. Today there are still many Portuguese sounding Sri Lankan names which originate from the sixteenth and seventeenth centuries when converts to Christianity adopted Christian (Portuguese) names.

The Portuguese rulers were hated and resisted by many Sri Lankans, Sinhalese and Tamils, and when the opportunity arose, the Kandyan king entered into a treaty with another European sea power, the Dutch, 'giving them certain trading rights in return for help in ridding Ceylon of the Portuguese' (Ludowyk, p. 127). After many battles, the Dutch finally captured the last Portuguese stronghold in 1658 and Dutch colonial rule replaced Portuguese. As a Sinhalese proverb says, 'We gave pepper and in exchange got ginger. There was little difference between them; both eaten raw are hot in the mouth' (Ludowyk, p. 102).

During the Dutch rule of one hundred and thirty-eight years, they brought Tamils from south India to Sri Lanka, labourers to work as slaves and weavers to establish a weaving industry (Ludowyk, p. 127). Dutch immigrants married both Sinhalese and Tamils, and their descendants became known as Burghers.

The Kandyan kingdom remained beyond European control and from 1739 the Kandyan kings belonged to a south Indian dynasty.

from Madurai, (Ludowyk, p. 130). The Dutch in turn were replaced by the English, who took over the Dutch possessions in 1796 and in 1802 they were made an English colony. Within a quarter of a century the English had annexed the Kandyan kingdom, and Sri Lanka was unified under colonial rule.

British rule brought many changes to Sri Lanka, but one of the most important, in the history of relations between Tamils and Sinhalese, was the introduction of a plantation economy. The economy was transferred in the 1830s by large-scale coffee plantations, and when the coffee industry was destroyed by disease in the 1870s, it was replaced by tea. The plantations needed labour, and the 'labour problems were... solved in much the same way as the kings of ancient Ceylon had solved theirs, when in the fourteenth and fifteenth centuries there was cinnamon to be in the royal domains. They had settled their difficulties by the importation of a labour corps from India' (Ludowyk, p. 195).

According to official records, between 1843 and 1903, almost five million Tamil labourers crossed the sea from India to Sri Lanka, to work on the plantations. Almost three and a half million of them returned to India, but one and a half million Indian Tamils remained in Sri Lanka (Hjejle, p. 103). Many of them died soon after arrival, from one of the many prevalent diseases—cholera, small-pox, dysentery and malaria. 'Hardly any attention was paid to the sick coolies and they were generally turned off the plantations and died on the roads. A great many also died on the journey in Ceylon where they had to walk about 150 miles from the coast to the plantations. One of the most frequent routes led through desolate and malaria-ridden country' (Hjejle, p. 104). However, many also survived—a grim survival, certainly—a police superintendent for Kandy wrote that the Tamil labourers lived 'in a much worse condition.... than the Negro slaves were described to be in the West Indies' (Hjejle, p. 105)—but they survived and their descendants today still live in the Sri Lankan central highlands.

Most of these Tamil labourers were of low caste, many had been slaves in south India before they left. 'The hardships and dangers to which the immigrant labourers had to submit in the early years of plantation cultivation make it extremely unlikely that anyone other than untouchables would be prepared to undertake the risks' (Hjejle, p. 106). This group of people, driven by desperate poverty to take employment in a strange lands across the sea, provided the labour for Sri Lanka's prime industry, economic growth and

foreign exchange earnings.

High in the mountains, far from areas where Sri Lankan Tamils lived, speaking a different language from the surrounding population, they remained unintegrated aliens in Sri Lankan society. They are known as plantation, estate, or Indian Tamils, and are separate, and in many ways different from the earlier Tamil settlers in Sri Lanka, known (to differentiate them) as Sri Lankan or Jaffna Tamils. They speak the same language and follow the same religions (majority Hindu, minority Christian), but there are many differences. They are concentrated in the mountains around Kandy, the plantation areas; whereas the Sri Lankan Tamils, scattered throughout the country, are concentrated in the northern and eastern provinces. They are low-caste, and generally poorly educated; the Sri Lankan Tamils are predominantly high-caste and generally well-educated, as a result of the spread of schools established by missionaries in the colonial period. The estate Tamils are generally poor; many Sri Lankan Tamils are comfortable or wealthy in comparison. The Sri Lankan Tamils are natives of the country, having lived there for centuries; the estate Tamils are relative new-comers, having lived there only a few generations. With independence in 1948, the estate Tamils were increasingly perceived as an unwanted problem.

Another result of European colonial rule was the introduction of an education system and a bureaucracy. The British needed educated Sri Lankans to work in the bureaucracy; missionaries established schools and colleges. Through a combination of historical accidents, a greater proportion of Tamils than Sinhalese obtained an English education, and joined the government bureaucracy. Most schools were built in Colombo and Jaffna, which favoured Tamils, but denied access to the rural population, predominantly Sinhalese. The Tamils generally were not large land-owners, so entering government service or a profession was seen as the 'only avenue for economic survival and social advancement' (Emergency Sri Lanka, p. 12). After independence the fact that there was a disproportionate number of Tamils in the civil service and education industry was seen by some as evidence that Tamils were a privileged minority. Privileged minorities (or minorities perceived as privileged) often arouse resentment.

INDEPENDENCE AND THE GROWTH OF NATIONALISM

In the nineteenth century there had been revival movements

amongst both Sinhalese and Tamils, looking back at their history, rediscovering their culture and attempting to define themselves against the colonial European rulers. These movements influenced the thought of many people of this century, and helped form a basis for the development of nationalism. However, it was not a unified nationalism; amongst the Sinhalese it was a patriotism that stressed Buddhism and Sinhala identity. Tamils both in south India and in Sri Lanka proudly re-discovered Hinduism and Tamil culture. This development heightened the sense of 'differentness' of the other community and furthered mistrust and suspicion between them.

The mistrust between the communities was also strengthened by the constitutional and political events leading to independence. The Tamils and other minorities—Muslims and Burghers—were apprehensive of being governed by a Sinhalese majority, and pressed for representation according to community. However, in 1931 the principle of communal representation was rejected in favour of universal adult franchise.

Independence came very easily in 1948 for Sri Lanka (then Ceylon). Unlike many other colonies there was no struggle for independence, no nationalist movement that had to unify the people and forge national solidarity against repression. There was a constitutional process that peacefully transferred power from the English to the English-educated elite. This elite comprised both Sinhalese and Tamils, for whom western education provided an identity that crossed ethnic and linguistic boundaries.

The governing United National Party (UNP) led by D.S. Senanayake, included Tamils in the Cabinet, and in the early years of independence it seemed that this party would support Tamil interests as well as Sinhalese. This impression was shaken in 1949 when legislation deprived of citizenship and disenfranchised the estate Tamils. The government made it extremely difficult for them to register as Sri Lankan citizens, and India was reluctant to receive them back. They became stateless and voteless, and although later an agreement was reached for some of them to be repatriated to India, and over 400,000 of them have obtained Sri Lankan citizenship since the 1950s, several hundred thousand are still stateless.

In the early 1950s there was an increase in the development of patriotism; Sri Lanka was a newly independent nation, and the people were increasingly feeling pride in their culture, their history,

their language and their place in the world. Unfortunately amongst the Sinhalese this feeling was such that it excluded the Tamils and other minorities. Their place in the world they felt was unique as the Dharma Deepa, the island of Buddhist teaching, doctrine, or morality. Their culture and language was Sinhalese. The shared history of Sinhalese and Tamils was forgotten in the enthusiasm of a Buddhist Sinhalese nationalism. At that time the official language was English, and the nationalist movement took up the catchery 'Swabasha' or 'one's own language'. Language separated the two main communities, and this campaign widened the gap between them. The campaign's emphasis changed, from promoting 'Swabasha' to demanding 'Sinhalese only'.

In 1951, a cabinet minister in the UNP government, S.W.R.D. Bandaranaike, resigned and formed the Sri Lanka Freedom Party (SLFP). Over the next five years the SLFP campaigned for the establishment of Sinhalese as the official language. It grew in strength in the provinces, gaining support from the Sinhalese educated teachers, ayurvedic (medical) practitioners and Bhikkus (Buddhist monks). As this campaign grew in strength, Tamils reacted against it, and communal feelings were roused. The unfortunate irony was that both communities saw themselves as a minority. The Tamils saw themselves as a minority Tamil-speaking community in Sri Lanka who would be disadvantaged if Sinhalese was the only official language. The Sinhalese saw themselves as a minority in the shadow of India; India had (in the early 50s) roughly 30 million Tamils, compared to only 7 million Sinhalese-speakers in the whole world, concentrated in Sri Lanka. The 'Sinhala only' campaign in the south led many Tamils in the north to support the Federal Party, which aimed for a Federal Union of States.

This campaign culminated in the 1956 general election. Up until this time many Tamils and Sinhalese had collaborated together in the UNP, but on the eve of the election the UNP 'broke its tradition of intercommunal co-operation and, by yielding to pressures from the southern part of the island, adopted a policy of advocating Sinhalese as the only state language' (Wriggins, p. 147). Thus arose the ridiculous and tragic situation of the two major parties both fighting the election on the 'Sinhala only' platform. This contributed significantly to the alienation of the Tamil community from the democratic process.

The 1956 election was an overwhelming victory for a coalition of the SLFP and other smaller parties, led by Mr. Bandaranaike,

and resulted in a transfer of power from the English educated, middle class elite, to the Sinhalese educated representatives of the masses. The Coalition won 51 seats, the Federal Party won 10, the UNP only won 8. It was a far-reaching transfer, and the new parliament reflected the nationalist values—Sinhalese music opened parliament ‘instead of the western fanfare. Yellow-robed Buddhist priests occupied seats in the visitors’ gallery, symbolising their important role in the recent campaign. Large numbers of village and lower-class people thronged the public galleries as they had never done before’ (Wriggins, p. 328). For the first time since independence, Tamils were not included in the cabinet.

The first legislation of the new government was to make Sinhala the sole official language. Tamils felt insulted, and that the government was denying them their cultural identity. They also realised that the Act would deprive thousands of Tamils of employment in the public service. Tamils held a peaceful demonstration against the legislation near parliament, which was violently disrupted. The violence spread, and rioting broke out in other areas; ‘between 20–200 people were killed depending on which side was doing the tallying’ (Wriggins, p. 361). This was the first serious communal riot between Tamils and Sinhalese. It arose out of specific historic circumstances—the post-independence growth of Sinhalese patriotism and the consequent alienation and sense of becoming a persecuted minority amongst the Tamils. It was a new development in the relations between the two main Sri Lankan communities.

Under the new government led by Mr. Bandaranaike moves also began to change the language of instruction in schools from English to Sinhalese. In response the Federal Party confirmed their objective of establishing an ‘autonomous Tamil linguistic state within a Federal Union of Ceylon’ as the only way of protecting the ‘cultural freedom and identity of the Tamil-speaking people’. They also urged all Tamils to refuse to learn or to speak Sinhalese (Wriggins, p. 264). They warned the government that unless a Federal Union was formed by August 1957 they would undertake a ‘Satyagraha’—a Gandhian-style non-violent direct action campaign. The Prime Minister was willing to ensure a proper place for the Tamil language, and entered into discussions with the Federal Party leaders. The agreement reached, known as the Bandaranaike-Chelvanayagam Pact, recognised Tamil as a national minority language, and provided for Tamil to be used in administration in the Northern and Eastern Provinces, where Tamils are

in a majority. Legislation was also proposed to establish regional councils, which might have met the Tamil demand for regional autonomy. The Satyagraha campaign was called off, but extremists, both Sinhalese and Tamils, were unhappy with the pact. Buddhist monks in the south of the island organised a campaign to boycott Tamil shops; Tamils in the north defaced Sinhala lettering on government buses, replacing it with Tamil script. Many Buddhist monks 'participated in a mass sit-down demonstration in front of the prime minister's residence (Wriggins, p. 267) and under pressure Badaranaike abrogated his agreement with Chelvanayakam.

There was also tension in the country resulting from other causes—serious floods and strikes—and 'an atmosphere of imminent public disorder developed as police and then the army patrolled Colombo' (Wriggins, p. 267). The tension erupted in June 1958, with an outbreak of communal violence. Tamils were attacked, humiliated, killed, their homes were ransacked and burned, 'there were lootings, burnings and savagery on such a scale as had not been known before' (Ludowyk, p. 295). Thousands of Tamils fled their homes in the south to find safety in the north; about 300–400 people were killed. The government responded by declaring a state of emergency. During the emergency legislation was passed allowing Tamils to continue to educate and correspond with the government in Tamil, but it fell short of the Federal Party's requirements. In September 1959 the Prime Minister, Mr. Bandaranaike, was assassinated by a Buddhist monk, and after elections in 1960 his wife, Mrs. Bandaranaike, became the first woman Prime Minister of the country, leading a government formed by the SLFP.

Relations between the two communities have continued to deteriorate. The Tamils felt increasingly frustrated as their attempts at negotiation never reached a satisfactory conclusion. The extremist Buddhist-Sinhala groups in the country, including some Buddhist monks, have been a continual pressure group on the government, urging that no concessions should be made to Tamils. Each of the two major parties—the UNP and the SLFP—have used this extremist Buddhist-Sinhala pressure group for their own political advantage. When in opposition they have attacked the government for betraying the Sinhalese people, using emotional scare tactics, and made it extremely difficult for the government to negotiate with Tamil leaders. Government policies have discriminated in favour of Sinhalese entering colleges and government

service, making these avenues of employment increasingly difficult for Tamils to enter. The government claims it is attempting to redress the disproportionate number of Tamils in these areas; the effect has been to increase the number of educated, unemployed, frustrated young Tamils.

THE RISE OF TAMIL MILITANCY

In the 1970s these frustrated young Tamils began to conclude that the only means by which Tamils could attain justice and equality in Sri Lanka was to fight for it—militarily. Militant groups formed in the north, with the aim of establishing a separate Tamil state—Eelam. Attempts at negotiation for regional autonomy had been going on for decades, and achieved nothing. The Sri Lankan government had increasingly shown itself willing to use armed force against minorities—the response to the 1971 uprising by the left-wing (mainly Sinhalese) party, the JVP in which several thousands were killed was yet another example of this. Tamil youth increasingly realised they had to fight armed repression with arms, and began their campaign by sporadically attacking state institutions, army and police.

This rise of Tamil militancy continued the polarisation of the two communities. Buddhist-Sinhala extremists used Tamil militancy to argue that no concessions should be made to the Tamils. The militancy aroused fear in the Sinhalese already suffering a persecuted minority complex.

By 1976, the Federal Party had been replaced by the Tamil United Liberation Front (TULF) as the representative of the moderate Tamils, who were trying to improve the Tamils' position through the democratic process. In the 1977 elections the TULF campaigned for a separate state for Tamils and won the support of large sections of the Tamil population in the Northern and Eastern provinces (Tamils are a majority in the Northern province, and form about half the population in the Eastern province, the other half comprising Muslims and Sinhalese). This election was won by the UNP, led by Mr. J.R. Jayawardene, who has been the country's leader since then. The TULF became the main opposition party.

For some time it seemed the Jayawardene government was going to deal justly with the Tamils—a new constitution in 1978 recognised Tamil as a 'minority language'. However, this impression

did not last. The promise to give some regional autonomy and transfer power to district councils was broken. Responding to increasing acts of violence by the militant Tamils in the north against the government, the UNP government brought in the Prevention of Terrorism Act in 1979.

The Prevention of Terrorism Act (PTA) gives far-reaching powers to the government and armed forces, to imprison people without charging or trying them, or even to notify their families. Many Tamils have disappeared in this way. The PTA has been likened to the 1967 Terrorism Act of South Africa, and has been condemned by the International Commission of Jurists and Amnesty International. Amnesty has reported that torture is widely used by the army and the police, against Tamils and also against Sinhalese members of opposition parties, particularly the JVP and the SLFP (Emergency Sri Lanka, pp. 34-35). Under the PTA, police and army officers are immune from any legal action. Brought in as a temporary measure, the PTA has become permanent.

As government actions became more repressive towards Tamils, and there was no progress in addressing Tamil grievances through negotiation, the militant Tamil groups grew in numbers. In 1981, serious communal rioting broke out again, and army and police participated in burning down the Jaffna public library, the repository of many thousands of irreplaceable Tamil manuscripts. The army and police, predominantly Sinhalese, had assumed the character of an occupying enemy force in Jaffna. For them to participate in anti-Tamil riots meant that Tamil civilians could no longer be guaranteed safety by the government.

In 1983, communal violence erupted again, the worst the island had experienced. It was sparked off by Tamil militants ambushing and killing 13 Sinhalese soldiers in the north. Violence exploded in Colombo, where entire Tamil business and residential districts were set on fire and looted. Violence spread to provincial towns and plantation areas, and everywhere the same pattern was repeated—only Tamil shops and houses were attacked. It was a systematic attack on the Tamils carried out by organised gangs in government vehicles, sometimes accompanied by Members of Parliament and members of JSS, the trade union arm of the government party. In many cases they carried electoral rolls, to distinguish Tamil houses. Tamil civilians were assaulted, raped, robbed and killed; the police did nothing to protect them. (Manor 84, p. 164). Thousands of Tamils fled their homes in Colombo and other parts

of the south, and went to the north, where in a Tamil majority area they would be safer. They camped in temples, schools and make-shift refugee camps. Thousands of them have not returned to their former homes.

The one hope for the situation is that the Sri Lankan government and the Tamil militant leaders and the Indian government will realise that they have to negotiate with each other. They have to make more effort to find a political solution to the conflict.

PART IV

INDO-SRI LANKA ACCORD AND
TAMIL QUESTION

CHAPTER 10

India's Influence as a Major Regional Power and The Reason for the Indo-Sri Lanka Accord

DR. A. JEYARATNAM WILSON

IN the first place, I would refer to India as the major super power in South Asia, not as a major regional power. Dismembered Pakistan, heavily militarised by U.S. weaponry is also a major regional power. But India has command over larger resources and has world's fourth largest standing army. India as a major super power is in a category of one, there being no such regional super power in the globe, neither China, nor South Africa nor Israel, nor any one of the West European states or of South America. One reason is India's overwhelming dominance among powers that are less strong. Another is that India's policy-makers have deliberately sought to create such a position for the Indian subcontinent.

INDIAN HEGEMONY

Two factors must be taken into account in what I would call Indian hegemony over the subcontinent. One is the cultural imperative. Therefore India regards her immediate neighbours, Sri Lanka, Nepal, Bhutan, Bangladesh and Pakistan, as the cultural expressions of Indian unity. Pandit Jawaharlal Nehru himself in one of his prison musings described India as a cultural unity. In unstable domestic situations when foreign adventure may provide some distraction to India's politicised class which sustains India's political structures, and in unstable international conditions where the Indian ruling class is uncertain of foreign policy objectives of neighbours sensitive to foreign penetration, the idea that the subcontinent is one cultural entity could provide the rationale for aggressive assertions of India's dominance over the region.

Together with this cultural impetus for action, post-independent India is very much influenced by the imperative of one of the sternest of British Viceroy's that India had, Lord Curzon, who always held to the opinion that the Indian subcontinent is one strategic unity.

Britain's heirs, India, being the dominant successor, the men of the Indian National Congress and their bureaucratic functionaries took into consideration the cultural and strategic imperatives in the pursuit of foreign policy. In March-April 1947, Nehru complaining at the Asian Relations Conference at New Delhi stated that 'the neighbouring countries, even culturally, look towards Europe and not to their own friends and neighbours (Nehru meant India) from whom they had derived so much in the past.' Within a short time, the Indian Prime Minister for all his neutralism and non-alignment, brought India's weakest neighbours under Indian suzerainty. In August 1949, India signed a Treaty of Perpetual Peace and Friendship with Bhutan. India guaranteed non-interference in the internal affairs of Bhutan. Bhutan in turn pledged to be guided by India's advice in external relations.

Sikkim suffered a worse fate. On 5th December 1950, India signed a Treaty of Perpetuity with Sikkim which made Sikkim an Indian protectorate. I would say that the cultural and more importantly, Lord Curzon's strategic imperative, had determined India's interventionary role.

Under Mrs Indira Gandhi, India took several steps beyond what her father, Mr Nehru, had accomplished. These were deliberately intended to establish India's hegemonistic, not merely dominant, role in the subcontinent. Mrs Gandhi set the stage for implementing her policies when, while in opposition during 1977-79, she accused Morarji Desai's Janata government (1977-79) of appeasing India's neighbours 'so much, that even tiny countries like Bhutan, Nepal and Bangladesh are showing eyes at us.' Earlier in 1972, not so much in pursuit of cultural or Lord Curzon's strategic imperative, Mrs Gandhi freed Bangladesh from Pakistan President Yahya Khan's tyranny. In this case she had no alternative since 10 million refugees from Bangladesh crossed into India. A year before, in August 1971, Mrs Gandhi signed her Treaty of Friendship with the Soviet Union in which the high contracting parties agreed to come to each other's assistance if the other is attacked. The agreement, however, was at that point of time not a step towards the cultural-strategic nexus.

MONROE DOCTRINE

When Mrs Gandhi was firmly ensconced in office (1972-77) after winning a victory in the aftermath of the Bangladesh war and after defeating the Janata Party government (when she again became Prime Minister, 1979-84) the firm outlines of the hegemonistic role of a regional super-power were drawn. Firstly, she indicated her version of a Monroe Doctrine for South Asia. There were three aspects, two of which Mr Rajiv Gandhi applied to the Sri Lanka situation:

1. The doctrine held that South Asia was a troubled region emphasising that in the context 'Indian interests must be protected'.

2. If law and order breaks down in a neighbouring state, India's assistance should be sought to arrest the destabilizing process; help could be solicited from within the region but not to the exclusion of India.

3. Mrs Gandhi stated that a national consensus had been obtained between her Congress (I) party and other political parties. India, the contention was, could not be excluded in regional developments which involved regional security. Indian concerns relating to U.S. military assistance to Pakistan were thus spelled out.

To provide meaning to this new doctrine, Mrs Gandhi shifted India from the non-aligned state of Mr Nehru to a national security state. The chief features of the national security state were:

(a) high defence spending at the expense of developmental needs:

(b) high mobilisation of national energies against an external threat, often imaginary:

(c) an atmosphere of beleagueredness, and therefore the expansionist foreign policy, supposedly to break out from the encirclement.

The three pillars of India's hegemonistic stature as a regional super-power therefore stand on

(1) the cultural and strategic imperative,

(2) Mrs Gandhi's Monroe doctrine, and

(3) Mrs Gandhi's inauguration of the national security state.

Thus the ghost of Lord Curzon walks the corridors of the South Block in New Delhi!

OBSTACLES

It is now an Indian supposition that Mr Gandhi's policies relating to Sri Lanka are a continuation of Mrs Gandhi's policies. But even with Mrs Gandhi there were obstacles from the major powers in the region (especially Pakistan and China) and at least one of the superpowers, the USA; these powers did not concede India this status. India's Sri Lanka exercise cannot therefore be taken as absolute proof that Washington, Moscow or for that matter Beijing and the rest of the Western world had accepted New Delhi as the major regional power, leave alone superpower. At best these states expected India to settle the Sri Lankan dispute amicably.

ACCORD

I have secondly been asked to explain to you the reasons for the Accord of July 1987. I can, in the absence of evidence other than the document itself, only draw inferences. In the first place, President Jayawardene has in his interview with S. Venkat Narayan (*Island International*, 23rd December 1987) stated that the letters of exchange between the Indian Prime Minister and him are only intentions. These, he stated, need to be translated into a treaty. The President said that he wanted to sign a treaty of peace and friendship with India and that the treaty was in connection with the annexures (that is, the letters) attached to the Accord of July 1987. And he added rather ominously: 'If India wants us to do certain things, we also want India to reciprocate by doing something for us.'

What are these things and what things will the President not do? He said that the question of Trincomalee is a *quid pro quo* and will depend on the terms of the treaty. He added that foreign trainers in his country (the Israelis, Keeny Meeny Services and the Pakistanis) will remain until a treaty is concluded. The same applies to the Voice of America broadcasts. The negotiation of such a treaty cannot be accomplished before the President's term ends in November this year and officially on 4th February 1989. Two of his possible successors, the Prime Minister Ranasinghe Premadasa and the Minister of National Security, Lalith Athulathmudali, are opposed to the treaty.

NOT THE RIGHT ADVICE

Then what were the reasons for Mr Gandhi over committing his prestige on this Sri Lanka operation? My first answer is that the Indian Prime Minister did not receive the right advice from those who counselled him. In a military venture of this kind, Mr Gandhi should have obtained bipartisan agreement between the main parties in his own country. On the other hand, Indian opinion is divided on the wisdom of continuing the war. The major parties of Tamil Nadu, Andhra Pradesh and V.P. Singh's organisation, question the wisdom of the military adventure. War sometimes, it is said, is a reflection or extension of domestic policy. But elections in distant Haryana state were not intended to give Mr Gandhi leverage on what went on in Tamil Ceylon. The forthcoming elections in Tamil Nadu might bring the role of the IPKF to the fore; it certainly will be one of the issues. But Mr Gandhi is not likely to obtain much credit. The reasons are that Mr Gandhi and the IPKF have committed three errors:

1. Mr Gandhi over committed his enormous reputation as a leader of the world's largest democracy in undertaking an open-ended military operation which has cost the Indian Army severely. It has given him little return.

2. The IPKF did not use, what in nuclear warfare is called the ladder of escalation to warn the militant groups and the Ceylon Tamil civilian population of the dangers that lay ahead at the stages when the Indian Army would step on to the next phase of its campaign. Instead, the Indian Army went for all-out victory. In this connection, I have a serious accusation against the Indian army which I feel must be thoroughly investigated by a body of international military experts. My information is that the Indian Army tested some of its new weapons on the innocent Tamil people of Jaffna and that they continue to do so now in the Eastern Province. This is, if true, a terrible indictment against a Government and an Army which claimed to be entering the Tamil areas to provide the Tamil people protection. I repeat this charge. My information is reasonably authentic. An international body of military experts can give us the facts or reject the views that have come to me.

3. Before a politicised military operation is set in motion, the parties to the dispute must be consulted. The Indian Government has acted hastily and thoughtlessly. There is no evidence that the Sinhalese Opposition parties were asked for their views nor was

any attempt made to negotiate with their leaders. Thus the Sinhalese people are generally hostile to the Indian presence. In an operation of this kind, at the least, one friend might be helpful. The only people, the Tamils, who first welcomed the Indian Army are now not with them. This leaves Mr Gandhi with only President Jayawardene. Can President Jayawardene run a viable political system even if he wins a third term? Mr Gandhi might find himself in an unenviable situation. Already a coalition, comprising Sinhalese groups and two of the Tamil militant groups, the EPRLF and PLOTE, have joined a United Socialist Alliance which was once headed by the assassinated Vijaya Kumaranatunge. Although the Alliance supported the Accord, a political coalition that needs further support to form a government, if at all, will have to seek the backing of other oppositional elements opposed to the Accord.

4. To add to the confused picture, members of President Jayawardene's government are reported to be in touch, if not negotiating, with some of the Tamil militant groups. Where does his multidiplomatic activity (Indians and the President's ministers) leave the Indian government? The Indian High Commissioner in Colombo has made known his displeasure.

GEO-NATIONAL INTERESTS

The principal objective of this agreement, from a reading of it, was to secure India's geo-national interests. This was apparent from the approaches of G. Parthasarathi, Romesh Bhandari and P. Chidambaram. But these geo-national interests have yet to be secured in a treaty where there is certain to be hard bargaining on the Sri Lanka side. My view is that India probably panicked at the future prospect of Trincomalee, and the outlet for the Voice of America. The Voice of America broadcasts will, according to Sri Lanka's Minister for Foreign Affairs, continue. The station, it has been agreed, will not be used for sending messages to U.S. submarines in the North Indian Ocean. But who is to know? Trincomalee is according to U.S. sources of no use to them. The logistics alone, a distance of 10,000 odd miles from the U.S.A., do not make it a viable proposition. India has therefore nothing to fear from a hostile power attacking her on her most vulnerable southern flanks from Trincomalee.

Provincial councils and the merger are dubious matters. The Indians are not tuned into the political culture of the Sinhalese

political elites. The latter will not implement the bill in the proper spirit. The powers conceded do not resolve the most important question, the distribution of land. The arrangements appear half done and ill conceived. The only way is to start anew, further negotiations with the principal militant group and others concerned. The alternative is a continuing state of disequilibrium, a hopeless outlook for all the people of Sri Lanka.

CHAPTER 11

The Sri Lanka Accord

JUSTICE V.R. KRISHNA IYER

A clearer example of the past projecting into the present and a broader grasp of the dilatory developments vis-a-vis the island's ethnic conflict may be appropriate. Essentially, the escalating ethnic antagonism was due to a scramble for economic opportunities among competing ethnic communities. The Sinhalese constituting 74 per cent of the population. The Tamils including the more exploited Tamils of Indian origin were of the order of around 20 per cent and Muslims seven per cent. The Muslims also speak Tamil. The indigenous Jaffna Tamils had better education and job opportunities under the British and provided the manpower for the colonial administration. After independence, the vastly numerically superior but competitively inferior Sinhalese made Sinhala the official language, Buddhism a preferred religion, and augmentation of educational and economic opportunities for the Sinhalese a national policy.

The Tamils were also victims of ethnically motivated riots since 1958. But, since 1983, discrimination had escalated into suppression and tolerance of Tamils had deteriorated into chauvinist hostility. From the womb of this socio-economic complex of injustices was born the liberation movements of which the Tamil United Liberation Front (TULF) was the spearhead. It was moderate in its methods, but militancy took over when repression was intensified. Prabhakaran's Tigers claimed Eelam (homeland) of the Tamil-dominated provinces and took over the offensive of mass killing of Sinhalese. The situation worsened with the intrusion of Sinhalese through State-sponsored colonisation schemes calculated to reduce the Tamils to a minority in some regions where they were in a majority.

The aggravation of common tension continued despite Indira

Gandhi's efforts to produce a just solution through G. Parthasarathy. President Jayawardene and Prime Minister Rajiv Gandhi met under the pressure of a deepening crisis, hoping to give a creative turn to the solution of the vexed problem. The cease-fire of June 1985 was a good omen. Further rounds of talks in July and August were marred by further killings. The second cease-fire of 10 October, 1985, did not stop the killings of Tamils. Although Rajiv Gandhi describes the problem as a purely Sri Lankan one, he rightly expressed concern over the mass influx of refugees and the violation of human rights. However, abandoning a political solution to a political problem, Jayawardene sought a military methodology and roped in Pakistan, Britain and Israel in the shape of experts from these countries to wage a mini-war against militant Tamils.

Next came the conference of June 1986 with proposals for provincial councils and other institutions involving devolution of powers. The quantum of devolution was poor and the merger of the north and the east was rejected by the President. So the Tamils fed militarist militancy into their operational pattern. And then in December 1986 came the new proposals with ministers Natwar Singh and P. Chidambaram catalysing the process. The LTTE, dissatisfied with the proposals, persisted in their gory guerilla tactics, but Jayawardene countered this move by full-scale blockading of Jaffna and starving the people, stopping communications and medical supplies, even bombing them. The world was horrified and India, in a sudden outburst of activity, initiated talks leading to the accord.

June-July 1987 saw a frenetic spell in Colombo-Delhi relations, after a fruitless zig-zag of futile palavers and deepening distrust. The Gandhi government, in a hubristic mood of sudden humanitarianism, and acting almost unilaterally, despatched in June to the starving Tamils of blockaded Jaffna, badly needed food and medicine. They were peremptorily sent back by the puny Sri Lankan navy. Hurt by this humiliating rebuff, South Block hit back, ignoring international regulations about trespassing on the air space of sovereign states and air dropping food and medical supplies over the besieged north. Though Colombo protested, its anger was happily obliterated by the welcome announcement of an agreement between the artful Lankan President and the artless Indian prime minister.

29 July 1987, surprisingly witnessed a unique ceremony—two

statesmen signed a vague accord of sorts in Colombo. A Jaffna cease-fire, a lovely serendipity indeed, was announced. The bilateral agreement was instantly blessed by President Reagan and praised by various other foreign leaders. So far so good. The gestation and the midwifery of this agreement are a riddle wrapped in mystery; the cumulative meaning of the ambivalent clauses of this hasty document is an arcane enigma; whom it benefits in the short and the long run is, as yet, difficult to decode. The India-Lanka accord must be tested by measuring its clauses, their viability and credibility, against the triple imperatives of Tamil justice and the restoration of people's political processes for Sinhalese and Moors, Burghers and others living in the 'democratic socialist republic of Sri Lanka'

There is a sombre realism in the growing feeling that peace is still a pipe-dream and the promised breakthrough is dwindling into a break-down. Here is a typical sober response to the developments which spell death for Tamil optimism about fulfilment of the agreement. In an interview in *The Hindu*, Padmanabhan, the secretary-general of the Eelam People's Revolutionary Liberation Front, which obeyed the accord and disarmed itself said: 'We are greatly concerned with the problem arising out of armed hostilities between the peace keeping force and the LTTE. It is imperative that the Indian government take all steps to ensure that the civilian casualties and the extreme economic and psychological deprivation of our people is kept to an absolute minimum or avoided altogether.'

Does this acid comment implicate the Indian forces in the consciousness of the Tamil people as guilty of military excesses in fighting the LTTE? Armies away from home are not always examples of Newman's definition of a gentleman. Padmanabhan further mourns, 'Although five months have elapsed since the Indo-Sri Lanka accord, the people's expectation that it would pave the way for peace, democracy and devolution of power to the Tamils remains a distant dream. In fact, the present reality that faces our people is one of despair, deprivation and death. The EPRLF, which extended its support to the accord, is now finding it difficult to demonstrate to our people, in concrete and tangible terms, the gains of the accord. What our people see is the process through which only those conditions favourable to the Sri Lanka government are being satisfied.'

All the fanfare and fancy dress about the historic event of 29

July 1987, now boomerang on India because our prime minister failed to discern the fine distinction between haste and speed. And who pays the penalty? *Mainstream* wrote on 14 November: It is good that the prime minister paid tribute to the sacrifices of our jawans and officers who had fallen in the Sri Lanka operations, and their number is not inconsiderable. At the same time, it would be pertinent to ask what was the cause for which our soldiers have given away their lives. Obviously this was not for the defence of the motherland. Nor have we decided to build an empire beyond our borders for which our troops have had to shed their blood. Nor are we fighting to save the world from the evils of communism as the American GIs were told in Vietnam, nor for the defence of the socialist fatherland as the Soviet soldiers might have been motivated in Afghanistan. What is it for which our jawans are fighting? Is it to keep up the tottering Jayawardene regime? What needs to be questioned is not the role of the Indian armed forces, but the irresponsibility of those at the political level who have ordered our forces to Sri Lanka'.

The corpse of the amnesty clause lies in Sri Lanka, with India looking on, deaf-mute, but continuing its tiger hunt. It looks as if Rajiv Gandhi's only clause in the accord is surrender of arms. Lankan perfidy is beyond his ken or courage. Nor is the liquidation of the blackguardly, blockheaded LTTE the end of the story. The Tigers—or a section of them—may be a malignant manifestation but the militant fight of the last Tamils will persist until basic justice greets them.

There is no Left or Right where people are face to face with liberty or death. Every liberation struggle in the world proves this. While Indian official propaganda yells against the savage deeds of the Tamil Tigers and praises the triumph of the Indian troops against half-baked desperadoes—many trained and equipped in the past in Tamil Nadu—as a victory in the 'great' battle for Jaffna, Jayawardene chuckles, pays tongue-in-cheek compliments, and Sinhalese soldiers sigh with relief that their lives are safe and their weapons unstained with their own countrymen's blood.

Should dialectical activists omit to criticise Indian impotence in events that occurred after signing the agreement? Events such as—

(a) preventing student Thileepan's fast-unto-death for human rights in prison and eventual death;

(b) the cyanide suicide of 13 Tigers caught and transferred to Colombo to be tortured contrary to the proclaimed amnesty;

(c) the indifference of the Jayawardene government to the fate of thousands of detenués, innocent Tamil and progressive Sinhalese;

(d) the blatant violation by the JRJ regime through the twin legislative pretences which stultify the agreement in its very essence; and

(e) the murky absurdity of Colombo's claim to be in control of the IPKF which is a slur on our national self-respect and frustrates our country's humane purpose in sacrificing the lives of its jawans. The folly of South Block shall not sink our national resources in quicksand and kill our soldiers in Tiger-infested quagmire.

Rajiv Gandhi brooks no democratic dissent and changes his mind and mood because he has a majority in Parliament and impregnable authority in his party. Inner party or intra-cabinet democracy is a casualty in such a milieu; and the civil services, party echelons and the vast Congress or allied populace enjoy, in Mark Twain's language, 'three unspeakably precious things: freedom of speech, freedom of conscience, and the prudence never to practise either of them'. Lacking that intense empathy with Tamil ethnicity and vaccinated against criticism, the shining profile of our prime minister loses its convincing persuasiveness, despite his *bona fides*. The Tamils perhaps feel that to pin their faith in the JRJ-Rajiv accord as their sole saviour is giving the wildest hostage to fortune. They have good grounds to be sceptical.

There were high hopes for the accord, even critics of the Left discovering some good in it. Let us dissect the diplomatic agreement with rationalist reverence.

II A POST MORTEM

The very process which produced the Indo-Sri Lanka agreement has genetic defects. When political polemics, emerging from ethnic conflicts and resulting in bitter, bleeding operations dividing the republic are to be resolved through peaceful negotiations and constitutional formulations, natural justice and democratic basics require the active involvement of, or, at least, extensive consultations with, real combatant groups. Therefore, the Tamil political leaders and militant organisations ought to have been vital participants in the very process of discussing the terms. *Ex parte* decisions don't bind. The militants were fragmented and fighting. The TULF

was largely ineffective in a violent climate, though it was a material factor with representative electoral credentials and intellectuals. But the pact was made *de facto* behind the back of the Tamil surrogates. Whatever Delhi may assert, no militant leader, nor the moderate TULF, had an effective voice. The agreement about the future of the Tamils was thus reached by Delhi and Colombo, the parties actually affected being merely informed of the *fait accompli* and directed to say *amen*.

INSTANT ACCORD

The process was unjust because Rajiv Gandhi, in his arrogation of paramountcy over the Tamils, whom he helped with arms and training to hit back against Sinhalese violence, acted as the principal and unaccountable plenipotentiary. The TULF's top cadre was formally informed and, though they had reservations, they muted their dissent. The militants were nowhere in the picture. Prabhakaran, the head of the Liberation Tigers of Tamil Eelam, an intelligent intransigent with a fascist following, was confronted with an accord which he was given no option to amend. He seemed to assent under coercion, as he explained in Jaffna soon after. The Sinhalese also had no opportunity. President Jayawardene too behaved smartly by not consulting anyone. In fact, even his ministers, his party, the progressive elements and other parties learnt of the accord rather than shaped it. The twilight of democracy produces the cult of personality. But the products, like the instant accords, meet with rough weather when they set sail. These fatal procedural drawbacks notwithstanding, the accord is now a reality. It has to be analysed, amended or undone in the light of developments which furnish the best commentary on the covenant and its potential for good or evil. Now to the agreement.

The Preambular part of the India-Sri Lanka accord signed by the tallest executives of the two governments runs on realistic and sublime lines, attaching great importance to strengthening the traditional friendship between the two countries and accepting the urgency and imperative necessity of resolving the ethnic problem of Sri Lanka. There is a frank statement that the violence is consequent on the ethnic hostility and that the developmental destiny of all the Lankan communities depends on the resolution of the ethnic hostility. If only this realisation were more than skin deep, if only the political forces grant this goal as the foundation of

Indo-Lankan relations, if only an all-out effort by Sri Lanka, ably aided by India, were made on a national scale, it would fulfil the twin aspirations of the Tamils, of the fusion of the northern and eastern provinces and self-government for the minority, of course, within the unity, sovereignty and territorial integrity of the island republic.

HISTORIC HOMELAND

There is a further refreshingly frank admission that the Tamil community has a distinct cultural and linguistic identity which needs to be carefully nurtured. This is followed by a critical confession (if one may be pardoned for saying so) that the northern and the eastern provinces have been the historic home of the Tamil speaking peoples who have, throughout in the past, lived together in this territory, with other ethnic groups. Not stopping with these important truisms, the agreement conscientises the nationalist forces into a mood of strengthening the island's unity through its character as a multi-ethnic, multi-lingual, multi-religious pluralist polity, with every group having the right to live in equality, safety and harmony so that they may prosper and fulfil their aspirations.

Such is the corner-stone of the compact which may be regarded as historic if only the values so enshrined were taken seriously and implemented in the spirit of equal communal justice and minority aspirations on a democratic basis.

NOT PARTY BHAKTAS BUT DO OR DIE COMBATANTS

One spinal flaw in the crystallisation of the pact is the omission to involve actively the Tamil political militants and senior statesmen through a trilateral discussion. Whatever the Indian prime minister or his official ventriloquists may assert, the Lankan Tamil participation in the processing of the proposals was next to nothing. Rajiv Gandhi took them for granted, assuming that their struggle would start or stop at India's command and without arms and training from India, Tamil resistance would wither away. What a moronic misjudgement of a heroic movement! They are not party *bhaktas* but 'do or die' combatants, with burning self-respect and a vial of killer cyanide as the final sacrifice. The faculty to penetrate the soul of a people in revolt against being crushed out of ethnic

existence belongs to statesmen with a vision of the future, not those intoxicated with self-importance.

SPIN-OFF BENEFITS

Be that as it may, let us see if something good can be salvaged out of the accord. A few fundamental gains deserve to be highlighted as the spin-off benefits from the accord. First, linguistic justice is done to the Tamil and English official languages of Sri Lanka. Second, in a land of perpetual emergency and where both Tamil and Sinhalese languish in detention the Sri Lanka President, runs the accord, will grant a general amnesty to political and other prisoners now held in custody under the Prevention of Terrorism Act and other Emergency laws. The amnesty also extends to combatants, as well as to those persons accused, charged or convicted under these laws. The Government of Sri Lanka will make special efforts to rehabilitate the militant youth with a view to bringing them back into the mainstream of national life. India will cooperate in the process.

Sweet words but brazen baloney, because no one has bothered about those prisoners still behind bars. Even so, as an undertaking, such generosity towards human rights deserves hearty approbation, if it is honestly implemented.

Third, there is a clear understanding that *residual* issues of importance, not finalised in the earlier negotiations, shall be resolved between India and Sri Lanka within a period of six weeks of signing the agreement. There is a sly rider here which says that these proposals are also conditional to the Government of India cooperating directly with the Government of Sri Lanka in their implementation.

While India agrees to prevent militant troops operating in Sri Lanka from using Indian territory as their base, the Lankan government also agrees that nothing prejudicial to India will take place by Sri Lanka being used by foreign interests to the prejudice of Indian security.

There is a promise of polls in three months, in any event, before 31 December 1987, with Indian observers to watch over the elections to the provincial councils of the north and east. Likewise, there is a provision for a common administrative unit for the northern and eastern provinces with a tricky condition that while the two provinces join together with one administrative unit, one

elected provincial council, one government, one chief minister and one board of ministers, there will be a referendum on or before 31 December 1988, to enable the people of the eastern province to decide whether they would like to be governed together or remain separated as distinct provinces. The President is given, at his discretion, the power to postpone a referendum in this behalf.

Finally, there is an obscure conditionality fraught with interpretive riddles written into accord. Clause 2.15 runs: These proposals are conditional to an acceptance of the proposals negotiated from 4.5.86 to 19.12.86. Residual matters not finalised during the above negotiations shall be resolved between India and Sri Lanka within a period of six weeks of signing this agreement. These proposals are also conditional to the Government of India co-operating directly with the Government of Sri Lanka in their implementation.

By way of a democratic reinforcement of the accord, there is a clause which assures the people that Sri Lanka will ensure free, full and fair participation of voters from all communities in the northern and eastern provinces in electoral processes envisaged in this agreement. The Government of India will extend full co-operation to the Sri Lanka government in this regard.

JUSTICE TO TAMILS

With the tragic exit of Tamil Nadu chief minister M.G. Ramachandran and the mounting deaths of Sri Lankan civilians and Indian jawans, infantile calculations may be problematic. After all, people are unpredictable and react with more uncanny political sanity than the pro tem tenants of Janadhipathi Mandiraya or Race Course Road, wish.

All right-thinking persons in our two countries will want that justice be done to the Tamils, that we on both sides of the Palk Strait live in happy amity and peace, that the accord be made an instrument to advance this consummation. But will it work? A closer look at the documents of 29 July will do good

III CONCLUSIONS

There are five fundamentals in the accord: The formation of a single administrative unit telescoping the north and the east and

setting up of the apparatus of a ministry in that behalf during the *interim period* between *the elections to the provincial council* and the referendum for determination of the will of the people of the eastern province to separate or live united with the north (Clause (1) (2)—*not implemented*). The election to the provincial council is agreed to be held *within the next three months* (i.e. before the end of October) and *in any event before 31 December 1987* (not implemented).

No free and fair election can be held if the Emergency is not lifted, and so there is a condition to *lift the Emergency* in the eastern and northern provinces by 15 August 1987 (not implemented). A prelude to peace is the cessation of hostilities and that condition is to come into effect all over the island *within 48 hours of signing the agreement*. The surrender of arms and the confinement of the Sri Lankan security personnel also have a time-bound provision: *the process is to be completed within 72 hours of the cessation of hostilities* coming into effect. All but the LTTE have surrendered and now repent the step as Pathmanabhan of the Eelam People's Revolutionary Liberation Front (EPRLF) has stated.

It is too obvious to need argument that unless there is a general amnesty the hostiles cannot come into the open nor can normalcy be restored. Rightly, therefore, clause 10 of the agreement provides that the President of Sri Lanka will grant a general amnesty to political and other prisoners now held in custody under the Prevention of Terrorism Act and other Emergency laws, and to combatants as well as those persons accused, charged and/or convicted under these laws (*not implemented*, except as a first instalment gimmick). Many Sinhalese progressives who support the accord languish in jail still. Many LTTE extremists rot in prison or carry huge sums on their heads.

These clauses form a package and stand or fall together. You cannot ask for surrender of arms, inflicting lethal disablement on the resistance movement which has gathered momentum, but do nothing to enforce the imperative undertakings of Sri Lanka's President. The Indian prime minister, obsessed with his (illusory) authority over the Tamil militants, talks all the time of surrender of arms as the essence of the accord. The soul of the agreement is to hold elections, to lift the Emergency, to grant amnesty and to begin the formation of a joint province. A priority item is the quantum and quality of devolution of powers, so that the reality

of autonomy may be brought home constitutionally to the minority consciousness.

There is a pledge in Clause 14 that these matters will be resolved between India and Sri Lanka *within a period of six weeks of signing the agreement, that is, before the middle of September 1987*. This has certainly not been carried out. Clearly, there is an implication that all these matters of legislation and constitutional amendment bearing on political normalisation, provincial election and power devolution *will be discussed with India* and also with the concerned parties, that is, the political organisations, militant or other, in the island. This has not been done.

A monitoring body to review the progress of the implementation is provided for, so that failures on both sides may be exposed and complaints in that behalf heard. *No such functional watch-dog has yet been created.*

There is a provision in the new treaty for repatriation of Indian citizens from Sri Lanka, concurrently with the repatriation of Sri Lankan refugees from Tamil Nadu [Article 2-16(d)]. Here again there is victimisation of these unfortunates lingering in Sri Lanka in large numbers. There is no realism in the exchange of populations.

While it is difficult to quantify the cost of the military operations in Sri Lanka, the finance ministry, it is said, estimates it to be around Rs. 300 crores and over Rs. 5 crores a day. Other estimates placed the amount much higher, which means that the Indian taxpayer is being burdened beyond his ability. Besides, our soldiers are being killed or injured in foreign fields.

In contrast, the Sri Lankan economy now looks relaxed and its budget for 1988 shows a great reduction in defence expenditure, of course, at India's expense. This is made further clear by the Sri Lankan President's disclosure that because of the accord Sri Lanka has saved much of its war expenditure and raised the salaries of its employees with such savings. PTI reports (21 Dec. 1987) Jayawardene as saying, "If not for the IPKF we would have to fight this war. We have to spend more than what we are spending for the salary increase."

Our cost is not merely in war expenditure but in war casualties. The Sri Lankan President claimed that while Sri Lankan soldiers died in large numbers before the IPKF took over, *after the latter's arrival not a single Sri Lankan soldier had died*. Our men died instead.

Both the Sri Lankan President and his Parliament must give to India his authority, agreeing that *pro tanto* Sri Lanka would have parted with sovereignty or final control vis-a-vis the India forces and their operations. A very clear statement on this point is needed. Now, if the Tamil people are to feel assured that the Indian army will not desert them but will stand by them until north and east come under one administrative umbrella, and devolution of powers on a par with that enjoyed by an Indian State becomes an accomplished fact. Of course, IPKF excesses, if continued, may make them a hated horde and their withdrawal may well be the demand, first simmering, then boiling and finally bursting. Today Tamil blood tells a gory story. This is a serious caveat.

Limitation on sovereignty for specific purposes and under covenants is nothing new in this integrated world of ours. The European community, with the European Court, European economic policies etc. may be construed as an infraction of the sovereignty of Britain or other member nations. All international covenants involve erosion of some part of sovereignty. In the present case, our men have laid down their lives, our scarce resources have been showered for the benefit of Sri Lanka's citizens and the two republics have taken various measures on the faith of each other's representations. In this view the Indian forces, it must be made unmistakably clear, are there in Sri Lanka in an independent capacity and conditioned by the fulfilment of a task. If this is not acceptable, we should withdraw the army, leaving the Sri Lankans to themselves.

The military misfortune of the 30,000 Indian troops rushed to Jaffna but unprepared for the novel urban guerilla operations, and without sufficient military intelligence about the adversary, was the result of a prime minister's hubris—not a crime but a bad blunder. He has let down the army and, unwittingly, lowered its international reputation. The insensitivity to escalating criticism of this adolescent delinquency can lead to more deafness and egregiousness. But more casualties, more cries from Jaffna and Batticaloa, may trigger a pathological process of hostility at home. And the reckless LTTE, like a bear at bay, may seek and secure military hardware from unscrupulous agents keen to embarrass India such as Pakistan and Israel and the satanic CIA.

The question then is, are we the friends of the beleaguered Tamils or the rescue auxiliaries of a reeling President guilty of near-genocide? Let the Sri Lankans share the casualties. We, Indians, as our sons die in vain in Sri Lanka, are actually the

victims of JRJ's newpeak with which the July agreement abounds. Either we command the militants into a cease-fire and *pari passu* pressurize Janadhipathi Mandiraya into the fusion-devolution pledge or leave both parties to shape their own destinies. Why play the macabre military *mukhtiar* of Sinhalese Jayawardene and yet boast that the accord, as a whole, would be executed?

Two make-believe bills were introduced and passed in Parliament with a small amendment caused by the Supreme Court decision requiring a referendum. Without going into the details of the legislative exercise at this stage, one may confidently assert that they fall far short of the aspirations of the Tamils. Indeed, there is no legislative sanction yet for bringing the north and east under one umbrella. This is relegated to a later presidential direction. It is all a game of hide-and-seek. Why is it that a straightforward legislation by constitutional provision is avoided in bunching together the two provinces making up the homeland of the Tamils? Premadasa, the prime minister, clearly stated that he was against it. The President is too. Do we not have sufficient omens to suggest that the legislative process in Sri Lanka will defeat this foremost objective of the Sri Lankan Tamils?

The second imperative is about the devolution of powers. What is given is a husk, not the kernel. No effective powers regarding land and other important items covered by the State List in India are distributed under the Sri Lankan bill. More fraudulent is the dubious negation of autonomy. Powers are given to the governor to be exercised at his discretion and the hand which pulls the strings is that of the President.

Thus, instead of State autonomy, what is granted is an illusory triarchy. More than all this, the President and Parliament retain their plenary powers which can effectively nullify State legislation and action. A close scrutiny of the devolution scheme brings out the ugly fact that what is created is a talking shop with formal authority precariously dependent on the governor, the President and Parliament. Hanging over it is the Damocles sword of the Emergency which can extinguish even what little autonomy there is. Can one find fault with the militants for refusing to be cheated? In fact, the TULF leaders had informed Rajiv Gandhi that the two bills were unacceptable and it was impossible for them to sell the scheme to the Sri Lankan Tamils.

The referendum, what with Sinhalese colonisation subtly engineered by Colombo, the terror the brutal LTTE has generated

and the alienation of the Muslims formented by the politics of religious *minorityism*, may well be a clever ploy to dismantle the united province. The myth is that the militants alone resist the agreement; the truth is that Sri Lanka's President and Parliament have already mutilated its anatomy.

The Indian prime minister, with no answer for these accusations, now uses a 'cover-up' of 'firm assurances' by the President to reconsider the bills after they are passed. It needs credulity beyond breaking point to believe a President who by-passed India before the bills were formulated, asserted before the Sri Lankan Parliament through his prime minister that the common province would never come, and diluted constitutional autonomy to a shadow.

And the major Opposition—the Sri Lanka Freedom Party (SLFP), 34 other political organisations, the Buddhist clergy and that murderously extremist Sinhalese group the Janata Vimukti Peramuna are opposed to the Tamil minimum. Only the left, a sensible but negligible political factor, supports effective decentralisation of power and minority authority for Tamil-dominant Jaffna and the eastern sector. Even they do not expose the spinal weaknesses of the accord.

Another pathetic feature about Jayawardene, the United National Party and their tardy and ambivalent manoeuvres about the accord is the anxiety to preserve the Sinhalese status quo because Parliament's term expires in 1989 and the President's in 1988 itself. The strategy is, to drag on till then without radical Tamil justice and use the Indian army to kill the truculent LTTE, boasting that not a single Sinhalese soldier has been killed!

Against this background, the Indian establishment's obsessive military dream of killing off the LTTE desperadoes as the only issue is cowardly folly. When more and more Indians die in Sri Lanka—and no defence of the motherland is involved—more and more Indians will demand why? How far will this go? What will be the gains, what the cost and how will it be justified? The ink of history is a string of interrogatories. Our prime minister's attitude vis-a-vis the Tamils of Sri Lanka, is a blend of oversized ego, under-estimation of others' intelligence plus a wish to achieve instantly high objectives without hard thinking or ideological moorings.

My purpose is to promote a stable solution to the vexed problem of ethnic justice in Sri Lanka and friendly relations between India and Sri Lanka. Whatever the shortcomings in the processes and

performance, I must appreciate the creative foreign policy factor implicit in the consummation of an accord between our two countries.

We must adopt dynamic thought to salvage the purposes of the accord and seek methods by which we may strengthen Indo-Sri Lankan friendship and Tamil-Sinhalese relations.

Once we accept the imperative of democracy, that authority cannot be divorced from accountability, our prime minister must answer for the full-scale military operations, including naval and aerial patrols, the diminishing chances of peace and the escalating involvement in war, which has resulted in increasing Indian casualties and the fratricidal Tamil death toll.

The unkindest cut of all is the Sri Lankan ministers virtually dismantling the accord and demanding Pakistani military presence and elections in the current hysterical atmosphere, thereby dealing a death blow to the pact and laying a death trap for our jawans. If by some freak of friction Pakistani forces enter the south and the Indian forces control the north, a conflict between the two may not be a recondite possibility.

The war continues; peace eludes us. The kismet of the accord becomes curiouser and curiouser. Its eventual Indian impact is sure to be a time bomb.

I plead with the prime minister to review the deteriorating situation and boldly speak to his counterparts in power in Sri Lanka to innovate a creative formula which will work without violence and will involve the militants, Tamil and Sinhalese, in the process.

A new confidence has to be created which can never happen so long as the Indian guns use their fire power and continue curfew indefinitely as they do now. Nor is it the business of the Indian forces to make house-to-house searches, shoot anyone with a weapon, and incidentally commit those delinquencies which are associated with occupation armies. To keep the peace is a more innocuous operation than engaging on a man-hunt for the Tigers. A great effort must be made to win over the Tigers and the JVP into the mainstream of democracy on an ideological basis and to assure that the rights of every Sri Lankan citizen will be guaranteed.

If the India-Sri Lanka agreement is alive, a functional audit is badly needed so that changes may be wrought to make it fulfil its preamble. If the accord is all but dead, an autopsy must be done to understand why it never took off, except for massacres on both sides.

CHAPTER 12

Time to Leave

AKBAR KRISHNA

WHY are we in Sri Lanka? To hear it from the glib avatars of *realpolitik* on the cocktail circuit of New Delhi, we are pursuing our strategic interests there. India had to decisively end the Tamil insurgency in Sri Lanka; otherwise Colombo would have been, indeed was, tempted to invite others in to help them to do it. We would have had Pakistan training the Sri Lankan army, American companies exploring for oil off the Lankan coast, and Trincomalee reduced to a western base. 'Indian interests' would have suffered.

So instead, we are busy annihilating the Tamil force we had helped create, arm and train, in order to force them by war to make peace with someone else. And in the process of frying this particular omelette we are breaking a number of eggs; reducing much of northern and eastern Sri Lanka to rubble; taking the lives of people our soldiers had gone there to protect; losing the hold we have always had on their hearts and minds. As our own country reels in the grip of one of the worst droughts of the century, our national exchequer rains five crores of rupees a day into the effort to establish a Pax Indica on the teardrop island off our shores.

What for? The explanations of the government's critics have ranged from the naive to the cynical. I do not believe our prime minister suffers from a chronic addiction to unworkable accords, as some suggest. Nor am I convinced he was grasping at a foreign straw to pull him out of the domestic quicksand into which he seemed to be sinking. No. I think that New Delhi decided, no doubt reluctantly, to follow Kautilya rather than Rama; our incursion into Lankan affairs reflects South Block's view of the imperatives of statecraft rather than Racecourse Road's of the exigencies of politics.

Four-and-a-half years ago I suggested that Delhi was never likely to intervene militarily in favour of the Tamils; if anything, our calculations would place us, unlike in 1971, over Bangladesh, on Colombo's side of the argument. I feel no satisfaction in having been proved right.

But for all the cold logic of our position, there is no doubting that, to an increasing minority of thinking Indians, our intervention in pursuit of that position is indefensible. It was arguably time for us to wash our hands off the short-sighted intransigents of the LTTE and to wish Colombo luck and diplomatic support in its attempts to reassert Sri Lankan national unity—but not for Indian jawans to shed their blood to attain this end.

O.V. Vijayan, a fine and insightful observer of our times, suggested the Lankan venture was the last thrust of the Aryan incursion into the Dravidian South. But there was nothing Dravidian about the retired general I met in Delhi who bitterly described the IPKF as the Innocent People Killing Force; about the father who spoke to me of the anguish of his son, an army captain, at seeing his comrades hunting down people they had themselves trained; of the retired ambassador who told me he would have been ashamed to be defending this policy in an international forum today. These were all North Indians, scions of Arjavrata, and they were saddened and disillusioned by our hollow victories over Prañhakaran's rakshasas.

Make no mistake, these words are not intended to cast any aspersions on the courage and valour of the Indian soldiers who are so bravely fighting today in Sri Lanka. But they are meant to question the judgement and morality of the policy-makers who sent them there. There was a time, not so long ago, when India's foreign policy spokesmen boasted that our international role emerged from our national values and cultural traditions; that India's foreign policy was legacy of the Hindu precepts and Buddhist ethics which had given us the ahimsa and satyagraha of our freedom struggle. Nehru even attributed non-alignment to atavism; 'there was no cold war', he explained, 'in Asoka's heart'.

Of course, all this probably had as much to do with the rhetorical flourishes of new orators of the world stage as with any real policy assumptions. But the assertion of an ethical international position did at least accord with the national self-image of Indians; it gave to the country's often ineffective external policies a moral legitimacy that guaranteed their acceptance. Foreign policy in India was

elevated to an historically-sanctified expression of the country's innate genius, and it rapidly acquired an impressive political consensus.

The Sri Lankan adventure threatens that consensus as nothing before. It does so not merely because the killing of Tamils in Sri Lanka risks mortally offending the Tamils of India, a prospect made all the more likely by MGR's death. The campaign also imposes a strain on the national treasury that will become increasingly difficult to sustain.

The primary duty of an Indian government is to meet the needs of the Indian people. Instead, our military expenditure on Sri Lanka is soaring at a time when Colombo has cheerfully slashed (for the first time in ten years) its spending on the army by 37 per cent and its overall defence allocations by 13.5 per cent. While anti-Indian vitriol corrodes both Sinhalese and Tamil opinion, President Jayawardene proudly tells his compatriots that Indian soldiers are now dying instead of Sri Lankans.

No Indian government can indefinitely divert resources from development to war unless the broad mass of the people are convinced that the war is vital to their own survival. And this they will not be, because as the death-toll mounts and domestic inflation rises and the government seems to have less and less money and time to devote to the needs of the people, they will begin to question the war. And no amount of slick talk about strategic goals, or about Pakistanis or Americans, will convince them that India should be expending precious resources, lives and fraternal goodwill by intruding into somebody else's quarrel.

In Bangladesh we at least had the moral argument; we were intervening on behalf of the oppressed, the victims of exploitation and attempted intellectual genocide. In Sri Lanka we have placed expediency above ethics, and defined our national interest without reference to the interests of our nationals.

In the end, such a policy can never succeed. Let us pull out in honour before we are forced to do so in disgrace.

CHAPTER 13

Disarming LTTE is Harmful to Our Interests

ALADI ARUNA

AT the outset, I pay homage to our Tamil militants and others who have sacrificed their lives for the great cause of Tamil Eelam. The valiant people who have been killed by the Sri Lankan forces and the IPKF, have become martyrs in the history of our freedom movement. *I proudly salute our brother Prabhakaran for leading this movement with unique courage and chivalry against the repressive forces of Sri Lanka and India.*

After independence, in 1948, the Sinhalese started to claim that Sri Lanka was a country of the Sinhalese and that Buddhism was the state religion of Sri Lanka. Sinhalese chauvinism and religious fanaticism have raised this cry, depriving the life and liberty of the Tamil minority.

The suppressed minority now has no other alternative than to fight against the majority. India and other neighbouring countries are aware of the peaceful movement under the leadership of Thanthai Chelva. The majority totally failed to understand and acknowledge the legitimate claims and rights of the Tamil minority. After the demise of Thanthai Chelva, that chauvinistic Sinhalese majority escalated repressive measures against our Tamils.

The civil movement was given up, not because we prefer violence or militancy but because the Sinhalese rulers have forced us to resort to direct action to preserve, protect and save the rights of all Tamils. It is our birth right. No power on the earth has the right to take away our fundamental rights.

The whole world has witnessed how the Sinhalese army ruthlessly massacred our people, looted our property and destroyed our houses. What was ruthlessly and mercilessly done by the Sri Lankan army has been shamelessly repeated by IPKF against our own people.

India took the role of mediator between the Tamils and the Government of Sri Lanka. *The mediator is expected to draw up a proposal or understanding on the conscience of both parties, but in the case of India, the mediator himself put a precondition for negotiation. India imposed a precondition that the Tamils must accept a solution within the integrity of Sri Lanka.* What warranted India to put forward such a precondition? Has it not waged a war for the freedom of Bangladesh, has it not extended support to the freedom of Namibia, has it not recognised PLO? Then why should it put forward such a precondition for the settlement of the Sri Lankan Tamil issue?

The very basic policy of the movement, my friends, was changed, damaged and castrated, not because of our enemy but because of our so-called friend, India. President Jayawardene successfully brain-washed Mrs. Gandhi and Mr. Rajiv Gandhi into believing that the formation of the sovereign state of Tamil Eelam would lead to the secession of Tamil Nadu from India. This is baseless. There is no evidence or basis or justification for such a fear. But unfortunately, Jayawardene has succeeded in his manoeuvring; therefore the attitude of India is always adverse to the basic policy of our freedom movement.

The stance of India is the creation of a Tamil province within the integrity of Sri Lanka with powers equivalent to those of the states of India. Now three questions arise out of this stance. (1) Whether this stance will fulfil the aspirations of the Tamils? (2) Whether President Jayawardene has already asked for this stance? (3) Whether the Indian states are autonomous. The rasping fact is that the states in India are not autonomous. If you study and examine the powers of the States in India, with those of the States in Canada, United States of America, Switzerland or Australia, we could easily see that the Indian states are almost glorified municipalities. The very existence of the States eventually is at the mercy of the centre. The dagger of dissolution is always hanging above the head of State governments under Article 356. Therefore, creating a State in Sri Lanka equivalent to the Indian States can never solve the Tamil problem.

After 1983, all political parties except the Congress and Communist parties appealed to the Government of India to take direct action against the Government of Sri Lanka to protect the interest of the Tamils. Military intervention in the beginning was ruled out by the Government of India. It repeatedly assured us of only

persuasion and negotiation, and persistently refused to take military action except dropping of food stuffs. But today the Government of India firmly and tenaciously wages war against our Tamil brethren. It has refused to declare cease-fire. It is reluctant to negotiate with the Tamils. It is adamant and belligerent. The point which I want to stress is that the Government of India which had refused to take military action against Sri Lanka has now launched a military offensive against our Tamils only because the Government of India is anti-Tamil.

The operation of killing of the Tamils has been handed over to Rajiv Gandhi while President Jayawardene is conveniently and comfortably thinking of amending the Constitution to enable him to get a third term as President. So far, President Jayawardene has been successful not because of our blunders, nor because of our lies, but because of the betrayal of India. India entered as a mediator between the Government of Sri Lanka and the Tamils. Now the mediator has become a traitor. That is why for the last 10 months in the name of disarming our militant people, under the pretext of implementing the Accord, IPKF is allowed to continue to massacre our Tamil people, to destroy our property and loot our houses.

Mr Prabhakaran is ready for unconditional talks but India still refuses to have the dialogue directly and it imposes two conditions. If this situation is allowed to continue I fear that the Tamil race will be wiped out by the IPKF. Therefore, how to overcome this deadlock is more important.

All the political parties, and all the political leaders, must appeal to India to declare a cease-fire, but India refuses to accept our request. But it imposes two conditions.

1. LTTE must surrender its arms.
2. LTTE must end this opposition to the Indo-Sri Lanka Accord.

Under what right, under what international law, does India compel the LTTE to accept these two conditions? Is it the way of protecting the rights of India? No doubt, it is one of the terms of the Accord. But the LTTE is not a party to the Accord. Neither have they been consulted nor have they given their consent to this Accord. In the absence of such consent to the Accord from the LTTE, India has no right to compel them to accept the Accord. To mislead the public through the help of the media, India deliberately, wilfully and maliciously claimed that it had obtained the consent from military groups. This is distortion of facts and a

travesty of the truth.

The ridiculous role taken by India is that India signed the Accord on behalf of the Tamils of Sri Lanka. These Tamils of Sri Lanka are not the citizens of India. They are the citizens of Sri Lanka. So how can a sovereign country sign an Accord on behalf of the people who are citizens of another country? The attitude of India is highly imperialistic in nature. According to the Government of India, the LTTE are acting against the Accord. That is their claim. So this has necessitated the Indian Peace Keeping Force to launch a direct offensive. On the other hand, the Government of India has totally refused to realise that the Government of Sri Lanka has not come forward to implement the Accord. India itself has admitted it in a statement on the floor of the House. It is very particular to enforce the Accord only on the LTTE but not on the Government of Sri Lanka. Neither the merger of the provinces, nor the devolution of power under the 13th Amendment of the Constitution has been implemented.

The point I would like to make is that whilst President Jayawardene, who signed the Accord acts against the Accord, a person who has not signed the Accord is compelled to accept the Accord. It is a ridiculous situation but India is not realising it. It means that India has been trapped by President Jayawardene.

So, what I appeal for is the withdrawal of the IPKF for the following reasons:

1. The offensive of the IPKF is dead against the very objective of the Accord.

2. IPKF is more dangerous than the Sri Lankan army. Our LTTE are capable enough, brave enough, potent enough to defeat the Sri Lankan army but not the Indian Army. That is why the IPKF must be withdrawn in the interest of our movement.

3. The role of the IPKF is hated by both Tamils and Sinhalese.

4. IPKF are fighting not for the interest of the Tamils, not for the implementation of the Accord, but for India to have a treaty at the expense of the Tamils. That is the secret move on the part of India.

If the militants are totally disarmed, the very next moment the Government of Sri Lanka would ask the Government of India to withdraw the IPKF. Then who is going to protect the interests of the Tamils? Who is to safeguard our interest? So the only agency in the past and present capable of protecting the interests of the Tamils is none other than the LTTE. If they disarm our LTTE we

will not be safeguarded by any agency. What is the guarantee that the proposed State government of the Tamil province would be allowed to rule freely by the centre of Sri Lanka? You know well the history of India that State governments are not allowed to function freely. They are always under the threat of the centre. The LTTE alone will protect the interest of the people. Disarming is harmful to our interest.

CHAPTER 14

Prabhakaran Thought of Suicide before the Signing of the Accord

V. GOPALSAMY

THE tragedy of the Tamils is a heart-bleeding tragedy because there are sanctuaries in Sri Lanka even for wild animals but there is no sanctuary for Tamils to live with dignity and decorum. For 30 long years, they have suffered persecution and plunder; murder and massacre. Their cultural trusses were destroyed. Even their places of worship were not spared. Our sisters and mothers were subjected to horrendous and indescribable indignities. No race in the world since the Second World War has faced the onslaught of genocide as did the Tamil race.

ACCORD BETWEEN A CRIMINAL AND A BETRAYER!

Jayawardene declared, 'Within 90 days we will liquidate the Liberation Tigers of Tamil Eelam.' He had launched all the three forces in the years 1985, 1986 and the first part of 1987 but he had failed. The armoured cars he had specially purchased from South Africa at a heavy cost—they were called Buffaloes—were blown to pieces, thanks to the mining technology of the LTTE. The battle of Vadamaradchi was a new heroic chapter in the annals of the war history of the world. The Tigers stopped the enemy forces re-enacting the *battle of the Spartans* (428 B.C.). Our heart goes out to Velupillai Prabhakaran who has become a legend in his own lifetime, the guiding spirit and the founder leader of the greatest liberation movement in the world.

It was then that Jayawardene accepted the hard reality that he could not win the war against the LTTE. He could never liquidate them and he could never wipe out that motivated force. He is a very matured tactician, a diplomat, and a cunning jackal. He

decided to have an accord with India—an accord between a criminal and a betrayer! This accord is a deliberate fraud committed by two Governments against the interests of the Tamils. This is not an accord between the warring parties; not between the oppressor and the victim. It is between a criminal and a betrayer.

RAJIV'S CLOAK AND DAGGER DIPLOMACY

The LTTE did not give their consent before Mr Rajiv Gandhi put his signature to the Accord in Colombo. Mr Prabhakaran was tripped and trapped, brought to Delhi, and confined to room number 518 at Ashoka Hotel. On 29th July, on the very day the Accord was being signed in Colombo, I went to Ashoka Hotel. I managed to go near the door of room number 518. I was stopped by the black head commandos. I was not not permitted to enter and was asked to withdraw from the place immediately.

By 1 o'clock in the afternoon, Prabhakaran talked to me over the telephone. His words are still fresh in my memory. To the day of my death they will remain fresh. He stated, 'We have been betrayed by the Government of India, by Mr Rajiv Gandhi. I have been stabbed in the back.' Then he said, in Tamil, 'Brother, I am also wearing a cyanide capsule around my neck. I have thought of committing suicide but I cannot. There are thousands of my colleagues in Eelam. My brothers and sisters are there. I cannot take that decision.' I agreed with him that the accord was a big fraud perpetrated on the Tamils.

This accord is an empty shell. Let us look at sub-clause 3 of clause 2. It goes on to say: 'That there will be a referendum on or before 31st December 1988 to enable the people of the Eastern Province to decide whether the Eastern Province should remain linked with the Northern Province as one administrative unit and continue to be governed together with the Northern Province'. Sub-clause 6 of clause 2 states: 'A simple majority will be sufficient to determine the result of referendum.'

What this simply means is that Tamils of Eelam have been denied their homeland. They were not accepted as a nation. The accord is a fraud. Has the Government of India, or anybody else on earth, got the audacity to tell the Palestinians 'You have no homeland'? Have they got the audacity to tell the Blacks of South Africa that they have no homeland? But they tell the Tamils that they have no right to claim their homeland.

BLATANT VIOLATIONS OF THE ACCORD BY SRI LANKA

Where is the Accord? It is dead and gone, in letter and spirit! Mr. Jayawardene, on the very next day after signing it, stated publicly amongst the Sinhala masses, 'There is no need to fear about the merger of the two provinces, about the referendum. I myself will go and campaign against the merger.' The accord has been thrown to the dustbin when the Sri Lankan Government claimed that they would get logistic military support from many countries of the world including Pakistan, Israel, China, USA and UK.

The accord had been relegated to the gutters when more than 10,000 Sinhalese were brought by the Sri Lankan government to colonise traditional Tamil homelands. It was to protest against this state-aided colonisation that Thileepan started his fast unto death. He died, without even taking a drop of water for 12 days. The Government of India ridiculed the fast undertaken by Thileepan. The Accord has been buried a thousand fathoms deep when Thileepan died. The accord had been burnt to ashes and the ashes dissolved in the blue waters of the Bay of Bengal when 17 LTTE commanders, including Pulendran and Kumarappa, had to take cyanide capsule due to the betrayal, treacherous betrayal, by Mr Rajiv Gandhi.

The accord had made it very clear that the Sri Lankan troops were to be confined to their barracks as from 25th May 1987. They had no business, they had absolutely no right to arrest the 17 LTTE men. When they were arrested and detained at Palali camp, the Indian commanders had rushed to the spot and they did throw a cordon around the Palali camp and warned the Sri Lankan forces: 'These 17 LTTE men should not be moved out from this place.' Prabhakaran sent an urgent message to Mr. Dixit that the lives of the 17 LTTE men were precious. If they were permitted to be moved to Colombo they would be tortured. They would commit suicide if such an attempt was made and it would precipitate disastrous consequences. This message reached the desk of the Hon. Prime Minister of India on 4th October. They had been arrested on 3rd October. Rajiv Gandhi wanted to blackmail Prabhakaran; he wanted to bully him, in pursuance of which he took an unpardonable and heinous decision. An urgent message was sent to the Indian commanders that the Indian cordon around Palali should be withdrawn, so that the 17 LTTE men could be thrown before the wolves. As predicted by Prabhakaran they decided to take

cyanide capsules and die, which created spontaneous attacks of reprisal. More than 150 Sinhalese were killed. And we heard shouts of protest against these killings from the Indian Government as well as from many parts of the world. But these protestors never cared when more than ten thousand Tamil people were butchered in Sri Lanka.

ANOTHER NUREMBERG TO DEAL WITH WAR CRIMES OF IPKF

I asked Mr Rajiv Gandhi on the floor of the Indian Parliament, whether the killing of 150 Sinhalese is a justification for waging war against the LTTE. Nearly ten thousand Sikhs were butchered and shot dead in cold blood, were burnt alive in the aftermath of the assassination of Mrs Indira Gandhi. Mr Rajiv Gandhi replied before the pressmen that when a big tree falls the earth is bound to shake!! I dip my head in shame, as a citizen of India, for the cruel, savage and dastardly killings of doctors, nurses, and innocent patients at the Jaffna Hospital by the IPKF. I dip my head in shame for the dynamiting of the Press officers in Jaffna by the IPKF.

Here is an affidavit signed by Mr. Krishnapillai Sriskantha Raja, 50 years old, a labourer in Valvettithurai. It is a very tragic story about his son. There were even hung by their feet, upside down, and beaten. The son, Paramanathan, succumbed to the injuries he sustained, in his father's immediate presence. Later on, on 18th November 1987, some of the IPKF personnel took the father and the other remaining five detainees to the open space at Vallai, along with the corpse of Paramanathan, where they buried him. Then they got the captives to dig six graves, asked one of them, Baburaj, to lie down in one of the graves and proceeded to shoot and kill him in the presence of all the other detainees. One day or other, these dastardly crimes committed by the IPKF would be exposed to the world, in the same way as the crimes of the Nazi army personnel were dealt with at Nuremberg!

When Mr Murasoli Maaran, leader of the DMK Parliamentary Group, condemned the genocide of the Tamils committed by the Indian Army, the Honourable Prime Minister lost his balance and dared to threaten, with dire consequences, anybody who dared to criticise the role of the Indian Army in Eelam.

Then I confronted Rajiv, on 11th November 1987—this is from the proceedings of the Rajya Sabha of the Indian Parliament. I

quote my speech: 'If we tried to expose the crimes and atrocities committed against our kith and kin by the IPKF, you can call it even treason. If it is a guilty act to expose the highest crimes committed by the Government of India; if it is a guilty act to expose the crimes committed by the IPKF; if it is a guilty act to plead for justice for our people, then I am ready to say that I am guilty.' Our Honourable Prime Minister, Mr. Rajiv Gandhi said that dire consequences would follow, when Mr. Maaran uttered the word 'genocide' against India. We have faced many such consequences during the emergency rule in India. I suffered detention for more than an year during the emergency. There can be only one ultimate consequence on earth, that is the consequence of the gallows and I am prepared to face even the gallows for the sake of my brothers and sisters of Tamil Eelam. Then one member from the House shouted at me, 'Are you for India or for LTTE?'

Then I stated, 'Yes I am for the LTTE first. I am a Tamilian first, then only an Indian. Therefore I am for LTTE.'

But what sins have the LTTE committed? They are being hunted. What sins have they committed against the Government of India? Did Prabhakaran shake hands with the assassins of Mrs Indira Gandhi? How many times have we pleaded for negotiations? How many letters have we written? This is the latest letter dated 9th March 1988. This is the letter from Prabhakaran to Rajiv Gandhi. I quote the letter: 'You will appreciate that our organisation has been appealing to you for peace, for cessation of hostilities, for negotiations, to put an end to this unfortunate conflict and to alleviate the suffering of our people. Morally and spiritually we are opposed to this war. We are always pleased to put an end to this painful tragedy which was not a choice of ours. In this context we regret to note that the Government of India has persistently rejected our urgent and sincere plea for peace. Insofar as the Indo-Sri Lankan Accord is concerned, the LTTE is glad to cooperate with its implementation. We still insist that the implementation of the Accord should safeguard the interests and aspirations of our people. Our concern for the interest of the people is built on our legitimate fear of the chauvinistic attitude of the Sri Lankan regime which has already faulted the Accord by failing to fulfil their commitments. I sincerely inform you of our readiness for unconditional talks to resolve all the matters between the Government of India and the LTTE.'

How many of our sisters have been brutally raped by the barba-

rian, uncivilised army of India? Someone was offering an excuse in Delhi that the victims of rape are not prepared to come and discuss it. How could they? Our Tamil sisters, cherish chastity as dearer than their lives. Many of them have committed suicide.

IPKF : CAME TO TEACH! STAYING TO LEARN!!

Godse murdered Gandhi in 1948. This is 1988. Rajiv Gandhi has murdered the principles of Gandhiji. Rajiv Gandhi bragged that they would take care of those 'boys', the LTTE. Within 48 hours the LTTE would be taught a lesson. But up to date it is the LTTE which is teaching a few lessons to the IPKF and Mr. Rajiv Gandhi.

Nearly six months have passed. The IPKF has deployed more than 100 thousand troops in Sri Lanka, more than 200 tanks, helicopter gunships and naval warships. The fourth largest army of the world is engaged in a war for the past six months and they have called it 'Operation Vaira'. Our valiant brothers and sisters of the LTTE, have shown unbreakable resistance. They cannot be wiped out. They have bled their lives for the cause of Eelam. They have made a tryst with death, at the altar of the Goddess of Liberty. They are fighting this battle without food rations, without uniforms, without boots, without medicine. And, if anything had happened to Prabhakaran, I shudder to think about that, the very name 'India' will become the object of curse in the minds of Tamils living all over the world.

It is the darkest hour. We are at a critical stage; at a fateful hour. Miscreants from all directions want to attack and kill the living spirit of Eelam. But, darkness always precedes dawn. We all long and crave to see the glimpse of dawn. Prabhakaran is a great war hero born amongst the Tamils, after many many centuries.

Oh, my Tamil Mother! Oh, Providence! Let Providence bestow His blessings for a long long healthy life for my brother Prabhakaran. Let the remaining years of the lives of people like me be given to the ablest commander of the Tamils. Let us all merge our forces together. Let us all unite ourselves. Let us all pool our resources together to strengthen the hands of the LTTE. Let the candle of freedom of Eelam be lit in every heart, in every hut, in every home, in every hamlet, in every village, in every town of Tamil Eelam. Let us all stand shoulder to shoulder and speak with one voice and with one heart that our motto is, as Tennyson said

through Ulyssus, "To strike, to seek, to fight and not to yield." We shall never surrender. What moral right has India got to dictate terms to decide the political destiny of the Tamils? Therefore, it is high time for us, Tamils from all over the world, to unite. And our slogan hereafter should be—'Do not mourn. Do not shed tears. In fact, we have no more tears to shed. Rise. Mobilise public opinion internationally. Mobilise opinion to pressurise the Indian Government to stop this blasphemous betrayal of our brothers and sisters; to halt this barbaric war against the Tamil race; to order cessation of hostilities and initiate talks.'

Let us take a vow to dedicate ourselves to the noble cause of Tamil Eelam one day or another, the sooner the better. The majestic flag of independent, sovereign Tamil Eelam should flutter in the sky at the United Nations building in New York.

The Indo-Sri Lanka Peace Accord : A Complete Failure

SEEVA SEEVANAYAGAM

THE first thing to note when discussing the Indo-Sri Lanka Peace Accord is that it was an agreement entered into between the Governments of Sri Lanka and India without consulting the Sinhalese and the Tamil people who were the real parties to the ethnic conflict. It must also be remembered that it was a hastily concluded agreement signed almost in secrecy without giving any opportunity for ascertaining the view of the parties to the conflict. It would be no exaggeration to say that the Accord was one that was virtually foisted on the parties to the conflict—hence it was doomed to failure from the very outset. We are aware that the LTTE leader, Velupillai Prabhakaran, had publicly announced that his organisation was never a party to the agreement and that Prime Minister Rajiv Gandhi had told him that whether the LTTE accepted the Accord or not the Government of India would proceed to implement it. This fact was never denied by the Indian Government in any of their statements following Mr Prabhakaran's speech at the famous public meeting in Jaffna. The LTTE leader had also proceeded to state that the agreement had been concluded with a view to safeguarding India's geopolitical interests, that it had more to do with Indo-Sri Lanka relations than with the problems of the Tamils and that it was neither intended nor likely to safeguard the legitimate political interests of the Tamils of Eelam. Subsequent developments and the happenings of the last 10 months have adequately proved that Mr Prabhakaran was right.

The world is now aware that the Indian Peace Keeping Force which came in ostensibly for keeping the peace between the Sri Lankan Security Forces and the Tamil freedom fighters and to maintain ethnic harmony, turned itself into an army of invasion.

and is waging a brutal war against the LTTE who had not only constituted the vanguard of the Tamil freedom movement but also spearheaded the armed resistance to protect the Tamil people from the atrocities of the Sri Lankan Security Forces. It is now common knowledge that the people of Tamil Eelam have not only come to look upon the LTTE as their protectors from Sri Lankan state terror, but also acknowledge them as the one and only freedom movement which is not prepared to compromise the interests of their people. But, unfortunately, the Indian government has not only failed to understand that the LTTE symbolises the aspirations of the Tamils; hence the inability of the fourth largest army in the world to bring about peace and normalcy in Tamil Eelam even after 10 long months of a mission which they set out to accomplish in a mere 72 hours!

Should not the world ask India, which had all along been advocating a political solution to Sri Lanka's ethnic problem and also been warning the Sri Lankan Government time and again about the futility of military solution, as to why she now seeks to impose such a solution on the Tamil people? The answer is obvious. What the Indian government was seeking to solve was not the political problems of the Tamils but the impediments to India's political hegemony in the region. For the Tamils of Eelam it was nothing but a tragedy that their legitimate political interests have been sacrificed at the altar of India's geopolitical self interest.

Although the LTTE was not a party to the Accord, they have made it known that they fully support the aspects of the Accord that deal with India's strategic interests and have also pledged to co-operate with India with the object of avoiding any conflict with Indian interests. If so, why is the Indian Government hell bent on crushing the LTTE? Perhaps, due to an erroneous reckoning that their interests would be better served by helping President Jayawardene to crush the Tamil freedom movement by annihilating the Tigers.

What does India say? It maintains that the Peace Accord was intended to secure the legitimate political interests of the Tamil people and that the Indian Peace Keeping Force is only carrying out India's obligations under the Accord of ensuring that the militants surrender their arms. Let us examine India's claim. A careful examination of the terms of the Accord clearly reveals that it fails to meet the fundamental political aspirations of the Tamil people as enunciated in the historic Thimpu Declaration of August 1985,

which had the unanimous support of all the Tamil political groups, both militant and moderate.

The Thimpu Declaration stated:

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

1. the recognition of the Tamil people as a nation;
2. the recognition of an identified homeland for the Tamil people;
3. the recognition of the right of self-determination of the Tamil people;
4. the recognition of the right to citizenship and the fundamental rights of all Tamils who look upon the island as their country.

What do we find in the Accord?

It fails to recognise the Tamils as a nation and treats them only as an ethnic group in a plural society. It refuses to recognise the existence of a traditional homeland of the Tamils but provides for only a temporary merger of the North and East which is most unlikely to survive the subterfuge of the proposed referendum. More importantly, the Accord does not recognise the right to self-determination of the Tamils, thus rejecting all the basic principles of the Thimpu declaration. Now let us take a look at the much publicised devolution of power under the proposed Provincial Council Scheme, which is supposed to confer on the Tamils 'more autonomy than they had ever demanded.' A careful look at the Thirteenth Amendment to the Constitution, which contains the so-called devolution package, would reveal that it is only a high sounding nothing! The extent of the powers devolved on the Provincial Council unit does not go even as far as the Bandaranaike-Chelvanayagam Pact of 1957 and excludes the crucial area of land alienation. It is significant to note that this devolution package has been rejected out of hand even by the Tamil United Liberation Front, who are acknowledged as the moderate political group among the Tamils and who were also associated with the Sri Lankan Government in the formulation of its original draft. Mr. Amrithalingam, the TULF leader, has gone on record as saying that currency had been given to the wrong idea that what the Tamils had been given under the Indo-Sri Lankan Peace Accord was more than what they had demanded

and that such a claim was totally misleading of the whole history of the Tamil struggle. To quote his own words, 'the devolution of executive and legislative powers is not comparable to what is in the Indian Union. The powers over land are totally inadequate to meet Tamil aspirations; the emergency powers far exceed those enjoyed by the Government of India over its States. The Indian Government tells us that these defects will be remedied. Apart from our bitter experience of Mr. Jayawardene's firm assurances, not even the Government of India is in a position to say when these assurances will be given effect to and when the shortcomings will be remedied. If somebody says that it will be done after the elections, you may as well forget about it.' Mr. Amrithalingam's words of wisdom in relation to the devolution package, born of more than thirty years of personal experience in negotiating with Sinhalese political leaders, go to confirm the well-founded fears of the Tamils that Sinhalese politicians will never grant them any degree of genuine autonomy. In the circumstances, no liberation organisation worthy of its name could accept the terms of this Accord which denies to the Tamil people every one of their fundamental demands. Sinhalese chauvinism has become so strong and hardened during the last three decades, that the Sinhalese people would not even hear of any meaningful degree of autonomy, let alone a truly federal structure, being granted to the Tamils. Even the present Provincial Council scheme, which all right thinking Tamils have rejected as being totally inadequate to meet their minimum political aspirations, is opposed by a vast majority of the Sinhalese people and is certain to be thrown out if and when a change of Government takes place after the general elections. It is also a well-known fact that even in the ruling United National Party, the majority of the members are opposed to the scheme and would have voted against the legislation but for the fact that President Jayawardene holds their undated letters of resignation in his pocket.

The Tamils have had, during the last forty years, so many broken promises, deceit and duplicity at the hands of chauvinist Sinhalese political leaders of both the major parties, that it would be nothing less than a Himalayan blunder if we are to give them another chance to take us for a ride. It should be clearly understood that no durable political solution or constitutional device adequately guaranteeing the rights of the Tamil people, could ever be secured without the willing consent and acceptance by a substantial majority

of the Sinhalese people, expressed through a free democratic voting process. Any political analyst who is capable of comprehending the Sinhalese political psyche would readily bet his bottom dollar that such a solution is never achievable. In the circumstances, no useful purpose would be served by trying to cooperate in the implementation of the proposals envisaged under the Accord for the simple reason that these proposals do not have the democratically expressed sanction of the majority of the Sinhalese people, and are therefore not worth the paper on which they are written. It must also be remembered that the so-called devolution of power really flows from the Centre, which would always remain under the unalterable control of the ethnic majority and the Tamils have always to be dependent on the tender mercies of the Sinhalese to enjoy their legitimate political rights.

That the Tamil people were no longer prepared to submit themselves to Sinhalese domination was made clear to the world by the unmistakable mandate they gave in 1977 for the setting up of a separate State of Tamil Eelam in their historical homeland, where they could safeguard their interests of 'life, liberty and the pursuit of happiness'. It must not be forgotten that the very purpose of the liberation struggle which has entailed enormous suffering and sacrifice of our people during the last five years, is to free the Tamil nation from the indignity of a subject race, whose lot has been to suffer inequality, injustice, repression, violence, torture and genocide at the hands of its Sinhalese rulers. Since the Indo-Sri Lanka Peace Accord does not in any way help to achieve this avowed objective, the Tamil people should have no hesitation in rejecting it out of hand and rededicating themselves to continue the freedom struggle for the establishment of a sovereign independent Tamil Eelam—which is the one and only way to preserve the identity, dignity and self-respect of their nation.

PART V
DOCUMENTS

The Thimpu Negotiations: The Basic Documents

NADESAN SATYENDRA

TERMS OF CEASEFIRE
BETWEEN THE SRI LANKAN GOVERNMENT
AND THE TAMIL LIBERATION ORGANISATIONS
WHICH CAME INTO FORCE ON 18 JUNE 1985
AS A PRELUDE TO THE COMMENCEMENT OF
THE THIMPU TALKS

AT the instance of the Government of India, the following four phase plan for a ceasefire between the Sri Lankan government and the Tamil militants took effect on the 18th of June 1985. However, although the ceasefire agreement had envisaged that 'secret talks' between the parties would commence only in phase IV, in the event, again, at the instance of the Government of India, the talks commenced at Thimpu, Bhutan, on 8 July 1985. The text of the original agreement was as follows:

In order to create a congenial atmosphere for an acceptable political solution to the ethnic question in Sri Lanka, certain steps need to be taken by the Government of Sri Lanka on the one hand and the Tamil militants on the other.

The following series of steps should be implemented by the Government of Sri Lanka on the one hand and the Tamil militants on the other as indicated, over periods shown against each step. (viz):

PHASE I: START ON 18 JUNE FOR THREE WEEKS

Action to be taken by
Sri Lankan Government

1. Government will lift restrictive legislation on use

Reciprocal steps by the
Militants

Stop using the prohibited zone for carrying men and material.

of roads and vehicle and suspend enforcement of prohibited zone.

2. New settlements will be suspended.
3. Security forces will carry out cordon and searches and operations in the presence of local officials and magistrates.
4. Lift of surveillance zone stop infusion of further resources to armed services and police establishments.

Stop attacks on civilians—both Sinhalese and Tamils—in the North, East and elsewhere. Cease attacks in the North, East and elsewhere on government offices, economic targets and private property.

Stop induction of men and material to affected areas from outside Sri Lanka.

PHASE II: THREE WEEKS

1. Security forces will suspend raids and suspend curfew.

Cease attacks in the North directed against convoys of security forces including police establishments, mining, of roads, railtracks and bridges. Stop carrying of arms.

PHASE III: TWO WEEKS

1. Observe ceasefire.
2. Police stations which had been closed down will be reopened and the law and order function will be carried out by the police.
3. Amnesty will be declared and those in custody against whom charges have not been filed will be released. (Those who have been charged will be released after the conclusion of successful discussions)

Observe ceasefire.

PHASE IV

Secret talks on substantive issues for reaching a political settlement to take place between the emissaries of the Government and representatives of the Tamil political leadership and the Tamil militant groups. The venue of these talks could be a third country acceptable to both sides. Every effort should be made to maintain the secrecy of these talks and in any case, of the course of the discussions. The search for a solid foundation for a political solution must be completed within a period of three months from the date of declaration of ceasefire and amnesty. Depending on the result of these secret talks, open and direct dialogue between the Government and the representatives of the Tamils can commence as soon as the necessary groundwork is considered to have been laid.

JOINT REPORT DATED 18 JUNE 1985, SUBMITTED TO THE
AUTHORISED REPRESENTATIVE OF THE GOVERNMENT OF INDIA
BY THE UNITED FRONT OF TAMIL LIBERATION ORGANISATIONS
ON THE PROPOSALS FOR CEASEFIRE

We have carefully considered the set of proposals submitted to us by the Government of India to bring about a cessation of hostilities between Sri Lanka's armed forces and the Freedom Fighters of our Liberation Organisations. Appreciating the mediatory role and the good offices provided by the Government of India and accepting the assurances and guarantees offered to us, we, the undersigned Liberation Organisations have made a collective decision to observe ceasefire for a stipulated time to help to create a congenial atmosphere and conditions of normality and to facilitate the Government of Sri Lanka to put forward a package of concrete proposals on the acceptability of which negotiations for a permanent political solution to the Tamil national question can be commenced.

While we agree to suspend all hostilities to a limited span of time, we wish to state that certain terms and conditions outlined in the proposed framework for ceasefire, place us in a disadvantageous position. We wish to outline below some of our suggestions and counter proposals:

(1) We agree to observe Phase I of the proposed framework. Section 2 of Phase I demands from the 'Militants' as a reciprocal

step to the suspension of new settlements to 'cease attack on civilians—both Sinhalese and Tamils—in the North, East and elsewhere'. We regret to note that during this phase, no safeguards or guarantees are stipulated to protect the lives of innocent Tamil civilians from violence emanating from the armed forces and armed Sinhala settlers. Though not specified as a condition in the framework, we suggest that the Government of India advise Sri Lanka to take immediate steps to put an end to the continuous military and civilian armed violence against the people. In case state violence continues during the first phase involving the killing of innocent Tamil civilians, we shall consider such hostile acts as a serious breach of the truce agreement.

(2) We wish to register our serious objection to section 2 of Phase III which allows the 're-opening of the police stations which have been closed down' and institutes state power to the police to carry out law and order functions while the Prevention of Terrorism Act and the Emergency Law are in force. Such vital matters relating to the security and administration of law and order in our homeland should be elements of a broad framework of a political settlement rather than an aspect of a ceasefire agreement. Therefore, we are unable to accept such a proposal.

(3) We propose that the Sri Lankan Government should present a comprehensive programme for a political settlement following the declaration of ceasefire between the 10th and 12th week. We wish to state categorically that the commencement of negotiations is conditional upon our acceptance of this political programme. We have taken this position as a consequence of a long and bitter historical experience of deceptions and betrayals by successive Sri Lankan government who have consistently resisted a fair and honourable settlement to the Tamil problem. It is also well known that Sri Lanka had abrogated several pacts and proposals and failed to implement agreements. We should point out that Sri Lanka also adopts an invariable practise of prolonging and postponing dialogues to evade arriving at a practical solution. We do not wish to be victims of this futile exercise, but rather demand that a concrete set of proposals in a broad framework should be submitted to us for our consideration before deciding to participate in the process of negotiations as stipulated in Phase IV.

(4) We have resolved that under no circumstances will we extend the agreed time of ceasefire.

(5) We also wish to express our disapproval over the usage of the category 'militants' in the ceasefire document to describe an united front of major Liberation Organisations, while ascribing the notion 'Tamil political leadership' to the TULF. Such categorisations may create serious misconceptions and undermine our status as authentic political organisations representing the aspirations of our people.

(6) Finally, we request that the date of commencement of Phase I (June 18th) be postponed to a further date to facilitate us to make necessary ceasefire arrangements. We suggest the 1st of July 1985 as a suitable date.

We would very much appreciate if our suggestions and counter proposals are considered favourably and also communicated to the government.

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:

1. recognition of the Tamils of Ceylon as a nation.
2. recognition of the existence of an identified homeland for the Tamils in Ceylon.
3. recognition of the right of self-determination of the Tamil nation.
4. recognition of the right of 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 12 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.

TEXT OF STATEMENT MADE ON BEHALF OF THE TAMIL DELEGATION AT THE TALKS AT THIMPU, BHUTAN, ON 14 AUGUST 1985

Dr. H.W. Jayawardene, Member of the Sri Lankan Government Delegation:

At the outset, I would like to emphasise something which all of us amongst the Tamil delegation present here today, recognise and indeed, welcome and accept—and that is, that the circumstance that these discussions are taking place in the Himalayan kingdom of Bhutan is in itself, an open manifestation of the international dimension of the Tamil national question. The Tamil national struggle is not taking place in some Himalayan stratosphere—it is taking place on the ground and in the context of the power balances in the Indian region. We are mindful of this reality and we, for our part, welcome India's role in bringing about these discussions. We often say, amongst ourselves, that we are not only Tamils, but that we are also Indians. We are Tamils, we are also Indians and we seek to live in equality and in freedom with our brothers and sisters of India. And we would like to believe that our Sinhala brothers and sisters too, will in the years to come, begin to recognise the imperative need to learn to live with their brothers and sisters of India before seeking to live with their cousin brothers from somewhat more distant lands.

Not an exercise in skilful advocacy but a search for justice

We would also like to declare at the outset, that we do not regard these discussions at Bhutan as an exercise in skilful advocacy. If it were a matter of skilful advocacy, the Tamils of Sri Lanka would have won their legitimate rights many years ago when the late G.G. Ponnambalam made his eloquent speeches. Neither do we regard Bhutan as an exercise in political horsedealing. To the Tamil delegation present here, Bhutan is an exercise in search for that which is just and right. And in this, we find strength in the statement of Prime Minister Rajiv Gandhi that a fair and lasting solution must be found to the Tamil national question—a solution that can last for twenty years and more. It is in this frame, and with this approach, that the Tamil delegation will participate in the talks at Thimpu. We are not here to find an opportunistic and unprincipled settlement as a way of resolving some immediate problem for some person or another. And we would like to believe

that the Sri Lankan government has been moved to come to this table for the same reasons and will approach the discussions in the same way.

But what is justice?

Having said that, the question remains: what is justice? Justice is not a mere word. It is not an empty and convenient platitude to be uttered on political platforms and to be written with passion on thin paper. There is a need to give the thick edge of action to that which is written on thin paper. And when we ask, what is just in relation to the Tamil national question, perhaps, there is a need for us to look at the hard reality that has led to the present impasse. All of us here have some basic knowledge of the facts and therefore there is no need to look searchingly and long at the past.

We are not lovers of violence or victims of mental disorder

At the same time, we cannot sweep that past under the carpet, and here, I would like to begin by quoting something which was said by Nadarajah Thangavelu, the founder of the Tamil Eelam Liberation Organisation from the dock in a musty court house in Colombo, in February 1983, a few months before he was murdered in cold blood in a high security prison, whilst in the custody of the Sri Lankan government. He said:

We are not lovers of violence nor victims of mental disorders. We are honest fighters belonging to an organisation which is struggling to liberate a people. To those noble souls who keep on prating 'terrorism', 'terrorism', we have something to say. Did you not get frightened of terrorism when hundreds of Tamils were massacred in 1958 and thereafter, when racist hate spread like fire in this country of yours? Did 'terrorism' mean nothing to you when Tamil women were raped? When cultural treasures were set on fire? When hundreds and hundreds of Tamil homes were looted? Why in 1977 alone, 400 Tamils lost their lives reddening the sky above with their splattered blood—did you not see terrorism then? And what did you do about it for 40 long years? In this island, there are sanctuaries for even wild animals but upto now, there is no sanctuary in any part of the island where Tamils may live without fear...'

Oppressed and oppressor

And so today, we look upon these discussions at Thimpu as being concerned with the establishment of that sanctuary where the Tamils of Sri Lanka may live, not only without fear but also with dignity and self respect. The struggle of the Tamil people for this sanctuary has transformed itself into an armed struggle. We are not lovers of violence, but we wish to say openly that it is a sanctimonious morality which equates the violence of the oppressor with the violence of the oppressed who seek to escape that oppression. The words of Aurobindo, the sage of Pondicherry, uttered many years ago in 1907, are not without relevance today:

It is the common habit of established governments and especially those which are themselves oppressors, to brand all violent methods in subject peoples and communities as criminal and wicked.... But no nation yet has listened to the cant of the oppressor, when itself put to the test, and the general conscience of humanity approves the refusal... Liberty is the life breath of a nation; and when life is attacked, when it is sought to suppress all chance of breathing by violent pressure, then any and every means of self-preservation becomes right and justifiable. It is the nature of the pressure which determines the nature of the resistance.

Legitimation of the armed struggle

Our presence here today, on behalf of six Tamil organisations and our participation at these talks with a specially appointed Minister of the Sri Lankan government is a legitimation of the armed struggle of the Tamil people. We are concerned here to talk about the way in which this ethnic conflict can be resolved, in a lasting way, and clearly, that is on the basis that the Sri Lankan government accepts that the Tamil delegation present here, represents the Tamils of Sri Lanka. This is a question to which we may have to come back later, because it seems to us, that if the Sri Lankan government delegation seeks to have talks with all of us at Thimpu, and intends to implement, through the constitutional processes in Sri Lanka, that which is agreed here as the solution to the Tamil national question—then it must follow that the Sri Lankan government recognises the Tamil organisations present here as being the representatives of the Tamil people. Because, if

you do not, then we may need to reconsider the whole question whether we can participate at these discussions at all. That then is the very initial position—a position to which we may have to come back at a later stage.

Basic framework for the talks

It is on the basis of this approach, that we set out at the discussions that we had with you in early July 1985 at Thimpu, that which we regarded as the fundamental framework for our negotiations:

1. the recognition by you of the existence of the Tamil nation.
2. the acceptance by you of the existence of an identified homeland for the Tamils in Ceylon.
3. the recognition by you of the right of self-determination of the Tamil people, and
4. the recognition by you of the right to citizenship and fundamental rights of all Tamils in Ceylon.

Imperative need to look at the broad concerns of the Tamil people

It was a framework, which we regarded as a useful base for that 'fruitful exchange' of views to which Dr. Jayawardene made reference in his written statement of the 12th of August 1985. We do not seek to make this talking process one of making a series of lectures to one another. Whatever these discussions may lead to and whatever these discussions may end in, it is only through a fruitful exchange of views that any solid basis can be built for the resolution of a conflict which has claimed many lives and which has caused much suffering. And the importance that we attach to the framework which we have suggested is that we believe that by an exchange of views concerning the framework, we can clarify, refine and understand what it is that we are talking to each other about. If we do not share an understanding of what it is that we are talking about, then, we will not ever get to the next stage of examining detailed sections and clauses of enactments and constitutional provisions—because, to get to that stage, there must be, at least, a broad understanding of the essentials of the issues that confront us today. We do not say for a moment that we can get everything into black and white positions straightaway, but we do say that there is an imperative need to look at the broad concerns of the Tamil people and at that which has moved them to engage in the present struggle.

The existential reality is that the Tamils constitute a nation

Firstly, we say that today the existential reality is that the Tamils of Sri Lanka constitute a nation. And when we say, 'nation', we know that the word has often been used in two senses. The Tamil people are not unaware of that usage. In one sense, the word has been used to mean 'a state'. But there is another and more fundamental meaning—and that is the sense in which the word refers to the cohesive group identity of a people. A nation is not a mere intellectual concept. It is an idea which reaches out deep into the emotions of humans. And we cannot find understanding here at Thimpu, unless we try to understand these emotions and feelings—emotions and feelings which have led thousands of our most dedicated, brilliant and brave young men to walk out of their homes, to give their lives and even more than that, to give of their lives for that which they believe to be right—and let us remember that it is sometimes more courageous to live than to die. We cannot look at the whole process of the Tamil struggle from some rarefied Himalayan peak, whether in Bhutan or elsewhere. We must look at the hard reality as it exists today and that reality is that the Tamils of Sri Lanka, have been educated about their Tamil identity and that by any test, they constitute a nation.

What is a nation?

We can set out all the analytical definitions of a nation—we have one such definition in the joint written statement made by the Tamil delegation at these talks on 13 August 1985. A nation is a historically constituted stable community of people formed on the basis of a common language, territory, economic life and psychological make up manifested in a common culture. But, at the end of the day, it may well be that the words of Rupert Emerson will carry conviction, through their very simplicity: 'The simplest statement that can be made about a nation is that it is a body of people who feel that they are a nation; and it may be that when all the fine spun analysis is concluded, this will be the ultimate statement as well'. And many years ago, Achmed Sukarno remarked: "But what is a nation? Many great thinkers have applied their minds to this... One of the truest and most moving descriptions I know was given by a little known professor of Ohio University. About forty years ago Profesor Taylor wrote: 'Where and what is a nation? Is there such a thing? You would answer that the nation exists only in the

minds and hearts of men. It is an idea. It is therefore more real than its courts and armies; more real than you and I are, for it existed in our fathers and will exist in our children. It is an idea, it is an imagination..’.” [Achmed Sukarno: Address to the National Press Club, 1956]. And today, the Tamil nation is more real than the courts and armies ranged against it, because it exists in the hearts and minds of hundreds of thousands of Tamils, young and old, living in many lands and across distant seas.

The togetherness of the Tamils of Sri Lanka

The togetherness of the Tamils of Sri Lanka springs from a common culture, a common language and a common heritage. But it is not a function of the past alone. It is a togetherness which has been pressed into shape by the shared discrimination of the present. Because that which is separately treated becomes separate. It is also a togetherness which has been given strength and direction by a growing resolve and a growing determination that we as a people will mould a future where our children and our children’s children may grow to the fullness of their potential and where they may live in equality and in freedom.

We are not chauvinists

But we are not chauvinists. We do not take an exaggerated view of nationalism. We know that the growth of nationalism in the Indian region is a natural and inevitable one. We have seen the growth of Sinhala nationalism and we do not decry it. It is only when it takes exaggerated forms and becomes chauvinistic that problems are created. We know that in the end, national freedom can only be secured by a voluntary pooling of sovereignties, in a regional, and ultimately in a world context. And we recognise that our future lies with the peoples of the Indian region and the path of a greater and a larger Indian union is the direction of that future. It is a union that will reflect the compelling and inevitable need for a common market and a common defence and foreign policy and which will be rooted in the common heritage that we share with our brothers and sisters of not only of Tamil Nadu but also of India as a whole. It is a shared heritage that we freely acknowledge and it is a shared heritage from which we derive strength—and we know that we too, as a people, can at the time contribute to that strength.

We speak at Thimpu, for the Tamil nation or not at all

And, so we say here at Thimpu, that there is no way in which any step forward can be taken today, except on the basis that the Tamils of Sri Lanka constitute a nation. We would, very humbly, say this to the Sri Lankan government delegation. If they take the view that a sufficient number of Tamils have not yet died, if they take the view that a sufficient number of Tamils have not yet suffered, to establish that the Tamils of Sri Lanka constitute a people, that they constitute a nation, then, so be it. It will not be because the Sri Lankan government had not been told that that was the reality. We have said this before to the international community and we say it again, here at Thimpu. We do not plead for justice. We do not beg for fairness. We know that justice will prevail in the end—and we have confidence and faith in that process. But we do seek to engage you, in that fruitful exchange of views, so that you may come to understand the reality that confronts both you and us—that we, too, are a people. Please understand that this is no abstract theory. This is no abstract principle. It is the existential reality of a certain consciousness of the Tamils of Sri Lanka—a consciousness that has been shaped in the crucible of a continuing struggle.

And, so we say, very respectfully, and without rancour, please understand that we too are a people and please deal with us on that basis, or not at all. We, for our part, wish to make it clear to you, that we speak at Thimpu on behalf of the Tamil people or not at all. We do not speak for ourselves. And please do not give us the niceties of legal interpretations. Please tell us straight: do you regard us as a people or not? If not, say so and we will go away because we regard that as being fundamental to the whole process of talking with you. We must know who it is that you say that you are talking with—do you say as you have said in your written statement of 12 August 1985, that you are talking with some 'six groups' who represent some other 'Tamil groups' in Sri Lanka? If that be the case, then we do not believe that we have any place here. But if you say that we represent the Tamil people, then that is something else again. We are here, because we seek to engage you in the serious business of talking about the problems that have arisen between the Sinhala people and the Tamil people. We are a reasonable people. And that is why, as a reasonable people, we say at the beginning, please tell us, with whom do you

say you are talking. And that is why, as a reasonable people, we have sought to explain to you, why it is that we say that we are a people—why it is that we say that the Tamils of Sri Lanka constitute a nation.

Identified Homeland

And, so we go on to the second matter that we have set out as a part of the basic framework for our discussions at Thimpu—and that is the question of an identified homeland. We say that we have an identifiable homeland in the North and East of Sri Lanka. We do not seek to enter into some sort of historical debate about whether the Tamils of Sri Lanka have lived in the North and East from the dawn of history—although many of us believe that the historical records support this conclusion. But let us not get involved in a secondary school debate. Neither you nor we are in a position to do that today. A point was made by a member of the Tamil delegation yesterday and it was a point that was movingly made. He asked: 'where do we go for safety, when we are assaulted in the South of Sri Lanka? Where does the government of Sri Lanka send us when there are riots in Colombo? We seek sanctuary in our homelands in the North and East of Sri Lanka.' And that surely must be the best test of all, because we all know where we go—and so we say, once again, very respectfully, please do not seek to hide that which is a self evident truth, please do not deny the existence of our homelands.

Recognised by Sri Lanka in pacts, agreement and constitutions

After all the fact is that the Bandaranaike-Chelvanayagam Pact of 1956 recognised that the North and East of Sri Lanka should be treated differently in relation to language, land settlement and so on, because the Tamil people lived there. The fact is that the Dudley Senanayake-Chelvanayagam agreement of 1965 made special provisions concerning the North and East because the Tamil people lived there. The fact is that the 1972 Sri Lankan Constitution made special provisions concerning the use of the Tamil language in the North and East, because the Tamil people lived there—permanently—permanent Constitutional provisions were not made in respect of a transient population. And the fact is that the 1978 Sri Lankan Constitution not only declared Tamil as a national language, but also made special provisions for the use of this 'national'

language in the North and East, clearly because the Tamil people lived in the North and East, not as wandering nomads, but permanently in an area which they regarded and the Sri Lankan government accepted as their homeland.

Without a homeland we could not have become a people and without a homeland we shall cease to be a people

And, so we ask the Sri Lankan government delegation, here at Thimpu, do you accept that which we are saying as being right? Do you see the justice of our claim to an identified homeland? Do you not see that without an identified homeland, we could not have become a people with a separate language and a separate culture, and that without an identified homeland we shall cease to be a people? Or is it the position that the Sri Lankan government does in fact see this reality and for that reason, refuses to recognise here at Thimpu, the existence of a homeland for the Tamil people, so that it may absorb the Tamil people into a single homogenous 'Sinhala' nation? Please tell us, if that which we say does not seem reasonable to you. We are a reasonable people and we will listen to you, if you show us where we are wrong. But, if you cannot tell us where we are wrong, and if you seek to assert that you are not persuaded, then, surely, the struggle must go on. We do not have any other option. If we were to say, that even though something was not right, even though something was not just, we shall enter into a political horsedeal—that would be unreasonable—and we are a reasonable people.

We do not seek political horsedeals

And over the years, we as a people, have had a rich experience of political horsedeals that have not worked. We have found that every such agreement or pact has not been honoured. We do not say that they were not honoured because the men who were concerned were evil men. We do not say that. They were subject, they said, to pressures from their Sinhala electorate. It is an old story which the Tamil people have learnt well. After all we are a people, not without wisdom. It is a story where competing Sinhala political parties in Sri Lanka, have had recourse to an exaggerated Sinhala nationalism either as a way of achieving power or as a way of perpetuating their hold on power.

The real question is: what is it that the Sinhala people want?

And the real question is: what is it that the Sinhala people want? Are the Sinhala people willing and ready to recognise the Tamils as a people and sit with them as equals, I repeat as equals, and structure a polity for a multinational state? That is the straight-forward question which the Sri Lankan government delegation must answer. If you cannot do that, then all these talks will amount to nothing but an empty charade devoid of meaning or content.

We have had serious reservations about these talks

May we say, with frankness, that we have had serious reservations at every stage of these talks. We have had serious reservations about the strength of the Sri Lankan government to agree to that which is just. We have had serious reservations about the implementation of that which may eventually be agreed upon. We have had serious reservations about the way in which anything can be secured. We are gravely concerned with the basic principles that the Sri Lankan government has put forward at this table—for just as much as we have placed four basic principles—it would seem that principles are not the special preserve of the Tamil delegation—they seem to attract the Sri Lankan government delegation as well.

Without a referendum, can power be shared between the centre and the provinces

The Sri Lankan government has stated here that whatever is decided upon here must be on the basis that the decisions will not involve the holding of a referendum to amend the Sri Lankan constitution. As a reasonable people, this basic 'principle' of the Sri Lankan government causes some grave concern. For, one thing, Prime Minister Rajiv Gandhi has publicly stated that a settlement on the lines of the powers given to states like Tamil Nadu in the Indian Constitution may have to be considered. But the Sri Lankan constitution expressly provides that Sri Lanka shall be an unitary state and this provision cannot be amended except through a referendum. In the result, a settlement on the lines indicated by Prime Minister Rajiv Gandhi, where power is shared between the centre and the provinces, may not be achieved, given the basic 'principle' enunciated by the Sri Lankan government delegation at Thimpu.

Are you afraid to face the Sinhala people with that which is agreed at Thimpu?

Again, when it is said that there shall be no referendum, what does it really mean? Does it mean that you are afraid to put that which is agreed at Thimpu, to the Sinhala people? And if it means that you are afraid to put the agreed solution to the Sinhala people now, then please tell us: how long do you expect such a solution to last? We are not here to strike an opportunistic 'deal' at Thimpu, behind the backs of the Sinhala people—to reiterate the words of Prime Minister Rajiv Gandhi, we are here to find a just and lasting solution—a solution that can last for twenty years and more. And we believe that that type of solution must secure, today, the open and whole-hearted acceptance of the broad spectrum of Sinhala opinion—otherwise, the settlement will suffer the same fate as the agreements of 1957 and 1965. Too many Tamils have died for us to be engaged in that sort of process. And so we say that we have some very grave concerns about the approach of the Sri Lankan government delegation to these talks.

Please tell us if that which we say is not reasonable

If you say that something that we say does not appear to be just, please tell us. We are a reasonable people—and we will listen. But we are not willing to be told: 'You say all this—but let us get on with an examination of detailed sections and so on without examining the basic framework'. There is no way in which you can persuade us to adopt that course of action. Because, it is the path of reason alone that allows a fruitful exchange of views and we have come to Thimpu for that fruitful exchange of views.

The right of self-determination and the way that we may choose to exercise that right

And, so let us turn to the third basic feature of the framework suggested by us—and that is the right of self-determination. We say that we are a people and we say that we have earned the right of self-determination. And please permit us to clarify our position. One is the right of self determination. The other is the way in which we may choose to exercise that right. The two are different and the importance of the difference arises in this way. If you agree that we have the right of self-determination, if you agree that we, as a people, have the right to choose our political status,

then since both you and we have the right to choose, we can sit together as equals and talk about the way we propose to exercise our right. But we are not prepared to exercise our right. But we are not prepared to sit and talk to each other on the basis that one is the master and the other is the servant, that one is the ruler and the other is the ruled. That is not the basis on which we can participate at discussions, whether at Thimpu or elsewhere. We say: 'yes, we are a reasonable people and as a people, we will sit and talk with you. You have the right to choose, just as much as we have the right to choose—no less and no more'. And out of that dialogue, amongst equals, we know that the rationalities will prevail. But if you say: 'no, we are the rulers and you are the ruled', then we have not even got to first base in the process of dialogue.

The inherent right of a subjugated people to free themselves from an alien subjugation

We say that the Tamil people have earned the right to self-determination—and why do we say that? As a reasonable people we want to explain to you why we say that. We do not say that every people have the right to self-determination. We do not say that. We know that although Article 1 of the International Covenant of Civil and Political Rights, to which Sri Lanka is a signatory, proclaims that every people have the right to self-determination, the United Nations Charter and all International instruments recognise the territorial integrity of existing states. The Tamil people know all that—they have looked into all that. We are a people, not without some wisdom. And, so we also know that as in the case of the colonies that Dr. Jayawardene referred to in the course of these proceedings, the territorial integrity of existing states has in certain circumstances been overridden. In what circumstances was the concept of territorial sovereignty overridden in the law of nations? And, the Tamil delegation here at Thimpu asserts a proposition founded on common sense and justice—and in the ultimate analysis all sound law is common sense and justice. It is a very uncomplicated business, this question of international law. It is simple. And the simple proposition is this: 'A people who are subjugated by an alien people have the inherent right to free themselves from such alien subjugation'. And it is this right which is the right of self-determination—a right which has today, become

a peremptory norm of general international law.

We will tell you why we say that we are a subjugated people

And the Tamils of Sri Lanka are not only a people, but by an act, we are today, a subjugated people. And why do we say that we are a subjugated people? Again, as a reasonable people, we wish to tell you why we say that we are a subjugated people—we feel that it is our duty to explain to you our position so that you may understand and so that we may engage you in that 'fruitful exchange' of views that Dr. Jayawardene spoke about.

Disenfranchisement was an act of subjugation

In 1948, soon after independence from British rule, one of the first steps of the Sinhala government, was to utilise the frame afforded by an unitary constitution to introduce legislation which deprived almost one half of the Tamils of Sri Lanka, who worked on plantations, of their citizenship and their right to vote. These laws were enacted despite the fact that a pan-Sinhala Board of Ministers had, in 1943, prior to independence, proposed to the British government, a parliament for independent Sri Lanka, of 101 seats of which 14 seats were allocated for plantation Tamils. Further, although the plantation Tamils were disenfranchised, their numbers were nevertheless taken into account for the purposes of delimitation. The Sinhala majority was, in effect, given weightage in representation in the legislature, at the expense of the Tamil minority. And so, we say, here at Thimpu, that the deprivation of a then existing right to citizenship of one's country for a people, all of whom were born there and who had lived there all their lives was an act intended to subjugate the Tamils of Sri Lanka and bend them to the will of a permanent Sinhala majority, within the confines of an unitary constitution.

State colonisation of Tamil homelands was an act of subjugation

Again, during the period from 1936 onwards, when land alienation and settlement was in the hands of Sinhala Ministers, systematic state aided colonisation deprived the Tamils of their traditional homelands in the eastern parts of the island. In the Trincomalee district, in 1921, a mere 3 per cent of population were Sinhalese: by 1946 their numbers had increased to 20 per cent and in 1971 to almost 29 per cent. Again in Batticaloa and Amparai, in 1921,

4.5 per cent of the population were Sinhalese: by 1971 their numbers had increased to almost 18 per cent. And an independent observer such as Virginia Leary has commented:

...Tamils have objected to State colonisation schemes which import large numbers of Sinhalese into traditional Tamil areas. The Tamil concern about colonisation is related to insecurity about their physical safety and to fears that Tamils will become a minority in their traditional homelands. The government maintains, that since Sri Lanka is a single country citizens may freely move into any part of the country and that it is necessary to transplant some populations to more productive areas. The Tamils answer that they are not opposed to individual migration but only to large scale government colonisation schemes which change the ethnic composition of an area...

And we say that large scale colonisation schemes of successive Sinhala governments were intended to change the ethnic composition of the traditional homelands of the Tamil people and to further the process of subjugating of the Tamil people by making them a minority in their own homelands.

The enactment of the Sinhala only law was an act of subjugation

Again in 1956, a Sinhala government enacted that Sinhalese shall be the sole official language. And this was done although, in 1944, before independence, the legislature had enacted that both Sinhala and Tamil should be official languages. The deliberate 'downgrading' of the Tamil language was more than a symbolic insult—it was intended to eventually erase the separate cultural identity of the Tamil nation in Sri Lanka. It also served to deprive thousands of Tamils of employment in the public sector. It was yet another step in the subjugation of the Tamils of Sri Lanka to the will of the Sinhala majority.

Standardisation of admissions to universities was an act of subjugation

And in 1971, the Sinhala government standardised admissions to the University and effectively reduced the number of Tamil students entering Universities in Sri Lanka. The percentage of Tamil students entering engineering courses fell from 40 per cent

in 1970 to 13 per cent in 1976; in science faculties the percentage fell from 35 per cent in 1970 to 15 per cent in 1978; and in the medical faculty from 50 per cent in 1970 to 20 per cent in 1975. And nothing aroused deeper despair among Tamils than the feeling that they were being systematically squeezed out of higher education.

We have asked: what wrong have we done?

And so today, Tamils all over the world, have asked themselves, what wrong they have done. Was it wrong for us to protest against the disenfranchisement of the plantation Tamils? Was it wrong for us to protest against the Sinhala only Act and say that this was a breach of the promise made by the pan-Sinhala cabinet in 1944 that both Sinhala and Tamil would be the official languages of Sri Lanka? Was it wrong for us to protest against the standardisation of admissions to Universities? Was it wrong for us to say that the lands in which we live are not as fertile as the lands in which you live in the South and in the West, and that it was unjust to 'standardise' University admissions when there was no standardisation insofar as economic resources was concerned? Was it the position that what the Sinhala people have, they continue to have—and, what we have, they 'standardise'? Was that right or wrong? We say all this, please, not in a spirit of debate. Please, the stage is far too important and critical for that—we are today at a watershed and we all recognise that—and post mortems are useful only to the extent that they are needed to understand that which is an existential reality today.

Refusal to share power within a federal constitution was itself an act of subjugation

Again, the polls victory of the Federal Party in 1956, a party which was committed to securing a federal constitution for Sri Lanka and 'the establishment of one or more linguistic states incorporating all geographically contiguous areas in which the Tamil speaking people are numerically in a majority, as federating units enjoying the widest autonomous and residuary powers, consistent with the unity and external security of Ceylon', marked the coming into being of the Tamil nation in Sri Lanka—a nation constituted of the Tamils living in their traditional homelands in the North and East of Sri Lanka. And the demand for a federal constitution

was the legitimate expression of the right of self-determination of the Tamil people at that stage. But it was a demand that was refused. And why was it refused? And was that refusal right or wrong? These are questions which we must ask if we are to face up to the reality as it exists today. Because, we say that the refusal of successive Sinhala governments to share power within the frame of a federal constitutional structure, was itself an act intended to subjugate the Tamils of Sri Lanka.

The continued failure of the Sri Lankan government to offer a political solution which recognises the existence of the Tamil nation and which allows for the sharing of power with that Tamil nation, suggests that it seeks to annihilate and absorb the Tamils of Sri Lanka into a single homogeneous Sinhala nation, albeit under the cloak of a so called 'Sri Lankan' nationality. And may we say, that we would like to be persuaded otherwise—but as always, it would seem that deeds are usually more persuasive than words. And, so, we say that as a subjugated people, we have earned the right to choose, we have earned the right of self-determination.

Fundamental human rights

And, on the fourth matter of the right to citizenship and the exercise of fundamental rights, permit us to say that which the independent Minority Rights Group whose sponsors include Lady Butler, Robert Gardiner, Jo Grimond and Gunnar Myrdal, stated in September 1983:

...the present conflict had transcended the issue of special consideration of minority rights and has reached the point where the basic human rights of the Tamil community—the rights to life and property, freedom of speech and self expression and freedom from arbitrary arrest have in fact and in law been subject to gross and continued violations...

It is said that fundamental human rights are those rights which spring from the dignity of man and the Tamils of Sri Lanka seek to live with dignity with their fellow men.

Spoken with a certain sadness and a sorrow

I have spoken today, sometimes, with a certain sadness and a sorrow. Because if only the rationalities had been looked at—we

are all reasonable men—reasonable answers could have and would have been found, without the suffering that the people of Sri Lanka have undergone during the past several years. But unfortunately, that was not done. The Sinhala people are not an evil people. They are as good or as evil as we are. But over the years, they have shown that they do not have the strength to be just. And competing ruling Sinhala groups have created a mythology around the latent fear of the Sinhala people for the Tamils—a latent fear which may have had its origins in history and which may today be compounded by geography and the proximity of Tamil Nadu. But, it is a racist mythology which in the end, has benefited neither the Sinhala people nor the Tamils of Sri Lanka. And, so today, we have reached the stage where the demand for the right of self-determination has ended in its final logical expression—the demand for a separate state.

Please recognise the significance and the importance of the framework suggested by us

Please do not believe that you can get any lasting solution to the problems that we face, by sweeping all this under the carpet. And that is why, it is necessary for us to talk with you about the basic framework that we have suggested for these discussions at Thimpu. And so, I would say this to the Sri Lankan government delegation: Please recognise the significance and the importance of the matters that we have raised today. Please tell us with whom you wish to talk—please tell us with whom you say you are talking with. Because this is a matter of immediate concern to every member of the Tamil delegation here—specially because of your reference to us as some ‘groups’ in your written statement of 12th August 1985. A statement, which we find has been released to the press in Sri Lanka.

We cannot talk under threats: we cannot be pressured into ‘justice’

The Thimpu talks were originally intended as secret talks, but today, these talks must be one of the most publicised secrets in the world. The purpose of the secrecy was clearly to prevent posturing at this table. We did not want this forum to be used, by all sides, as a way of creating additional confusion. It was the intention

to examine the problems that had arisen in a calm and collected manner. But recent statements on behalf of the Sri Lankan government in Colombo have not helped the talking process. Because we cannot talk under threats—from either side. We cannot have threats about 10,000 persons being armed by the Sri Lankan government. We cannot have threats in the international press that if the talks fail then the Sri Lankan government would ask Prime Minister Rajiv Gandhi to take action against militant Tamil organisations in Tamil Nadu. If you want to move your international forces, please go ahead—because we, too, believe that we have some understanding of those forces, perhaps a better understanding than you. We are here to find a just answer—and it is about justice that we seek to talk to you about. But we cannot be pressured into justice.

We, too, are a people—and we are a reasonable people

We are a reasonable people. And we say this bluntly. What will reason show? Let reason show that here were a Tamil people who were ready to talk as a people, but that they were met by a Sri Lankan government which refused to talk to them as a people. Please do not equivocate on this matter. Please do not believe that the Tamils of Sri Lanka can be annihilated. Please do not believe that. Please do not believe that you can manage and subjugate the Tamils of Sri Lanka through stooges who depend for their power on the patronage of the ruler. And please understand why we say this—we are not here to win a debating point. We know that sort of debate is sterile, it does not get us anywhere. But if you are willing to engage in a 'fruitful exchange' of views, then certainly, let us talk about the basic framework that we have suggested for our discussions. And that fruitful exchange of views is the path of understanding and we repeat, it is only on the basis of understanding that something can be built—otherwise we will be dealing with pieces of paper and that will not take us anywhere. Thousands of Tamils, young and old, men and women, and children as well, have died and suffered so that we may stand up at Thimpu and declare, 'yes, we, too, are a people and we will sit and talk with you, on behalf of the Tamil nation, or not at all'. Dr. Jayawardene, and members of the Sri Lankan government delegation, I have ended—and I thank you.

JOINT RESPONSE OF THE TAMIL DELEGATION ON THE
CONCLUDING DAY OF PHASE II OF THE THIMPU
TALKS ON 17 AUGUST 1985

We, the Tamil delegation, comprising the Liberation Tigers of Tamil Eelam, Eelam Revolutionary Organisation, Eelam Peoples Revolutionary Front, Peoples Liberation Organisation of Tamil Eelam, Tamil Eelam Liberation Organisation and the Tamil United Liberation Front, and being solely representative of the Tamil people at the Thimpu talks, have given careful consideration to the proposals made, on 16 August 1985, by the Sri Lankan Government delegation. We state that we are constrained to reject the proposals as they fail to satisfy the legitimate political aspirations of the Tamil people.

The Thimpu talks were convened at the initiative of the Government of India. It was an initiative which we welcomed particularly in the context of Prime Minister Shri Rajiv Gandhi's statement concerning the need to find a just and lasting solution to the Tamil national question.

At the commencement of these talks in early July 1985, the Sri Lankan Government presented certain proposals, which were in substance, a repetition of the proposals by the Government to the aborted All Party Conference in Colombo in December 1984. These proposals had been rejected by the TULF and the action of the Sri Lankan government in placing similar proposals once again at the Thimpu talks called in question the good faith of the Government and its commitment to seek a just solution at these talks.

The intent of the proposals that were presented was clear. Although it was stated that power would devolve on District Councils, in fact, the District Councils were without executive power. Again, even their limited legislative power to enact subsidiary legislation was made subject to the control and approval of the President. Finally the funds to be placed at the disposal of a District Council were to be determined at the discretion of a commission appointed by the President. The proposals submitted by the Sri Lanka Government did not devolve power from the centre: they reinforced the power of the centre to manage the districts. The proposals constituted evidence of the intention of Sri Lankan government to manage and control the Tamil people even in the

relatively insignificant functional areas where the District Councils were given some jurisdiction.

We, the Tamil delegation, consisting of six organisations, unanimously rejected these proposals because it was our considered view that any meaningful solution to the Tamil national question must be based on the four cardinal principles enunciated by us.

The talks were thereafter adjourned to 12 August 1985, on which date the Sri Lankan Government made a statement setting out its understanding of the four basic principles enunciated by us and the Sri Lankan government denied that the Tamils constituted a nation, that the Tamils have an identifiable homeland, and further that the Tamil people have the right of self-determination. The Sri Lankan government further questioned our right to represent or negotiate on behalf of the plantation Tamils in the Island.

We responded by our statement of the 13th August 1985, and pointed out that our demand for self-determination had evolved and taken shape historically through the determined political struggles of our people. We stated that the Tamils of Eelam or Tamil Eelam, constituted a nation with a common heritage, a common culture, a common language and an identified homeland, and further that they were a subjugated people and as such they had the inherent right to free themselves from an alien subjugation. It is the right of self-determination that has come to be recognised as one of the peremptory norms of general international law. We stated that in upholding the right of self-determination, we as a people have the liberty to determine our political status, to freely associate or integrate with an independent state or secede and establish a sovereign independent state. We mentioned, however that the enumeration of the principles enunciated by us did not entail that we were opposed to any rational dialogue with the Government of Sri Lanka on the basis of such principles.

At the subsequent talks on the 13th and 14th of August 1985, the Sri Lankan Government delegation failed to engage in any discussion concerning the basic framework that we had enunciated. This was despite the circumstance that the members of the Tamil delegation specifically requested the Sri Lankan Government delegation to honour that which it had stated in its own statement of 12 August i.e. to engage in a 'fruitful exchange' of views.

The Sri Lankan government delegation presented instead its so called 'new proposals' on 16 August 1985. These 'new proposals'

are a rehash of the earlier proposals with the right to certain District Councils to function as Provincial Councils.

The 'new proposals' do not recognise that the Tamils of Sri Lanka constitute a nation. The 'new proposals' do not recognise that the Tamil speaking people have the right to an identified homeland. The 'new proposals' do not recognise the inalienable right of self-determination of the Tamil people. And finally the 'new proposals' do not secure the fundamental rights of the Tamil people and any solution to the Tamil national question is inseparable from the resolution of the problems of the plantation Tamils in the Island. And accordingly the 'new proposals' fail to satisfy the legitimate political aspirations of the Tamil people.

We may add that the so called 'new proposals' are in fact nothing new. As early as 1928, the Donoughmore Commission recommended the establishment of Provincial Councils on the ground that it was desirable that a large part of the administrative work of the centre should come into the hands of persons resident in the districts and thus more directly in contact with the needs of the area. Twelve years later the Executive Committee of Local Administration chaired by the late S.W.R.D. Bandaranaike, considered the proposal of the Donoughmore Commission and in 1940, the State Council (the legislature) approved the establishment of Provincial Councils. But nothing was in fact done, though in 1947, on the floor of the House of Representatives, the late S.W.R.D. Bandaranaike again declared his support for the establishment of Provincial Councils.

In 1955, the Choksy Commission recommended the establishment of Regional Councils to take over the functions that were exercised by the Kacheries and in May 1957, the government of the late S.W.R.D. Bandaranaike presented a draft of the proposed Bill for the establishment of Regional Councils. Subsequently, in July 1957, the Bandaranaike-Chelvanayagam Pact made provision for direct election to Regional Councils and also provided that the subjects covered by Regional Councils shall include agriculture, co-operatives, lands and land development, colonisation and education. The Pact however did not survive the opposition of sections of the Sinhala community which included the United National Party.

In July 1963, the government of Mrs. Bandaranaike declared that 'early consideration' would be given to the question of the

establishment of District Councils to replace the Kacheries and the government appointed a Committee on District Councils and the report of this Committee contained a draft of the proposed Bill to establish District Councils, but again nothing was in fact done.

In 1965, the government of the late Dudley Senanayake declared that it would give 'earnest consideration' to the establishment of District Councils and in 1968 a draft Bill approved by the Dudley Senanayake Cabinet was presented as a White Paper and this Bill provided for the establishment of District Councils. This time round, the opposition to the Bill was spearheaded by the Sri Lanka Freedom Party which professed to follow the policies of the late S.W.R.D. Bandaranaike who himself had in 1940, 1947 and again in 1957, supported the establishment of Provincial/Regional Councils. In view of the opposition the Dudley Senanayake government withdrew the Bill that it had presented.

More than 50 years have passed since 1928 and we have moved from Provincial Councils to Regional Councils and from Regional Councils to District Councils and now from District Councils back to District/Provincial Councils. We have had the 'early consideration' of Mrs. Srimavo Bandaranaike and the 'earnest consideration' of the late Dudley Senanayake. There has been no shortage of Committees and Commissions, of reports and recommendations but that which was lacking was the political will to recognise the existence of the Tamil nation. And simultaneous with this process of broken pacts and dishonoured agreements, the Tamil people were subjected to an ever widening and deepening national oppression aimed at undermining the integrity of the Tamil nation.

The four basic principles that we have set out at the Thimpu talks as the necessary framework for any rational dialogue with the Sri Lankan Government are not some mere theoretical constructs. They represent the hard existential reality of the struggle of the Tamil people for their fundamental and basic rights. It is a struggle which initially manifested itself in the demand for a federal constitution in the 1950s and later in the face of continuing and increasing oppression and discrimination, found logical expression in the demand for the independent Tamil state of Eelam or Tamil Eelam. It is a struggle in which thousands of Tamils have died and many thousands more have lost their properties and their means of livelihood—they have died and they have suffered so that their

brothers and sisters may live in equality and in freedom.

And so, we declare here at Thimpu, without rancour, and with patience, that we shall speak at Thimpu, or for that matter anywhere else, on behalf of the Tamil nation or not at all. And we call upon the Sri Lankan Government to state unequivocally, whether it is prepared to enter into a rational dialogue on the basis of the framework set out by the cardinal principles enunciated by us at these talks.

There is one further matter of some considerable importance to which we wish to refer and we propose to do that in a separate statement.

**JOINT STATEMENT OF THE 17TH OF AUGUST 1985,
MADE BY THE TAMIL DELEGATION IMMEDIATELY
PRIOR TO WALKING OUT OF THE THIMPU TALKS**

We have stated in our response to the proposals made by the Sri Lankan Government delegation on the 16th of August 1985, that there was one matter of some considerable importance to which we proposed to refer in a separate statement and we do so herein.

As we have talked here in Thimpu, the genocidal intent of the Sri Lankan State has manifested itself in the continued killings of Tamils in their homelands. In the most recent incidents which have occurred during the past few days more than two hundred innocent Tamil civilians including young children, innocent of any crime other than that of being Tamils, have been killed by the Sri Lankan armed forces running amok in Vavuniya and elsewhere. It is farcical to continue peace talks at Thimpu when there is no peace and no security for the Tamil people in their homelands. We do not seek to terminate the talks at Thimpu but our participation at these peace talks has now been rendered impossible by the conduct of the Sri Lankan State which has acted in violation of the ceasefire agreements which constituted the fundamental basis for the Thimpu talks.

WE, TOO, ARE A PEOPLE

Extracts from the Statement made by Nadesan Satyendra on behalf on the Tamil delegation at the Thimpu Talks, on 14 August 1985.

TAMIL NATIONAL STRUGGLE: ITS CONTEXT

The Tamil national struggle is not taking place in some Himalayan

stratosphere—it is taking place on the ground and in the context of the power balances in the Indian region. We are mindful of this reality and we, for our part, welcome India's role in bringing about these discussions. We are Tamils, we are also Indians and we seek to live in equality and in freedom with our brothers and sisters of India.

WE DO NOT SEEK AN OPPORTUNISTIC SETTLEMENT

We do not regard these discussions at Bhutan as an exercise in skilful advocacy. Neither do we regard Bhutan as an exercise in political horsedealing. We are not here to find an opportunistic and unprincipled settlement as a way of resolving some immediate problem for some person or another. To the Tamil delegation present here; Bhutan is an exercise in search for that which is just and right. And in this, we find strength in the statement of Prime Minister Rajiv Gandhi that a fair and lasting solution must be found to the Tamil national question.

OUR PRESENCE HERE IS A LEGITIMATION OF THE · ARMED STRUGGLE

Our presence here today, on behalf of six Tamil organisations and our participation at these talks with a specially appointed Minister of the Sri Lankan government is a legitimation of the armed struggle of the Tamil people.

THAT WHICH WE REGARD AS THE FUNDAMENTAL FRAMEWORK FOR TALKS

We are concerned here to talk about the way in which the Tamil national question can be resolved, in a lasting way and it was for that reason that we set out at the discussions that we had with you in early July 1985 at Thimpu, that which we regarded as the fundamental framework for our negotiations:

1. The recognition by you of the existence of the Tamil nation in Sri Lanka.
2. The acceptance by you of the existence of an identified homeland for the Tamils in Sri Lanka.
3. The recognition by you of the right of self-determination of the Tamil nation.

4. The recognition by you of the right to citizenship and fundamental rights of all Tamils who have made the Island their home. And the importance that we attach to the framework which we have suggested is that we believe that by an exchange of views concerning the framework, we can clarify, refine and understand what it is that we are talking to each other about. If we do not share an understanding of what it is that we are talking about, then, we will not ever get to the next stage of examining detailed sections and clauses of enactments and constitutional provisions—because, to get to that stage, there must be, at least, a broad understanding of the essentials of the issues that concern the Tamil people today.

EXISTENTIAL REALITY OF THE TAMIL NATION

And we say that the existential reality is that the Tamils of Sri Lanka constitute a nation. A nation is not a mere intellectual concept. It is an idea which reaches out deep into the emotions of humans. And we cannot find understanding here at Thimpu, unless we try to understand these emotions and feelings—emotions and feelings which have led thousands of our most dedicated, brilliant and brave young men to walk out of their homes, to give their lives and even more than that, to give of their lives for that which they believe to be right—and let us remember that it is sometimes more courageous to live than to die. We cannot look at the Tamil struggle from some rarefied Himalayan peak, whether in Bhutan or elsewhere. We must look at the hard reality as it exists today and that reality is that the Tamils of Sri Lanka have been educated about their Tamil identity and by any test, they constitute a nation. And today, the Tamil nation is more real than the armies ranged against it, because it exists in the hearts and minds of hundreds of thousands of Tamils, young and old, living in many lands and across distant seas. And so we say here at Thimpu that there is no way in which any step forward can be taken, except on the basis that the Tamils of Sri Lanka constitute a nation.

JUSTICE OF OUR CLAIM TO A HOMELAND

Again, do you not see the justice of our claim to an identified homeland? Do you not see that without an identified homeland,

we could not have become a people with a separate language and a separate culture, and that without an identified homeland we shall cease to be people? Or is it the position that the Sri Lankan government does in fact see this reality and for that reason, refuses to recognise the existence of a homeland for the Tamil people, so that it may absorb the Tamil people into a single homogeneous 'Sinhalese' nation masquerading as a 'Sri Lankan' nation?

**REAL QUESTION : WHAT IS IT THAT THE SINHALESE
PEOPLE WANT?**

And so the real question is: what is it that the Sinhalese people want? Are the Sinhalese people willing and ready to recognise the Tamils as a people and sit with them as equals, I repeat as equals, and structure a polity for a multinational state? If you cannot do that then all these talks will amount to nothing but an empty charade devoid of meaning or content.

**WE, TOO, ARE A PEOPLE, AND WE HAVE
THE RIGHT TO CHOOSE**

But, if you agree that we have the right of self-determination, if you agree that we, as a people, have the right to choose, we can sit together as equals and talk about the way we propose to exercise our right. But we are not prepared to sit and talk with you on the basis that one is the master and the other is the servant, that one is the ruler and the other is the ruled. That is not the basis on which we can participate at discussions, whether at Thimpu or elsewhere. Please do not believe that you can manage and subjugate the Tamil people through stooges who depend for their power on the patronage of the ruler. Thousands of Tamils, young and old, men and women, and children as well, have died and suffered so that we may stand up at Thimpu, and for that matter anywhere else, and say 'yes, we too are a people, and we will sit and talk with you, on behalf of the Tamil nation, or not at all'.

**The Tamil National Struggle,
The Liberation Tigers of Tamil Eelam
and the Indo-Sri Lankan Peace Accord**

NADESAN SATYENDRA

ON 29 July 1987, Prime Minister Rajiv Gandhi and President Jayawardene signed the Indo-Sri Lanka Agreement to 'establish peace and normalcy in Sri Lanka.' And the preamble to the Agreement acknowledged 'the imperative need of resolving the ethnic problem of Sri Lanka, and the consequent violence, and for securing the safety, well-being and prosperity of people belonging to all communities in Sri Lanka'. The Peace Accord is an important and significant document not only because of that which it offers as the solution to the 'ethnic problem', but also because it serves to underline India's role as a regional power in South Asia. On both counts, the Peace Accord merits reasoned consideration.

CONTEXT OF THE PEACE ACCORD: THE EXCHANGE OF LETTERS

The Peace Accord should be placed in its context—a context that was made public by the exchange of letters of 29 July 1987 between the President of Sri Lanka and the Prime Minister of India. Clause 2 of the letter dated 29 July 1987 from Prime Minister Rajiv Gandhi to President Jayawardene states:

You had during the course of our discussion, agreed to meet some of India's concerns as follows:

1. Your Excellency and myself will reach an early understanding about the relevance and employment of foreign military and intelligence personnel with a view to ensuring that such presences will not prejudice Indo-Sri Lanka relations.

2. Trincomalee or any other ports in Sri Lanka will not be made available for military use by any country in a manner prejudicial to India's interests.

3. Sri Lanka's agreement with foreign broadcasting organisations will be reviewed to ensure that any facilities set up by them in Sri Lanka are used solely as public broadcasting facilities and not for any military or intelligence purposes.

AN EXCHANGE OF LETTERS CONCERNED WITH INDIA'S GEO-POLITICAL INTERESTS

Let us pause and ask: in what way are these provisions connected with the 'imperative need to resolve the ethnic problem' between the Tamil people and the Sinhala people? The ethnic conflict was a conflict between the Sinhala people and the Tamil people. In what way was the resolution of that conflict helped by India exercising control over the use of Trincomalee? Again, in what way was the resolution of the conflict between the Sinhala people and the Tamil people helped by India securing that foreign broadcasting facilities in Sri Lanka were not used for military and intelligence purposes? And let us ask: what are these 'military and intelligence' purposes to which broadcasting facilities may be put to use? We live in an age of space satellites which can photograph with clarity and accuracy movements on the ground. What then are these 'military and intelligence purposes' which are beyond the capacity of space satellites? We know that one such area beyond the reach of space satellites is communication with and monitoring nuclear submarines under water—radio signals from space satellites are too weak to travel through water and reach nuclear submarines. And so it would seem that India is concerned that Sri Lanka based broadcasting facilities may be used to monitor and communicate with nuclear submarines in the Indian Ocean. But whose submarines? At the time of the Accord India did not have nuclear submarines. The two countries in the world with sizeable fleets of nuclear submarines are the USA and the USSR. But the broadcasting facilities in Sri Lanka about which India was concerned were the Voice of America installations. And so, it would seem that India was concerned to secure that these VOA installations were not used by the United States for military and intelligence purposes. And the 6th of January 1988 report from the Associated Press that India had taken delivery of a Soviet nuclear submarine on lease

given a certain practical significance to the exchange of letters in July 1987—an exchange of letters which had everything to do with the elemental premise of India's strategic policy in the Asian region—namely to deny any intermediary role to extra-regional powers in the affairs of South East Asia—and thereby secure its own status as THE power in the Asian region.

BUT WHAT IS THE CONNECTION WITH THE ETHNIC CONFLICT?

But the question remains: what do these provisions have to do with the resolution of the ethnic conflict between the Sinhala people and the Tamil people. Clearly, these provisions have little to do with India's helpful humanitarian role on behalf of the long suffering Tamil people or for that matter its role as an 'honest broker' in the ethnic conflict. And, fortunately, Prime Minister Gandhi's letter of 29 July 1987, does not leave us in animated suspense on the nature of this vital 'connection'. Clause 3 of the letter expressly declares that, in the same spirit as Sri Lanka has agreed to respond to India's concerns about the use of Trincomalee and the use of foreign broadcasting facilities, India will

1. Deport all Sri Lanka citizens who are found to be engaging in terrorist activities or advocating separatism or secessionism.
2. Provide training facilities and military supplies for Sri Lankan security forces.

THE QUID PRO QUO IS OUT OF THE BAG

The cat, in this instance, the quid pro quo, is out of the bag. The letter makes it abundantly clear that in return for Sri Lanka agreeing to Indian control of the use of Trincomalee and limiting the use of the foreign broadcasting facilities to 'public broadcasting', India will deport all Sri Lanka citizens who are found to be engaging in terrorist activities or advocating separatism or secessionism and that it will itself provide training facilities and military supplies to Sri Lanka. And so herein lies the connection of India's geo-political interests with the resolution of the ethnic conflict in Sri Lanka. The inference is clear: if Sri Lanka had not responded to India's concerns about the use of Trincomalee and the use of foreign broadcasting facilities, then India would not deport 'terrorists' and

those who advocated separatism and secessionism and India would have continued to support the Tamil militant movement until such time that Sri Lanka did respond.

And President Jayawardene confirmed this when he told a Voice of America correspondent in an interview reported in the *Asian Weekly* (13 November 1987), that the Voice of America had become a 'voice of problem' between India and Sri Lanka because Indians feared that VOA transmitting facilities were being used for military purposes. And Prime Minister Rajiv Gandhi almost admitted as much in the Indian Lower House in early November 1987: 'The Indo-Lankan agreement would also meet some of our important security concerns and therefore the Government of India is fully committed to the full implementation of this agreement.

INDIAN SANCTION FOR A SIXTH AMENDMENT WHICH VIOLATED DEMOCRATIC FREEDOMS

And who are these 'terrorists' who India says it will deport? Would they include those who had been invited by India to participate in the Peace Talks at Thimpu in August 1985? And would they include those who had been recognised as 'militants' and 'combatants' by the Peace Accord itself? The letter does not spell that out. But the letter does go much further. The letter states that India will deport not only 'terrorists' but also all Sri Lankan citizens 'advocating separatism or secessionism'. The Indian Government was ready to go to the extent of providing its own sanction to the 6th Amendment of President Jayawardene's Government. The 6th Amendment to the Sri Lankan Constitution made it an offence for anyone in Sri Lanka to advocate separation, even peacefully and it was an amendment which Paul Sieghart of the International Commission of Jurists had in 1984, declared to be a "clear violation by Sri Lanka of its obligations in international law under the Covenant".

The letters dated 29 July 1987 were not some appendage to the Peace Accord that was signed on the same date—in fact and in truth the letters constituted the real 'Accord' between India and Sri Lanka. And so it was India itself which signed the Peace Accord—a wholly inappropriate and illogical procedure, if the Peace Accord was intended to be an accord between the Sinhala people and the Tamil people—but a wholly appropriate and logical

procedure if the Peace Accord was no more and no less than an Accord between India and Sri Lanka.

LEGITIMATE INTERESTS OF THE TAMIL PEOPLE ARE NOT LESS
IMPORTANT THAN INDIA'S GEO-POLITICAL INTERESTS

But then there are those who may say: yes, it is true that India has pursued its geo-political interests but all states have their geo-political interests and the Tamil people must recognise and accept this reality. And they are right. It is a point of view that cannot be faulted. But, an essential part of realism is that we should also surface in the open, the 'real' political interests of the signatories to the Peace Accord. Realism is not timidity. India is our friend—upto a point. Because it would seem that our friend has his own interests as well. But then many friends are like that—and let us not be too disappointed. The question is: where does friendship end and where does our friend's self interest begin? The legitimate political interests of the Tamil people are no less important than the legitimate geo-political interests of India in the Asian region. But the two are not necessarily incompatible. And it may well be that one cannot be achieved without the other. But the question is whether the terms of the Peace Accord evidence India's recognition of this political reality.

BUT, DOES THE PEACE ACCORD SECURE THE LEGITIMATE
INTERESTS OF THE TAMIL PEOPLE?

And so, though the context of the Peace Accord shows that India was concerned to secure its geo-political interests, the question remains to be determined whether the terms of the Accord nevertheless secure the legitimate interests of the Tamil people. And, here Prime Minister Rajiv Gandhi stated in December 1987, at a public meeting in Tamil Nadu:

We will ensure the rights for the Tamils of Sri Lanka The Agreement went well beyond anything that the Tamils had ever put forward. It is an agreement which for the first time looked at almost every single problem of the Tamils, found answers to those problems and a guarantee for these answers (*Sun*, 28 December 1987).

Was Prime Minister Rajiv Gandhi right when he declared that the Peace Accord will ensure the rights of the Tamils of Sri Lanka? Was he right when he declared that the Peace Accord went beyond anything that the Tamils had ever put forward? What does our reason tell us?

POSITIVE FEATURE OF ACCORD: LEGITIMISES THE MILITANT MOVEMENT

And when we turn to examine the contents of the Peace Accord what is it that we find? The positive feature of the Peace Accord was that it legitimised the Tamil militant movement. The Peace Accord was an agreement entered into between two sovereign states and it openly recognised the Tamil militant movement as a militant movement and describes those who constituted it as 'combatants'. And in international law, the Tamil militant movement has since the Peace Accord acquired a legitimate status.

PEACE ACCORD PUTS THE CART BEFORE THE HORSE

But having legitimised the militant movement, the Accord sought to disarm the militant movement, before agreement had been reached on the central issues of the struggle in which the militant movement was engaged. The Peace Accord provided in clause 2.15 that it is conditional to 'an acceptance of the proposals negotiated from 4.5.86 to 9.12.86' and that 'residual matters not finalised during the above negotiations shall be resolved between India and Sri Lanka within a period of six weeks of signing this agreement.' On the one hand the Peace Accord required the surrender of weapons within five days of the agreement. On the other hand, it left open for a further period of 6 weeks the resolution of the central issues relating to the Tamil struggle. It was this which led former Indian Foreign Secretary, A.P. Venkateshwaran, to declare on 13 August 1987:

The circumstances which changed the approach of the Sri Lankan President, Mr. Jayawardene and his attitude to the ethnic issue should be looked into. He was not known to be sympathetic and objected even to the innocuous clauses in Annexure C in 1983.... What concerns me is the sudden signing of the accord

which seems to have too many loop holes The Indian Government instead of resolving the question of devolving power to the Tamils had decided upon signing an agreement first and then resolving the devolution question. ... The manner in which the agreement was signed amounted to putting the cart before the horse Why should the Sri Lankan Government implement devolution? They are not fools. No devolution will take place under the agreement. We will have to leave Sri Lanka in circumstances worse than we went in (*Hindu* report, 13 August 1983—*Island* report, dated 24 January 1988.)

AND FAILS TO ADDRESS ITSELF TO CENTRAL ISSUES
CRYSTALLIZED IN THE THIMPU DECLARATION

And the trouble with putting the cart before the horse is that the cart does not move. The agreement that was signed on 29 July 1987 failed to address itself to the central issues of the Tamil struggle, which were crystallized in the joint and unanimous stand of the Tamil militant movement at Thimpu in August 1985:

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

1. the recognition of the Tamils of Ceylon as a nation
2. the recognition of an identified homeland for the Tamils in Ceylon
3. recognition of the right of self-determination of the Tamil nation
4. the recognition of the right to citizenship and the fundamental rights of all Tamils who look upon the island as their country.

The recognition of the Tamil people as a nation was central to the struggle of the Tamil people. The Thimpu Declaration sought to question openly and directly the claims of an exaggerated Sinhala nationalism which had for decades sought to masquerade as a 'Sri Lankan nationalism' and which had sought to 'assimilate' and 'integrate' the Tamil people into a so called 'Sri Lankan nationality' by denying the existence of not only the Tamil nation but also the Sinhala nation in Sri Lanka. It is a Sinhala chauvinism which has tried to 'assimilate' the Tamil people within the confines of a unitary

state which gave a built in, permanent and dominant majority voice to the Sinhala people. And it was this attempt at 'assimilation' which had led to the armed struggle of the Tamil people. And it was a recognition of this basic reality which led the Tamil delegation to declare at Thimpu:

Please tell us straight: do you regard us as a people or not? We are here because we seek to engage you in the serious business of taking about the problems that have arisen between the Sinhala people and the Tamil people: and that is why, as a reasonable people, we say at the beginning, please tell us with whom you say you are talking'... And for our part, we declare here at Thimpu, without rancour and with patience, that we shall speak at Thimpu, or for that matter anywhere else, on behalf of the Tamil nation or not at all (statement made on behalf of the Tamil Liberation Organisation on the 17th of August 1985).

A political resolution of the conflict between the Sinhala people and the Tamil people should, after all, begin by recognising the existence of the Sinhala people as a people, and the Tamil people as a people. But the Peace Accord refused to face upto this real political need.

PEACE ACCORD SEEKS TO 'DEVOLVE' POWER RATHER
THAN 'SHARE' IT

Again, since the Peace Accord did not recognise the existence of the Sinhala nation and the Tamil nation in Sri Lanka, it also did not see the need to share power between two nations within a genuine federal constitutional structure. And in the provisions of the 13th Amendment to the Constitution which the Sri Lankan government presented in fulfilment of its obligations under the Peace Accord, there is lip service to the 'devolution' of power. But, devolution means that power 'devolves' from a higher body to a lower body. Who is the 'higher' body from whom power is to be devolved? Is that higher body a Sinhala dominated Central government? And if power is so devolved, is it not also true that that power can always be taken back, and, what is more, controlled and regulated at all times by that higher body. After all that is

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what distinguishes 'devolution' from 'federalism' in constitutional theory and practise.

In the words of Professor Claire Palley:

If the powers of government are organised under a single central authority, while whatever powers by local units are held at the sufferance of the Central government, which can exercise supreme legislative authority, the constitution is described as unitary. If the powers of government are distributed between central and local government and the central authority is limited by the powers secured to the territorial units, the state is federal (Minority Rights Group Report on 'Constitutional Law and Minorities').

Under the Peace Accord, power will continue to reside in a Sinhala dominated Central government, within the frame of an unitary constitution. And before the Constitutional Court in Sri Lanka, Counsel who appeared for the ruling United National Party declared:

India is a federal state... in a federal state, the Central government does not have supreme control over the constituent states.... Sri Lanka is a unitary state. The Provincial Councils are not beyond the executive powers of the President... The President's directions prevail.... The Provincial Councils shall not make any statutes on any matter affecting national policy....

THE EXTENT OF THE DEVOLVED POWERS WILL NOT GO EVEN AS FAR AS THE BANDARANAIKE-CHELVANAYAGAM PACT

And the extent of the powers that will be 'devolved' on the provincial units by the Peace Accord will not go even as far as the 1957 Bandaranaike-Chelvanayagam Pact (Annexure IV) which provided that regional councils shall have powers 'over specified subjects including agriculture, cooperatives, lands and land development, colonisation, education, health, industries and fisheries, housing and social services, electricity, water schemes and roads' and further that such powers shall 'include the power to select allottees to whom lands shall be alienated'.

Dr. H.W. Jayawardene, who appeared on behalf of the President

Jayawardene before the Constitutional Court, was clear and specific:

State land in the provinces will be vested in the President and will not be given over to the Provincial Councils. The principle of central rule will not be affected in the distribution of land. Under the Land policy as envisaged in the Amendment, no state land will be vested in a Provincial Council—in other words no giving away of state land to the provinces—licensing of pawn-brokers will be done by the Provincial Councils... . (*Sun*, 30 October 1987)

The Provincial Councils will no doubt have the right to license pawnbrokers. But the struggle of the Tamil people was not about licensing pawnbrokers. In respect of the extent of the powers devolved, the provisions of the Peace Accord, backed by the armed might of the Indian Army, did not secure for the Tamil people even that which had been agreed in the Bandaranaike-Chelvanayagam Pact of 1957. And Prime Minister Rajiv Gandhi declares that the Peace Accord 'went well beyond anything that the Tamils had ever put forward'.

INTERNAL SECURITY OF PROVINCES WILL BE CONTROLLED BY THE CENTRE

Again, on the important question of the control of the internal security forces within the area of the provincial units, the Peace Accord provides in clause 2.10: 'The Government of Sri Lanka will utilise for the purpose of law enforcement and maintenance of security in the northern and eastern provinces the same organisations and mechanisms of government as are used in the rest of the country' and Dr. H.W. Jayawardene, appearing on behalf of President Jayawardene before the Constitutional Court was at pains to declare: 'All police officers will be appointed by the Inspector General of Police who is directly under the control of the President'.

Unlike the case of Tamil Nadu and other states in India, the provincial units under the Peace Accord will not have control of the police force.

PROVINCIAL UNITS DEPENDENT ON THE ARBITRARY DISCRETION
OF THE CENTRE FOR FINANCE

And, in the critical area of finance, the Peace Accord refuses to secure a measure of meaningful independence for the provincial councils. It refuses to recognise the principle of block grants from the Central Government to be computed on a principled basis by a truly *independent* Financial Commission. It refuses to recognise that which was recognised in the Bandaranaike-Chelvanayagam Pact of 1957 which provided: 'The Central Government will provide block grants to the regional councils. The principles on which grants will be computed will be gone into. The regional councils shall have powers of taxation and borrowing'.

The Peace Accord refuses to accept even that which was contained in the Annexure 'C' proposals of December 1983 agreed between the Sri Lankan Government and the late Indira Gandhi's Indian Government (Annexure II) namely that:

Regional Councils will also have the power to levy taxes, cess or fees and to mobilise resources through loans, the proceeds of which will be credited to the Consolidated Fund set up for the particular Region to which also will be credited grants, allocations or subventions made by the Republic. Financial resources will be apportioned to the Regions on the recommendations of a representative Finance Commission appointed from time to time.

The Peace Accord is content to allow the provinces to be dependent on the arbitrary discretion of the Central government for their finances and in a Third World country such as Sri Lanka, with scarce resources, the distribution of such resources will always be heavily weighted in favour of those who wield power in the Centre. And the Tamil people cannot forget that it was this dominance and discrimination which led to the Tamil struggle in the first instance. But Prime Minister Rajiv Gandhi asserts that the Peace Accord was 'an agreement which for the first time looked at almost every single problem of the Tamils' and 'found answers to those problems'.

AND A CURIOUSLY WORDED LANGUAGE PROVISION

And on the question of language, the Peace Accord makes a curi-

ously worded provision. It says in clause 2.18: 'The Official language of Sri Lanka shall be Sinhala. Tamil and English will also be official languages'.

The provision perpetuates the 1956 slogan: "Sinhala only—Tamil also'. If it was "Sinhala only", then in what way was it possible to have "Tamil Also". It was a contradiction in terms. And today we have a Peace Accord which states in clear terms: "The official language of Sri Lanka shall be Sinhala". If THE official language of Sri Lanka is Sinhala then what is meant by adding that "Tamil and English will also be official languages"? Are they 'subsidiary' official languages? If it was the intention of the signatories of the Peace Accord to give parity of status to Sinhala and Tamil, why did not the Accord simply say so and declare that "The official languages of Sri Lanka shall be Sinhala and Tamil"? The Peace Accord carefully refrains from using such simple and straightforward language. And let us remember that under the 1978 constitution Tamil was a national language—and therefore presumably, 'official' to that extent. Is the Peace Accord saying anything more than that which was contained in the 1978 constitution? The question is: how official is "official"? The Peace Accord clearly does not give parity of status to Sinhala and Tamil. It will not secure that all official records will be maintained in Sinhala and Tamil. It will not secure that all public servants shall have proficiency in both Sinhala and Tamil. And that would have been the practical consequence of declaring that both Sinhala and Tamil shall be THE official languages of Sri Lanka and that the signatories to the Peace Accord were not willing to do. The Peace Accord in effect adopts the old subterfuge—Sinhala Only but Tamil Also—and the gulf between law and implementation, between theory and practise will be allowed to continue as before. And it is therefore not surprising that the 13th Amendment to the Constitution presented by President Jayawardene in September 1987 in purported compliance with that which was agreed in the Peace Accord, makes no attempt whatever to amend the 1978 constitutional provision that Sinhala shall be THE official language. The Sri Lankan Government will no doubt contend that the provision in the 1978 Constitution which declared Tamil as a 'national' language is sufficient compliance of the Peace Accord provisions.

AND THE PEACE ACCORD REFUSES TO RECOGNISE THE
EXISTENCE OF A HOMELAND

And on the vital question of a homeland, the Peace Accord attempts to face both ways at the same time. Clause 1.4 declares: “the Northern and Eastern Provinces have been areas of historical habitation of Sri Lankan Tamils, who have at all times hitherto lived together in this territory with other ethnic groups...”

What is the Peace Accord saying—that is, if it is saying anything at all? On the one hand, it is saying that the Northern and Eastern Provinces have been areas of historical habitation of the Tamils. Then, it goes on to say, that the Tamils have at all times hitherto lived together in this territory with other ethnic groups. According to the Peace Accord, even in Jaffna, Tamils have ‘at all times hitherto lived together with other ethnic groups’. But even apart from statements of such doubtful historical veracity, the basic political message is that the Peace Accord refuses to recognise the existence of a Tamil homeland. On the one hand, it refuses to recognise the existence of a Tamil nation and on the other hand it refuses to recognise the existence of a homeland where such national consciousness has in fact grown. And so the Peace Accord rejects not only the first tenet of the Thimpu declaration but also the second, and *a fortiori*, the third as well—because the Peace Accord denies the right of the Tamil people to sit as equals with the Sinhala people and determine the political structure within which the two people may live in equality—and that after all is what the right of self determination is about.

AND ENGAGES IN THE SUBTERFUGE OF A REFERENDUM

But it would appear that the signatories to the Accord were not unmindful of the difficulties that would arise from their refusal to recognise the political reality of Tamil national consciousness. And so the Peace Accord engages in a cover up and attempts a subterfuge—the subterfuge of a referendum. The Peace Accord whilst refusing to recognise the existence of a Tamil homeland, provides that the Northern and Eastern Province shall be joined together as one administrative unit subject to a referendum to be held before December 1988 whereby the Eastern Province by a simple majority may decide to separate and opt to have its own administrative unit.

Why join the two Provinces together unless it was recognised that the Tamil people as a people had a prima facie claim to the North and Eastern Provinces as a homeland. And if the Tamil people had a prima facie claim, in what way can such claim be defeated by the result of a referendum confined to a section of that people resident in the Eastern Province? But the reality is that one of the signatories to the Peace Accord had openly stated that the joining of the two provinces was a temporary expedient to get over a temporary difficulty. A few days before the Accord was signed on the 29 of July 1987, President Jayawardene addressing the 1200 strong National Executive Committee of the UNP on 25 July 1987 declared:

....Only one thing has to be considered. That is a temporary merger of the North and East. A referendum will be held before the end of next year on a date to be decided by the President to allow the people of the East to decide whether they are in favour or not of this merger. The decision will be by a simple majority vote....In the Eastern Province with Amparai included there are 33 per cent Muslims, 27 per cent Sinhalese and the balance 40 per cent Tamils. Of these Tamils there are two categories. More than half of them are Batticaloa Tamils and the rest are Jaffna Tamils. Then, if the Jaffna Tamils form 20 per cent, then I think that 80 per cent are opposed to such a merger. Mr. Dewanayagam and Mr. Majeed have told me so. Then if the referendum is held by the Central government and the approval of those who return to the East is sought, I think a majority will oppose it. Then the merger will be over. What do we gain by this temporary merger, the President asked and said that it would see the end of the terrorist movement.... (*Sri Lanka News*, 29 July 1987)

And at a press conference immediately after the Accord, President Jayawardene confirmed that he would campaign against the merger (*Sri Lanka News*, 12 August 1987). And Prime Minister Rajiv Gandhi, the other party to the Accord, at no stage repudiated that which had been said by President Jayawardene.

AND SO THE TERMS OF THE PEACE ACCORD EMERGE CLEARLY

And so the terms of the Peace Accord emerge clearly. It was an

accord entered into between India and Sri Lanka. It secured the geopolitical interests of India in the Asian region. If Sri Lanka had not agreed to India's concerns in this regard, India would have continued to support the Tamil militant movement until such time as Sri Lanka agreed. The Accord required the Tamil militant movement to disarm even before the conclusion of negotiations on so called 'residual matters'. The Accord refuses to recognise the Tamils of Sri Lanka as a nation. The Accord refuses to recognise the existence of a homeland for the Tamil people and seeks to evade that issue by the subterfuge of a referendum. The Peace Accord rejects the basic principles of the Thimpu declaration. It refuses to structure a federal constitution where power may be shared between the Tamil nation and the Sinhala nation. The Peace Accord does not create a 'Tamil Nadu like' constitutional structure for the Tamils of Sri Lanka. It seeks to 'devole' power on nine provincial units, and thereby enable a Sinhala dominated Central government to control and regulate the exercise of such 'devolved' power. And the extent of the power so devolved on the provincial units does not go even as far as that which was provided in the Bandaranaike-Chelvanayagam Pact of 1957—and excludes land alienation. In the critical area of finance, the Peace Accord is content to let the provincial councils be dependent on the largesse of a Sinhala dominated Central Government. And in truth that which the Peace Accord contemplates is not even devolution of power but an administrative decentralisation which will in fact increase the power of the Centre to manage the provinces.

The Peace Accord will do nothing to prevent continued state aided Sinhala colonisation of the Northern and Eastern Provinces because this is a matter of 'national policy' and therefore within the control of the Central Government. The Peace Accord will do nothing to prevent standardisation of admission to Universities, because that too will remain within the ultimate control of the Central Government. The Peace Accord will do nothing to secure an equitable allocation of resources to Tamil areas, because such allocation will be within the arbitrary control of a Sinhala dominated Central Government. The Peace Accord will do nothing to control the exercise of Emergency Powers under which thousands have been held without trial, because such Emergency Powers will continue to be vested in the Central Government. The Peace Accord will do nothing to prevent the operation of the Prevention

of Terrorism Act whose provisions were described by the ICJ as a 'blot on the statute book of any civilised country' because this too will be within the legislative competence of the Central Government. The Peace Accord will do nothing to prevent the operation of the 6th Amendment to the Sri Lankan Constitution—an amendment which was described by the ICJ as a violation of democratic freedoms. On the contrary, the Peace Accord will give its own sanction to such violation. And the Peace Accord will do nothing to energise and mobilise the Tamil people to work for the rehabilitation of their homeland, because the Peace Accord refuses to recognise the existence of that homeland.

THE PEACE ACCORD FAILS TO SECURE THE LEGITIMATE INTERESTS OF THE TAMIL PEOPLE

But Prime Minister Rajiv Gandhi, says that the Peace Accord 'went well beyond anything that the Tamil had ever put forward'. He also says that the Peace Accord was "an agreement which for the first time looked at almost every single problem of the Tamils" and "found answers to those problems". But what does reason say? Reason says that the Peace Accord fails to address itself to the central issues of the Tamil struggle. The Indo-Sri Lankan Peace Accord which secured India's geopolitical interests, failed to secure the legitimate interests of the Tamil people—a people who had been used by India—and supported upto a point.

AND THE STAND OF THE LTTE ON THE ACCORD

And Velupillai Prabhakaran the leader of the LTTE declared on 5 August 1987 at the public meeting in Jaffna before more than a hundred thousand Tamil people, on his return from New Delhi:

The Tamil struggle has reached a turning point today. This had been brought about by factors beyond the LTTE's control. The Government of India had told me that whether the LTTE accepted the accord or not, it would certainly implement the accord. I am not surprised at the standpoint of the Government of India, for this accord dealt with Indo-Sri Lankan relations. The Accord is intended to protect India's interests in the region...

And Velupillai Prabhakaran reiterated this approach in an interview reported in the *Hindu* on 13 August 1987:

Mr. Prabhakaran made clear the special place India and its people held in the sentiments and perceptions of his movement but said the failure to tackle basic requirements in a tangled and confused situation at this stage had resulted in 'dissatisfaction among our people'... (he) said that 'the problems of the affected people have not been taken care of in the Agreement' which he characterised as 'an agreement concluded in haste, keeping in view their (India's and Sri Lanka's) interests... Asked what were the specific areas of the Indo-Sri Lankan Agreement which caused dissatisfaction, he (Prabhakaran) said that for example, the accord mentioned a referendum even on the vital question of the merger of the North and East. The referendum in the Eastern Province was moreover to be decided on a simple majority. He declared: 'It is not a question of the merger of the North and East. It is our homeland. There is no question of any negotiation on this'...

AND WAS PRABHAKARAN WRONG?

And so let us ask: was Velupillai Prabhakaran wrong when he said that the Accord dealt with Indo-Sri Lankan relations? Was he wrong when he said that the Accord was intended to protect India's interests in the region? Was he wrong when he referred to the special place that India had in the sentiments and perceptions of his movement? Was he wrong when he said that the Agreement had been concluded, keeping in view the interests of India and Lanka? Was he wrong when he said that the Accord did not take care of the problems of the affected people? And was Velupillai Prabhakaran wrong when he said that there can be no question of a referendum on the merger? Was he wrong when he chose to stand by the Thimpu declaration which called for the recognition of a homeland for the Tamil people in Sri Lanka? Does anybody say that that which Velupillai Prabhakaran stated in Jaffna on 7 August 1987 and again on 13 August 1987, was an incorrect analysis of the terms of the Indo-Sri Lanka Peace Accord? What does reason say?

THE PEACE ACCORD SET THE STAGE FOR THE TRAGEDY
THAT WAS TO FOLLOW

The Peace Accord denied reason to the Tamil people—and set the stage for the tragedy that was to follow. And the Indian Government thereupon set on the path of ‘bending’ the LTTE and the Tamil people to its will. The Indian Minister of State for External Affairs Natwar Singh declared in *India Today*, three months later when questioned about the military offensive launched by the Indian Army in Jaffna: “No government can go into an agreement of this nature without having tied up the obvious loose ends. We examined every possible option. There were no low cost options available. If anybody can suggest a better alternative, we will gladly examine it”.

And so, in August 1987 the Indian Government took the preliminary steps to tie up ‘the obvious loose ends’ and prepared the ground for its high cost option. Around 30,000 troops were brought into the Northern and Eastern Provinces, ostensibly, to ‘protect’ the Tamil people. The Sri Lankan government, for its part, in anticipation of the provincial elections and the referendum, began to take steps to settle Sinhala people in the Eastern Province and thereby secure the majority that President Jayawardene had spoken about on the 25th of July 1987. And Velupillai Prabhakaran warned on 13 August 1987:

... In 1983, there were only a few Sri Lankan army camps in the North and East. But now there were some 200 camps. The Sinhalese settlements could not be removed or dissolved without removing these army camps and in fact the camps ‘legitimised the Sinhala settlements’. The Agreement does not provide for the removal of the Sri Lankan Army camps (he) pointed out that the Sri Lankan Army camps stood in the way of the Tamil...refugees...returning to their homes in confidence(he) said that a ‘strange thing’ about the present arrangement was that while the Indian army had not gone to some of the areas where the Tamils were particularly vulnerable and where dangers lurked, it had gone about establishing camps in places where there was no real danger for the Tamils. Indian army camps were being set up at Palai, Vannakerni, Yakkachi, Thalaiyadi coast, Kodikamam, Achuveli, Pandatharippu and so on. There was no need for camps in these places ‘as there are

no Sinhalese there' (*Hindu*, International Edition, 22 August 1987, interview, dated 13 August 1987).

And, on 7 September the Sri Lankan *Sun* reported:

LTTE spokesman Thileepan yesterday warned Indian peace keeping forces not to side, directly or indirectly with anti-LTTE activities, otherwise the Tigers would be forced to launch an 'Ahimsa' protest. His statement came 24 hours after the killing of three senior LTTE militants in Vavuniya town on Saturday morning. The dead persons have been identified as the deputy leader of the LTTE in Vavuniya and the Mullaitivu leader. Eight of their members had been kidnapped, Thileepan has said...thousands attended the funeral of the LTTE's deputy leader held in Vavuniya yesterday..." (*Sun*, 7 September 1987).

TAMIL QUISLING GROUPS

And at about the same time, the state-sponsored *Sri Lanka News* carried a news report datelined 12 September 1987 under the heading 'Peace or death' PLOT call to LTTE:

'If Prabhakaran rejects peace, we have no alternative but to liquidate the Tigers. We are prepared to die for the cause' a PLOT leader in Vavuniya said. Incidents of the last six days indicate that PLOT's fighters are already in action. PLOT leaders in Vavuniya, Manikkam Dasan and S. Castro, who met these two reporters amid mounting tension in the region, asserted that they were backing the peace accord 'to the hilt'. PLOT had no objection to Sinhalese buying land wherever they liked in the North and East, they told the pressmen. (*Sri Lanka News*, 16 September 1987).

And PLOT which accepts this unprincipled Peace Accord 'to the hilt' is prepared to die for some 'cause' and the Tamil people will no doubt be concerned to ask: what cause and whose cause?

And Simon Freeman reported from Jaffna in the *Sunday Times* on 25 October 1987:

Our first encounter with these young men came shortly before

we reached a Sri Lankan army camp... They said they were from PLOT, the People's Liberation Organisation of Tamil Eelam, part of a Tamil coalition bitterly opposed the Tigers. PLOT has been armed by the Sri Lankan authorities, who believe, mistakenly, that the organisation and its allies will be useful supporters in the fight against the Tigers. The parallels with South Lebanon are inescapable. There the Israelis hoped that by arming Christians they would, somehow, help defeat the Shi'ites. Here the Sinhalese majority seem to think that fringe Tamil groups can be manipulated in the fight against the Tigers...

THILEEPAN'S FAST, A CONVENIENT CIVILIAN MASSACRE AND THE INDIAN OFFENSIVE

And it was India's attempt to manage the LTTE and secure the LTTE's unconditional support for an unprincipled Peace Accord, that led to the LTTE leader, Thileepan's fast in September 1987, the arrest by the Sri Lankan Army of leaders of the LTTE and the effort to send them to Colombo. It was an attempt which inevitably backfired and resulted in massive public support for the stand taken by the LTTE. And then came the massacre of Sinhalese civilians in the Eastern Province—a convenient massacre which provided the rationale for the Indian offensive which was launched against the LTTE in October 1987. But who was responsible for this convenient massacre?

The New York Times reported on 12 October 1987:

Refugees almost all of them Sinhalese from rural villages in the Trincomalee or Batticaloa areas, also said that in many cases Indian Peace Keeping Troops had stood by while settlements were attacked by Tamil guerillas... Several refugees said that they had recognised Indian Uniforms. They also said that Tamil militants had often arrived in villages during curfew hours, sometimes in what appeared to be the Indian Army vehicles.... A 38-year old refugee from the village of Mahindapura, six miles from Trincomalee, said that when he ran to a military outpost to report an attack on his village by about 40 armed men, he found the Sri Lankan officers he was seeking surrounded by Indian soldiers, who would not let him approach them. The

man, Wimalaratne, said when he protested, he was pushed back by an Indian soldier with the butt of a rifle. He pulled back his shirt to reveal a bruised and swollen shoulder. Another refugee from Silmapura village said that as he and dozens of his neighbours fled a Tamil attack on their homes after dark last Monday, Indian troops in the path of their escape fired killing two people before letting the refugees pass

Again, London I.T.N. reported on 15 October 1987 the words of a Sinhalese victim of attack in Trincomalee:

When my residential area was attacked, I was on top of a tree taking shelter... The (attackers) first came and broke a fence and parked their vehicles alongside the road and the terrorists came and hid themselves behind the vehicles and the Indian soldiers gave bombs and petrol tanks to the Tamil attackers....

Are these statements made to independent news agencies true? And if these statements are true is it suggested that the Indian army was assisting the LTTE in this attack? And these statements assume a special significance because the LTTE has consistently denied in engaging in these attacks.

AGAINST A 'SMALL OUTFIT' WHICH 'REPRESENTS NOBODY BUT ITSELF'

Be that as it may, under cover of the climate created by the killings of the Sinhalese civilians, came India's offensive on the LTTE and the Tamil people. It was an Indian offensive in which many thousands of Tamils have died. Many more thousands have been rendered homeless. And every Tamil, without exception, can relate his own personal tale of loss and suffering. And suffering is a great teacher. It will teach the Tamil people that a Peace Accord that denied reason cannot bring peace. And each Tamil without exception can bring to bear his or her own testimony to support the truth of that which Eduardo Marino, an independent observer sponsored by International Alert and who visited Jaffna, has summarised in a report in December 1987:

Over a period of about twenty days (in October and November

1987), the Indian Army's direct attack on LTTE position, and defence from LTTE attacks, was coupled with the Indian Army's attack and storming of still unevacuated Jaffna—and many villages and settlements throughout the peninsula—with widespread (insofar as territory), indiscriminate (insofar as targeting) and sustained (insofar as intensity) artillery shelling. Only less widespread, sustained and indiscriminate, there was air strafing from helicopter as well. It was not 'crossfire' that incidentally killed thousands of civilians. The majority were killed inside their houses and huts under shelling or were shot at random by the roads and on the streets. A large number of people were 'only' wounded—yet many of them died in the absence of medical care, especially under the 24 hour curfew over a period of about one month to mid-November. It was a combination of firing and shelling... that made an estimated 175,000 families (that is, about 500,000 people) refugees.... The situation became grotesquely hopeless for many people in some areas: while the curfew was being rigorously enforced—that is with an order to shoot to kill pedestrians—the inhabitants were simultaneously ordered out of their houses into the outskirt concentrations—an absurd operational overlapping inevitably leaving a good number dead... (the) consequences have included: material ruin for much of the population all over the province; physical and moral suffering for no less than 1 million people, including thousands of civilian casualties counting both killed and wounded... On top of everything has been the 'unmilitary' or 'unsoldierly' side of events: wanton killings out of rage, reprisals against non-combatants, looting of homes of middle and wealthier classes, soldiers' assault of women, a murderous attack on the main hospital victimising both patients and medical personnel, and killing of a number of unarmed and disarmed guerilla suspects without trial according to the Law of War... the central fact is that the Indian Army attacked Jaffna and many other populated places throughout the Peninsula, shelling massively and indiscriminately rather than at the LTTE selectively. Why did they do this? For three interrelated reasons—physically it is very difficult to target the LTTE as it is such a part of the Tamil population; secondly to 'soften' (Indian officers' terminology) and thereafter controlling the whole of the population with a view to squeezing the LTTE out; and thirdly to minimise casualties on the side of the

Indian Army by maximising inactivity on the Tamil side.... Following guerilla dislodgement, the Indian Army occupied Jaffna, fortified their positions, searched for arms.... To suggest that 'normalcy' has returned to Sri Lanka is to add lie to injury—the 'normalcy' of absolute martial rule by India and the legality of Emergency Regulations in Sri Lanka...

But the Indian High Commission in Sri Lanka would have had the world believe that the Indian Army was fighting with one hand tied behind its back. *The Guardian* of 19 October 1987 reported:

The spokeswoman of the Indian High Commission in Colombo said: 'The Indian peacekeeping force is fighting with one hand tied behind its back. It is carrying out this operation under severe constraints.' The constraints according to India are based on the army's reluctance to use its full fire power so as to spare civilian casualties. Thus the advancing troops have no air cover, and are only occasionally using heavy weapons to reduce Tiger defences.

And Prime Minister Rajiv Gandhi declared in the Lok Sabha on 9 November 1987:

The IPKF were given strict instructions not to use tactics or weapons that could cause major casualties among the civilian population of Jaffna, who were hostages to the LTTE. The Indian Army have carried out these instructions with outstanding discipline and courage, accepting, in the process a high level of sacrifices for protecting the Tamil civilians.

The exemplary Indian Army fought with one hand tied behind its back and the result was that 500,000 Tamils became refugees in their own homelands. The exemplary Indian Army was sparing in its use of heavy artillery, but sustained artillery shelling destroyed more than 50,000 homes in the Jaffna Peninsula. And Prime Minister Rajiv Gandhi would have his members of Parliament believe that the Indian Army acted with 'outstanding discipline and courage' accepting sacrifices 'for protecting Tamil civilians'.

Derek Brown reporting from Colombo declared in *The Guardian* of 21 October 1987:

The Indians have insisted throughout the 11 day offensive that they have used little artillery and no air cover to minimise civilian casualties. That claim was sagging yesterday under a heavy, and remarkably uniform, weight of evidence from refugees and the few scraps of independent confirmation coming out of the Jaffna peninsula. The infantry advance, the student said, was preceded by a systematic artillery barrage. He had heard heavy guns firing daily, and had seen two women killed by the washing well in the Hindu Ladies College, one of the main refugee camps where thousands have sought shelter from the fighting. 'The people have no food but they are not worried about that. Even if they are starving, they worry only about security. They have no cover from the shelling' he said. He also flatly denied the Indian claim that there had been no air strikes. He had seen helicopters and fixed wing aircraft of the Sri Lankan air force attacking with bombs and machine guns. The Sri Lankans, indeed, have more or less openly admitted that their aircraft were used last week, but they have insisted that the operations were only on the direct request of the Indians...

The exemplary Indian Army was assisted in its efforts by the equally exemplary Sri Lankan armed forces. And Michael Hamlyn reported in *The Times* of the same date:

A senior Sri Lankan security source admitted last night what had previously only been rumoured—that despite Indian protestations about their self denial of air cover during operations, on one occasion, air cover had been provided by the Sri Lankans at the Indians' urgent request. It happened when a group of commandos had been air dropped into an unsecured landing ground north of Jaffna and suffered heavy casualties. The Indians needed instant help, and the Sri Lankans brought up helicopters to give covering machine gun fire to an armoured rescue. A recording of radio messages during these operations smuggled out of the north and circulating in the capital makes it clear that the Indians and Sri Lankans were working close together.

International Herald Tribune reported on 21 October 1987:

India forbids journalists from entering the combat zone, and no

independent confirmation of the situation in Jaffna was available... Reports from officials and refugees said two thirds of the city's 150,000 residents had fled or sought refuge in schools, Hindu temples and public buildings...

Simon Freeman reported from Jaffna in the *Sunday Times* of 25 October 1987:

... (in Mannar) we heard the familiar stories from Tamil refugees from Jaffna. Dr. B.B. Easwaraj, 27, who had fled the town two days earlier, said that large sections of Jaffna's main hospital had been destroyed by shelling. Dozens of bodies of men, women and children lay rotting in the mortuary. Phillip Constantine, 26, another refugee, said that one Tamil family had been executed by the Indians by having a tank run over them. Mannar like many areas in the north and east of Sri Lanka, has been devastated by almost a decade of fighting between the Tigers and the Sri Lankan army and now, the Indians. Three months ago, when the Indians arrived to act as peace-keepers, the local Tamils greeted the Indians as saviours. But as one Sri Lankan police officer told me, they now regard them with the same contempt as they once did the Sri Lankan police and army...

And when questioned about atrocities committed by the Indian Army, the Chief of Operations of the Indian Army cheerfully admitted that some Indian soldiers may 'have cracked under the strain':

Kalkat, who is chief of operations of the Indian Army's headquarters in Madras...denied that his troops had committed atrocities. But it would not be surprising if some Indian soldiers had cracked under the strain of house to house searching knowing that every building could be booby trapped or mined... While senior Indian officers were talking of trapping and encircling the guerillas, a group of foreign journalists, who had been smuggled into the peninsula by the Tigers, early last week, were returning to Colombo, with graphic tales of the Tiger's bravery, organisational skills and support among the civilian population (*Sunday Times*, 25 October 1987).

Derek Brown reported from Jaffna in *The Guardian* of 27 October:

...Jaffna is a broken and silent place of refugees clustered in churches and temples among empty roads. The area behind the Fort bears all the signs of two savage campaigns, first by the Sri Lankan army and now by the Indians. It is the Tigers who seem to have won the battle for hearts and minds... though they wanted peace more than anything, the Tigers were 'their' boys and the Indians were outsiders.... Last Thursday, he (a refugee) said that he had been ordered from his nearby house by Sikh soldiers, who were apparently clearing the area before an offensive. One of the soldiers struck him and when his daughter protested, she too was beaten. Another old man told how his daughter had been killed when she returned to the family home to fetch her jewellery... a middle aged woman had half a leg missing—blown off by an Indian shell. A 14-year old girl clutched a stomach wound. A young woman with a blood soaked plaster on her leg said she had been unconscious when Indian soldiers 'liberated' the hospital last week. She was certain that the Tigers had not been in occupation at the time, as the Indians claimed...

Bruce Palling reported from Colombo:

The (Indian) spokeswoman said that Indian forces had not entered nor touched the Jaffna Hospital. But a report from a local correspondent, who recently returned from the Jaffna peninsula, said it was hit at least seven times earlier this week (*Independent*, 22 October 1987).

Simon Freeman reported in *The Sunday Times*:

Tens of thousands of refugees are living in appalling conditions in makeshift camps in Jaffna, according to a senior Sri Lanka Red Cross official, despite claims by the government of President Junius Jayawardene and the Indian Army that the town is returning to normal... 'it is a ghost town. The streets are deserted. Thousands of people are living in temples because they are afraid to go back to their homes. They have no electricity. They need everything—clothes, medicine, even candles and matches. Many buildings have been destroyed. I saw three or four dead bodies

on the streets'... 20,000 refugees share three or four toilets.... It is a similar story in the Tamil eastern coastal provinces.... hundreds of buildings in Trincomalee have been destroyed... the countryside is just as ravaged as the towns. He (the Red Cross official) said that he was describing what he had seen as accurately as possible in the hope that international publicity would help the victims... (8 November 1987).

And Eduardo Marino reported to International Alert in December 1987:

Indian intelligence services in Tamil Nadu, and the IPKF in Sri Lanka, have been making use of the rivalry and violent bickering between the LTTE and other militant groups. Moreover India has obviously exacerbated the intra-Tamil militant conflict by rewarding materially—offering to do it politically in future as well—the assistance received from (other groups) to identify LTTE members living underground with the population, and also in refugee camps—a process of identification that the recently arrived Indian soldiers cannot do...the Tamil people by and large seem to resent such fratricidal mercenarisation of their youngsters... also information gathering tactics such as the use of relief and recourse to mercenarisation suggests that the population has not been volunteering information to the Indian Army, which in turn may suggest either or both of two things: that by and large the Tamil population has turned, if only passively, against the Indian Army, and that popular support for the LTTE is more solid and widespread than anyone seems to want to acknowledge.

And the Indian Army concerned as it was to maintain friendly relations with the Tamil people, set about raping them as well. On 15 January 1988, the Sri Lankan *Sun* reported that four members of this exemplary Indian army which had one of its arms tied behind its back, had been court martialled for rape:

The Indian Army has court martialled four of its men serving in the Jaffna peninsula for rape, a senior Indian military officer said here yesterday... He also conceded that several complaints of theft had been made against Indian soldiers. 'The Indian army

are not angels. We are not devils either. We are just human' Brigadier Kahlon said when pressed for details. 'Rape happens even in the West'.

But Prime Minister Rajiv Gandhi declared in the Lok Sabha on 9 November 1987: "I place on record the Government's very deep appreciation of the dedication and high moral standards with which the Indian armed forces have conducted their operations in Jaffna...." And the Indian armed forces continued to act with these 'high moral standards' in January 1988 as well. On 19 January 1988, the Sri Lankan *Sun* reported that: "Two Indian soldiers serving in Batticaloa are to be court martialled for rape, authoritative sources in Batticaloa said yesterday.... The two soldiers to be court martialled, allegedly raped two girls during a cordon and search operation at Ariyampathi on Friday."

And that was in mid-January 1988—not in the thick of the battle for Jaffna, where they may have 'cracked under strain' but in the Eastern Province, more than two months later. And in February, the Tamil people were threatened with a battle for Batticaloa—presumably on the lines of the battle for Jaffna—a battle for Batticaloa by an Indian Army with one hand tied behind its back—disciplined and with high moral standards—not angels but humans like the rest of us. But faced with that which the Indian Army has done in our homelands and that which it seeks to do, let us ask what is it that the Indian Army has sought to achieve by this offensive against the Tamil people—an offensive which has gathered momentum, and which has not stopped. And as a reasonable people let us listen to that which the Indian government says are the reasons for its onslaught.

The Indian government has issued thousands of leaflets in English and in Tamil to the people of Jaffna stating the reasons for the offensive. And what does the Indian government say? One of the leaflets declares:

1. The Indo-Sri Lankan Accord of 29 July 1987 serves the interests of Tamils and gives them the powers to administer both Northern and Eastern Provinces.
2. All LTTE demands regarding the Interim Administration Council were agreed to. Despite this, the LTTE leaders have been obstructing the implementation of the Accord. This in

turn has resulted in delay in return of peaceful conditions and return and rehabilitation of refugees to their lands and homes.

3. These (LTTE) leaders are bent upon serving their own personal interests and are NOT bothered about the Tamil people.
4. The present disturbed situation in Jaffna is the doing of the LTTE who has precipitated this to serve their vested interests. IPKF all along has been maintaining a peaceful approach hoping that good sense would dawn on the LTTE who would accept the democratic approach of bringing normalcy in the entire Northern and Eastern Provinces by implementing the Indo-Sri Lankan Accord.
5. Realising the selfish interests of the LTTE leadership and the miseries that they are causing to the Tamil population for no fault of theirs, the IPKF is determined to deal firmly with them.
6. We therefore appeal to the Tamil population not to provide support to the activities of the LTTE and assist the IPKF to restore normalcy in your strife torn areas at the earliest.
7. India being the guarantor of the implementation of the Accord, assures the Tamils that their interests shall be looked after.

The position of the Indian Government is clear. The Indian government seeks to deal 'firmly' with the LTTE which it says is not even 'bothered' about the Tamil people. The indiscriminate, widespread and sustained shelling which rendered 50,000 Tamils homeless was due to the unselfish concern that the Indian Army had for the Tamil people. And Prime Minister Rajiv Gandhi declared at a public meeting in Tamil Nadu on 21 December 1987: "The LTTE represents no one but itself" and that it is a "small outfit of 1500 to 2000 persons" (*Sun*, 22 December 1987). And the fourth largest army in the world, with around 35,000 troops on the ground in Sri Lanka, continued to struggle for days against this 'small outfit', 'which represented nobody but themselves', and which did not have the support of the Tamil people. And the Indian Government showered the Tamils of Jaffna with thousands of leaflets calling upon them not to support the LTTE—which, according to the Indian Government, did not have the support of the Tamil people anyway. What does reason tell us? Does reason tell us that Prime Minister Rajiv Gandhi was at pains to diffuse

the reaction of Tamils in Tamil Nadu—a reaction to a merciless attack by the Indian Army on the Tamils of Sri Lanka who refused to give their unconditional acceptance to an unprincipled Accord? And does reason tell us that the Indian Army was engaged in implementing an Accord which according to Prime Minister Rajiv Gandhi in the Indian Lok Sabha, had met some of ‘India’s important security concerns’ but which denied reason to the Tamil people?

And in its efforts to save the Tamil people from the LTTE, it would seem that the Indian Government echoed the sentiments of a Sri Lankan Minister who declared to the *London Times* that ‘ideally, they would like to see eight of the top leaders of the LTTE wiped out’:

A Sri Lankan minister said last night that ideally, they would like to see eight of the top leaders of the LTTE wiped out. ‘Then we should be left with only a residual terrorist problem’ he said. ‘But if one of the eight escapes we shall be back to the hit and run tactics again, and we shall be in a situation like that in Northern Ireland’. He named the eight as Prabhakaran, the leader, and K. Mahendrarajah his second in command, Soosay, Yogi, Santosam Master (so called because he is a school teacher), Newton, Karuna and Tilaka, a leading theoretician of the movement. He also named Anton Balasingham, who has for several years been the chief spokesman of the movement in Madras in South India (21 October 1987).

And Bruce Palling reported in the *Independent*: “Other cabinet ministers, notably the Minister for National Security, Lalith Athulathmudali, have said privately that they want to exclude the Tigers totally from the interim provincial councils to be established under the terms of the peace agreement” (22 October 1987).

But according to the Indian government it is the LTTE which is selfish. India is the selfless guarantor of the interests of the Tamil people—a selfless guarantor who at the same times seeks to secure its geopolitical interests in the Asian region. And so, the Indian Government seeks to ‘deal firmly’ with the LTTE by killing them if necessary, by capturing their arsenals and ammunition depots. And since no ‘low cost options’ were available, it was prepared to shell Tamil homes and strafe them from the air as well. And by doing all this the Indian Government seeks to impose the Indo-Sri

Lankan Peace Accord on the Tamil people—an Accord which according to the Indian Government ‘best serves the interests of Tamils and gives them the powers to administer both Northern and Eastern Provinces’. And the Chief of Staff of the Indian Army declared in December 1987 that this will be done ‘at any price’.

But what does reason say? Does the Indo-Sri Lanka Accord as it stands ‘serve the interests of the Tamil people’ as the Indian Government claims or does the Accord serve the interests of the Indian government, as reason tells us? Does the Indo-Sri Lanka Accord ‘go beyond anything that the Tamils have put forward’ as the Indian Government claims or does the Accord fail to go even as far as the Bandaranaike-Chelvanayagam Pact, as reason tells us? Does the Indo-Sri Lanka Accord ‘look at almost every single problem of the Tamils’ as the Indian Government claims, or does the Accord fail to address itself to the central issues of the struggle which were crystallised at Thimpu, as reason tells us? And was it that the LTTE was not ‘bothered about the Tamil people’ as the Indian Government claims, or was it that it was India which was not bothered about the legitimate interests of the Tamil people when it sought to secure its own geopolitical interests without first securing agreement on the central issues of the Tamil struggle? And was it that the LTTE demands regarding the Interim Administration Council were conceded as the Indian Government claims or was it that the demands were conceded only after Thileepan’s fast and that too only after Thileepan’s death, as reason tells us? And why did the Indian Government wait till Thileepan’s death to concede reason? And was it thereafter unhappy that it had been compelled to concede reason? And was that why, it subsequently refused to intercede to prevent the transfer of 14 arrested LTTE leaders from Jaffna to Colombo? Was it that India was powerless to prevent this attempted transfer or was the transfer yet another attempt by the Indian Government to manage the LTTE and bend the LTTE to India’s will? And does anybody say that that which was stated in thousands of leaflets showered on the Tamil people by the Indian government that the leaders of the LTTE ‘are bent on serving their own personal interests and are not bothered about the Tamil people’ is a statement of truth from the land of Mohandas Karamchand Gandhi? Or is it the truth that it was the LTTE alone amongst all the militant groups, which stood up firmly for the Tamil cause and for the Tamil people in a selfless heroism which will be remembered by thousands upon thousands of Tamil people

for decades to come? What does reason tell us?

CENTRAL FAILURE OF PEACE ACCORD: REFUSAL TO RECOGNISE
TAMIL NATIONALISM

Reason tells us that the central failure of the Indo-Sri Lankan Peace Accord was its refusal to recognise the political reality of Tamil nationalism. Prime Minister Rajiv Gandhi should have lent his powerful support to secure constitutional frames which recognised the existence of Tamil nationalism rather than to Peace Accord which sought to deny its political force. Tamil nationalism cannot be snuffed out. It can be reasoned with. And to reason with Tamil nationalism you must first recognise it. And to recognise it you must understand it. Tamil nationalism is not a mere intellectual concept. It would be lifeless if it were. Neither is it the expression of emotion alone. It would not be sustained for long if that were true. Nor is it matter merely of a people securing food, clothing and shelter and their material conditions of existence. Because, that would deny to Tamil nationalism its rich cultural heritage. Tamil nationalism is all these—and more. It is all these together as an integrated whole—an integrated whole which is greater than the sum of its constituent parts—and an integrated whole which has taken shape through a process of opposition and differentiation. Every inside has an outside. And it was continued Sinhala discrimination during a time period of several decades, which consolidated the growth of Tamil nationalism. That which was treated separately, became separate. And it is when you begin to understand all this that you will also understand the sacrifices and the suffering undergone by the Tamil people and the militant movement in the name of the Tamil nation—understand the martyrdom of Thileepan who fasted for more than ten days without food or water, and who gave his life to the Tamil nation—understand the answering response from thousands of Tamils and understand the increasing togetherness of the Tamil people. And it is when you understand all this that you will also understand the growing political force of Tamil nationalism and its power to direct and influence the conduct of thousands.

A SPECTRE IS HAUNTING THE INDIAN SUB-CONTINENT

It would seem that today a spectre is haunting the Indian sub-con-

continent—the spectre of Tamil nationalism. It is a spectre that is haunting both Sri Lankan Government and the Indian Government. And it would seem that in their fear they are hugging each other. And if both the Indian Government and the Sri Lankan Government are hugging each other in fear of the political force of Tamil nationalism, then clearly it is a political force which must be reckoned with. Tamil nationalism is not without power and influence. Tamil nationalism will not quietly go away and disappear from the political arena merely because the Indian government and the Sri Lankan government refuse to recognise its existence. Selvarajah Yogachandran's words in a musty court house in Colombo when he was sentenced to death in 1982 continue to be relevant—'You may take my life, but for the life of each Kuttimuni you take, there will be ten more who will be born'. Neither will Tamil nationalism disappear in the world arena, merely because today both the Soviet Union and the United States have supported an Indo-Sri Lanka Peace Accord which fails to recognise the political reality of Tamil nationalism. Both the Soviet Union and the United States may take the view today that the stability of the Indian region will be secured by supporting Prime Minister Rajiv Gandhi's government. But Prime Minister Rajiv Gandhi's government will secure stability in the Indian region only if it has the strength to openly recognise that both India and Sri Lanka are multi-national states—and only if it uses that strength to put into place constitutional structures which reflect that political reality. And so by all means let us support Prime Minister Rajiv Gandhi if he is willing to lend his powerful support to secure a constitutional structure in Sri Lanka which recognises the political force of Tamil nationalism. By all means let us support the endeavours of the Indian Government if its endeavours are based on the recognition that the long term political stability of India cannot be achieved without securing the legitimate interests of the Tamil people as crystallised in the Thimpu Declaration. And by all means let us strengthen Prime Minister Rajiv Gandhi if that is what he seeks to achieve.

The Tamil people do not take an exaggerated view of nationalism. The Tamil people are not chauvinists. Nations do not exist by themselves. They coexist with other nations. The question is: on what terms? The Thimpu Declaration set out a reasoned and principled framework within which the Tamil nation and the Sinhala nation may live in Sri Lanka. And today, the Indo-Sri

Lankan Peace Accord cannot achieve its stated aim of securing 'peace and normalcy' in Sri Lanka by denying reason to the Tamil people.

THE WAY FORWARD

The way forward at this critical juncture in the Tamil struggle is clear. Reason tells us that it is by strengthening the capacity of the LTTE to represent the Tamil people that the Tamil cause will be furthered. The words of Sri Sabaratnam, the leader of TELO, in Madras in August 1985 continue to have their significance. He said, "You know, there are two types of power: one, 'thongura' power, where you seek to derive power by hanging on to some one above and the other, 'makkal' power, power that you derive from the support of your own people: 'thongura' power is nothing because you are powerless to do anything for your people. The only power which is true power is that which accrues to you when you serve your people." Nadarajah Thangathurai, Selvarajah Yogachandran and Sri Sabaratnam were brave and honest humans whose commitment to the Tamil cause was unquestioned. But neither their memory nor the cause for which they gave their lives, will be furthered by quisling Tamil groups engaged in a sectarian search for revenge and who thereby serve not the Tamil people but who at best, may secure some crumbs from their master's table for themselves and their hangers on. And today, upon the LTTE has fallen the heavy and onerous duty of mobilising the strength and support of the Tamil people around the Thimpu declaration. And if that is what our reason tells us, what does our heart say, my fellow Tamils? Our hearts will tell us: let us not at this critical juncture let down thousands upon thousands of our brothers and sisters who have had the courage to stand up for that which was right. Let not history record that we as a people were found wanting in our commitment to support that which reason tells us is right.

And, if the struggle of the Tamil people is an appeal to reason, then let us also recognise that we cannot mobilise our strength by denying the force of reason amongst ourselves. We cannot go forward by annihilating those with whom we may disagree. Democracy is not an useful cliché to be uttered from platforms—it is only through the practise of democracy that the resources of a people can be mobilised. The passive acquiescence of the Tamil people yielded to the reaction and the heroism of the militant

movement. But out of that militant response has come the purified stand to which Mahatma Gandhi gave his life and which Thileepan of the LTTE exemplified. True non-violence requires even greater courage than violence. It required more than ordinary courage for Thileepan to renounce violence and to say with Mahatma Gandhi: 'yes, I am prepared to give my life for my people but there is no cause for which I am prepared to kill.' A people who have gone through an armed struggle, become strong. They are also purified and perhaps the time will come when the Tamil people as a people will have the strength to follow the path that Thileepan has shown. And so let us reason with each other to unite and let us unite around reason—and it is only then, that we shall acquire the strength to translate our words into deeds. Let us as a people stand up together in support of the Thimpu Declaration and let us strengthen the capacity of the LTTE to represent the Tamil people and give coherence and direction to the Tamil national struggle.

CHAPTER 18

Thimpu Negotiations: A Watershed

JOINT RESPONSE OF THE TAMIL DELEGATION ON THE CONCLUDING DAY OF PHASE II OF THE THIMPU TALKS ON 17 AUGUST 1985

THE Thimpu talks were convened at the initiative of the Government of India. It was an initiative which we welcomed particularly in the context of Prime Minister Shri Rajiv Gandhi's statement concerning the need to find a just and lasting solution to the Tamil national question.

At the commencement of these talks in early July 1985, the Sri Lankan government presented certain proposals, which were in substance, a repetition of the proposals by the Government to the aborted All-Party Conference in Colombo in December 1984. These proposals had been rejected by the TULF and the action of the Sri Lankan government in placing similar proposals once again at the Thimpu talks called in question the good faith of the Government and its commitment to seek a just solution at these talks.

The intent of the proposals that were presented was clear. Although it was stated that power would devolve on District Councils, in fact, the District Councils were without executive power. Again, even their limited legislative power to enact subsidiary legislation was made subject to the control and approval of the President. Finally, the funds to be placed at the disposal of a District Council were to be determined at the discretion of a commission appointed by the President. The proposals submitted by the Sri Lanka Government did not devolve power from the centre: they reinforced the power of the centre to manage the districts. The proposals constituted evidence of the intention of Sri Lankan government to manage and control the Tamil people even in the relatively insignificant functional areas where the District Councils were given some jurisdiction.

We, the Tamil delegation consisting of six organisations, unani-
mously rejected these proposals because it was our considered view

that any meaningful solution to the Tamil national question must be based on the four cardinal principles enunciated by us.

The talks were thereafter adjourned to 12 August 1985, on which date the Sri Lankan government made a statement setting out its understanding of the four basic principles enunciated by us and the Sri Lanka government denied that the Tamils constituted a nation, that the Tamils have an identifiable homeland, and further that the Tamil people have the right of self-determination. The Sri Lankan government further questioned our right to represent or negotiate on behalf of the plantation Tamils in the Island.

We responded by our statement of 13 August 1985, and pointed out that our demand for self-determination had evolved and taken shape historically through the determined political struggles of our people. We stated that the Tamils of Eelam or Tamil Eelam, constituted a nation with a common heritage, a common culture, a common language and an identified homeland, and further that they were a subjugated people and as such they had the inherent right to free themselves from an alien subjugation. It is right of self-determination that has come to be recognised as one of the peremptory norms of general international law. We stated that in upholding the right of self-determination, we as a people have the liberty to determine our political status, to freely associate or integrate with an independent state or secede and establish a sovereign independent state. We mentioned, however, that the enumeration of the principles enunciated by us did not entail that we were opposed to any rational dialogue with the government of Sri Lanka on the basis of such principles.

At the subsequent talks on 13th and 14th of August 1985, the Sri Lankan government delegation failed to engage in any discussion concerning the basic framework that we had enunciated. This was despite the circumstance that the members of the Tamil delegation specifically requested the Sri Lankan Government delegation to honour that which it had stated in its own statement of the 12th August, i.e. to engage in a 'fruitful exchange' of views.

The Sri Lankan government delegation presented instead its so-called 'new proposals' on 16 August 1985. These 'new proposals' are a rehash of the earlier proposals with the right to certain District Councils to function as Provincial Councils.

The 'new proposals' do not recognise that the Tamil-speaking people have the right to an identified homeland. The 'new proposals' do not recognise the inalienable right of self-determination

of the Tamil people. And finally, the 'new proposals' do not secure the fundamental rights of the Tamil people and any solution to the Tamil national question is inseparable from the resolution of the problems of the plantation Tamils in the Island. And accordingly, the 'new proposals' fail to satisfy the legitimate political aspirations of the Tamil people.

We may add that the so-called 'new proposals' are in fact nothing new. As early as 1928, the Donoughmore Commission recommended the establishment of Provincial Councils on the ground that it was desirable that a large part of the administrative work of the centre should come into the hands of persons resident in the districts and thus more directly in contact with the needs of the area. Twelve years later the Executive Committee of Local Administration chaired by the late S.W.R.D. Bandaranaike, considered the proposal of the Donoughmore Commission, and in 1940 the State Council (the legislature) approved the establishment of Provincial Councils. But nothing was in fact done, though in 1947, on the floor of the House of Representatives, the late S.W.R.D. Bandaranaike again declared his support for the establishment of Provincial Councils.

In 1955, the Choksy Commission recommended the establishment of Regional Councils to take over the functions that were exercised by the Kachcheries and in May 1957, the government of the late S.W.R.D. Bandaranaike presented a draft of the proposed Bill for the establishment of Regional Councils. Subsequently, in July 1957, the Bandaranaike-Chelvanayagam Pact made provision for direct election to Regional Councils and also provided that the subjects covered by Regional Councils shall include agriculture, co-operatives, lands and land development, colonisation and education. The Pact however did not survive the opposition of sections of the Sinhalese community which included the United National Party.

In July 1963, the government of Mrs. Bandaranaike declared that 'early consideration' would be given to the question of the establishment of District Councils to replace the Kachcheries and the government appointed a Committee on District Councils and the report of this Committee containing a draft of the proposed Bill to establish District Councils but again nothing was in fact done.

In 1965, the government of the late Dudley Senanayake declared that it would give 'earnest consideration' to the establishment of District Councils and in 1968 a draft Bill approved by the Dudley

Senanayake Cabinet was presented as a White Paper and the Bill provided for the establishment of District Councils. This time round, the opposition to the Bill was spearheaded by the Sri Lanka Freedom Party which professed to follow the policies of the late S.W.R.D. Bandaranaike who himself had in 1940, 1947 and again in 1957, supported the establishment of Provincial/Regional Councils. In view of the opposition the Dudley Senanayake government withdrew the Bill that it had presented.

More than 50 years have passed since 1928, and we have moved from Provincial Councils to Regional Councils and from Regional Councils to District Councils, and now from District Councils back to District/Provincial Councils. We have had the 'early consideration' of Mrs. Srimavo Bandaranaike and the 'earnest consideration' of the late Dudley Senanayake. There has been no shortage of Committees and Commissions, of reports and recommendations, but that which was lacking, was the political will to recognise the existence of the Tamil nation. And simultaneous with this process of broken pacts and dishonoured agreements, the Tamil people were subjected to an ever-widening and deepening national oppression aimed at undermining the integrity of the Tamil nation.

The four basic principles that we have set out at the Thimpu talks as the necessary framework for any rational dialogue with the Sri Lankan government are not some mere theoretical constructs. They represent the hard existential reality of the struggle of the Tamil people for their fundamental and basic rights. It is a struggle which initially manifested itself in the demand for a federal constitution in the 1950s and later in the face of a continuing and increasing oppression and discrimination, found logical expression in the demand for the independent Tamil state of Eelam or Tamil Eelam. It is a struggle in which thousands of Tamils have died and many thousands more have lost their properties and their means of livelihood—they have died and they have suffered so that their brothers and sisters may live in equality and in freedom.

And so, we declare here at Thimpu, without rancour, and with patience, that we shall speak at Thimpu, or for that matter anywhere else, on behalf of the Tamil nation or not at all. And we call upon the Sri Lankan government to state unequivocally, whether it is prepared to enter into a rational dialogue on the basis of the framework set out by the cardinal principles enunciated by us at these talks.

CHAPTER 19

The Tamil National Struggle and the Indo-Sri Lanka Accord

THE POLITICAL COMMITTEE OF THE LTTE

WHY did the Liberation Tigers of Tamil Eelam (LTTE) refuse to accept the Indo-Sri Lanka Accord unconditionally? What are the basic defects and limitations of the Accord? Does the Accord offer a permanent solution to the Tamil national question? Does it fulfil the political aspirations and national interests of our people? Will it create an appropriate political climate so that our people can live in peace, in freedom, with honour, dignity and security?

This paper attempts to answer these crucial questions and clarifies LTTE's position on the Indo-Sri Lanka Accord.

The euphoria and high hopes that were displayed when the Indo-Sri Lanka Accord was signed in July last year have almost disappeared. What prevails now is gloom and hopelessness since the Accord has brought, violence and misery, instead of the promised peace, harmony and happiness, yet the Government of India continues to praise the Accord as a remarkable historical triumph, as a magnificent diplomatic achievement on the part of Rajiv Gandhi and Jayawardene. What amuses the people of Tamil Eelam is the continuous assertion by India that the Accord was signed to promote the interests of the Tamils and to find a permanent solution to the Tamil question. In Rajiv's opinion, the Accord provides for all the political demands of the Tamils except the demand for an independent Tamil state. We wish to argue that this interpretation advanced by him is deliberately misleading and far from truth.

It is our considered opinion that the Accord fails to fulfil the political and national aspirations of the people of Tamil Eelam. It fails to grasp the complex dimensions of the Tamil national question. It fails to offer an adequate framework for the resolution of

the problem. This failure can only be attributed to the superficial approach to a dense historical problem, an approach based on entirely false promises, on false perceptions. Let us discuss the issue in more detail.

A NATIONAL QUESTION

The problem of the Eelam Tamils is a national question. It is a problem concerned with the fundamental political rights of a nation of people. It is a problem of the rights to national self-determination of people. The political struggle of the Eelam Tamils is based on this very question of national self-determination.

Our people have all the attributes that constitute them into a unique nationality. We have a homeland, a historical habitation with well-defined territory, a unique culture and tradition, a rich language, and a distant history that extends to pre-historical times.

As a nation of people, we have the right to determine our own political destiny. This right to self-determination of people is recognised by international law and by the UN charter. This right bestows upon us the freedom to form an independent state of our own.

Our struggle for self-determination arose as a consequence of state repression, terror and genocide, as a consequence of the rejection by the chauvinistic Sinhala regimes of our civilized demand for federal autonomy, as a consequence of ever growing conflict between Tamil and Sinhala nations which made co-existence under a unitary state intolerable and impossible.

The forms and methods of our struggle for political independence changed on account of the concrete conditions of state oppression. The peaceful, non-violent agitations adopted by our people were ruthlessly crushed by the repressive arm of the racist state. Armed struggle as a mode of political agitation arose when our people were presented with no alternative other than to resort to armed resistance to defend themselves against a savage form of state terrorism.

As the liberation movement of our people, we have been fighting an armed struggle for the last twelve years to gain our right to self-determination. In this long and arduous struggle we fought with dedication and commitment and made supreme sacrifices. Over a thousand of our cadres have laid down their lives for this noble cause. Our people, too, have faced immense suffering, the

vicissitudes of which cannot be described by words. Over twenty thousand Tamils have lost their lives for the emancipation of their homeland.

Ours is a national liberation struggle, a struggle for freedom to shape our political destiny, a struggle waged with courage, heroism and sacrifice, a struggle soaked in blood and tears, a struggle built on the ashes of several thousands of martyrs.

The Indo-Sri Lanka Accord fails to situate the essence and mode of our struggle as a liberation struggle, as a struggle for self-determination. Instead, the Accord places our national struggle entirely on a fallacious promise reducing it to a simple problem of a *discriminated minority group in a pluralistic social formation*. The Accord acknowledges that 'Sri Lanka is a multi-ethnic, and a multi-lingual society' and that the Tamils are one of the ethnic groups. Such characterisation conveniently buries the truth that there are two major linguistically oriented national formations, the Sinhala speaking and Tamil speaking people and that the conflictual relations between the two generated by the chauvinism of the big nation, is the cardinal cause of the national strife in Sri Lanka.

This pluralistic theory of multi-ethnic, multi-lingual Sri Lankan social formation was advanced by Hector Jayawardene at the Thimpu talks to reject outright the demands forwarded by LTTE and other political organisations seeking recognition for a Tamil homeland, for Tamil nationality, for the Tamils' right to national self-determination. We are dismayed to find that the Government of India has adopted similar theoretical concepts and definitions utilized by Sri Lankan chauvinists to distort the real issues underlying the Tamil problem. Therefore, the Indian position entrenched in the Sri Lankan ideological terrain rejects the very conceptions of nationality and national self-determination which are fundamental to our political struggle.

TAMIL HOMELAND

The people of Tamil Eelam have a homeland, a soil of their own upon which they lived and toiled for centuries, a historically constituted territory embracing the Northern and Eastern provinces. Our people have an inalienable right to this homeland. This homeland is the basis of our national identity and the very foundation of our socio-economic existence. Therefore, the recognition of the

Tamil homeland is a crucial element for any rational and permanent resolution of the Tamil question.

The Indo-Sri Lanka Accord does not recognise the concept of a Tamil homeland. Instead, the Accord contains within itself dangerous clauses that might eventually lead to the bifurcation of our homeland.

The Accord, while recognising that "the Northern and Eastern Provinces have been areas of historical habitation of Sri Lankan Tamil speaking people," further qualifies the statement by adding, "*who have at all times hitherto lived together in this territory with other ethnic groups.*" This qualified statement conveniently ignores the critical problem of the forceful annexation of vast territories of Tamil land by State aided Sinhala colonisation in the last 40 years and to some extent legitimises such illegal encroachment.

The geographical merger of the North and East to form a single Tamil regional State with adequate powers over the land has been the central demand of the Tamils. This demand for the re-unification and reconstitution of our homeland was the major issue figured in the past agreements and pacts. The question of merger was cardinal, since the Tamil people aspired to enhance their national character and identity and determined to protect their historical homeland from being swamped and swallowed by planned Sinhala colonisation.

Does the Indo-Sri Lanka Accord meet this longstanding, legitimate demand of the Tamils? We are of the opinion that the Accord fails to meet this demand. Contrary to the Indian claims that the question of merger is resolved, the Accord only provides for a temporary linkage; it proposes a single administrative unit consisting of Northern and Eastern Provinces only for an interim period followed by a referendum in the Eastern Province to enable the people of the Eastern Province to decide whether the province would remain linked with the Northern Province.

The LTTE is firmly opposed to the idea of a referendum. We hold the view that the Tamil homeland is one and indivisible and that the geographical contiguity and territorial unity of our homeland should be given unconditional recognition for any meaningful solution to the Tamil question.

The proposal for a referendum for linkage or delinkage is unacceptable to the Tamils since it has dangerous implications. The Eastern Province is already a seething cauldron of communal tension primarily due to the manipulations of the Sri Lankan govern-

ment to disrupt the demographic composition of the population. Jayawardene's government is hell bent on devouring the Tamil lands with the objective of reducing the Tamils to a minority in the area. Though a party to the Accord, the Sri Lankan government has publicly declared that it was opposed to the merger and would campaign against it. With thousands of Tamils uprooted and driven away from their homes, with thousands of Sinhalese settlers re-allocated in the deserted Tamil villages, one can easily predict the outcome of a referendum, possibly a rigged one.

The people of Tamil Eelam are deeply dismayed that the Government of India, which is fully aware of this sensitive issue, has failed to work out a satisfactory solution. A referendum on this issue questions the legality and validity of our right to our homeland which is a historically given reality.

The Indo-Sri Lankan Accord rejects the fundamental political demands of the Eelam Tamils i.e. the demand for the *recognition of our homeland*, for the *recognition of our people as a nationality*, for the *recognition of our people's right to national self-determination*. These demands were proclaimed at the Thimpu talks as a unanimous decision of the Tamils setting out the basis for a permanent resolution of the Tamil national question.

In total disregard to Tamil aspirations, the Accord attempts to impose a settlement within the framework of the military constitution of Sri Lanka which is nothing but a legalised embodiment of Sinhala-Buddhist chauvinism, thereby subjugating our people to the tyranny of the dictatorship of the majority. The Accord, therefore, fails to take into account the lengthy history of our political struggle, fails to recognise our people's quest for national identity and freedom, fails to realise the significance of the torrents of blood and tears shed in Tamil Eelam for the cause of our liberation struggle. Having completely ignored the aspirations and sentiments of our people the Government of India has entered into this agreement which does not deal with the fundamental issues of our national struggle nor in any way promotes the interests of the Tamil people.

THE PROPOSALS FOR A POLITICAL SETTLEMENT

Let us now critically examine the set of proposals offered by the Indo-Sri Lankan Accord for the settlement of the Tamil issue. The scope and theme of this document does not permit us a detailed

exposition of all the aspects of these proposals. We will confine ourselves to a brief analysis of the important themes.

A collection of incomplete set of proposals negotiated between the Government of India, Sri Lanka and the TULF from 4.5.1986 to 19.12.1986 were recommended in the Accord as the basis for the resolution of the issue. These proposals, called the December 19th framework, at that time, were presented to us for consideration by the Government of India in January 1987. Our leader Mr. Prabhakaran, submitted a written response to the Government of India through Hon. M.G. Ramachandran, then Chief minister of Tamil Nadu. Mr. Prabhakaran rejected the framework outright pointing out the inadequacies of the proposals. Mr. Prabhakaran argued that the proposed devolution of powers set out in the proposals was extremely limited and failed to meet the legitimate political aspirations of the Tamil people.

This same set of proposals are now presented to us again in the Accord with a commitment that “the residual matters not finalised during the negotiations shall be resolved between India and Sri Lanka”. But to the disappointment and dismay of the Tamils, these residual matters were not taken up for discussion. In blatant violation of the commitment given in the Accord, Jayawardene’s regime refused to consider the residual matters, but rather rushed through the Parliament two Bills—*The 13th Amendment to the Constitution* and *the Provincial Councils Bill*—which contain most of the unresolved, incomplete collection of proposals.

A critical elucidation of the provisions of these Bills brings one important truth to light. That is, the Provincial Council framework envisaged in these Bills is not specifically addressed to the specific grievances of the Tamil people with the specific objective of resolving the Tamil question. Rather, these laws propose the creation of an island wide administrative structure rigidly controlled by the Centre with limited distribution of political authority to all the provinces of Sri Lanka. Provincial Councils are thus reduced to local administrative bodies serving the dictates of the State. They do not enjoy any autonomous powers of their own. The institutions of the Centre—the Presidency, the office of the Governor and Parliament—are invested with sweeping powers to interfere and control the functions of the Provincial Councils. In essence, the provisions of these Bills, instead of delegating powers from the centre to the periphery allow absolute concentration of powers to the Centre.

DICTATORIAL POWERS

The 13th Amendment confers on the President totalitarian emergency powers to dissolve or to make redundant any Provincial Council at his whim and fancy. The President can make a proclamation of Emergency on the ground that the maintenance of essential supplies and services is threatened or that the security of Sri Lanka is threatened by war or external aggression or armed rebellion or *in the President's view there is imminent danger of such happenings*. Having declared Emergency, the President can give directions to the Governor on the course of action and that presidential direction cannot be questioned by any court of law.

The Governor, who will function as the Agent of the President, will not be a ceremonial puppet but rather endowed with far-reaching executive powers. Acting on the direction of the President, the Governor's role is to supervise the functions of the Provincial Councils and super-impose the authority of the Centre over them.

By bestowing extraordinary powers to the President and to his appointee, the Governor, the architects of these proposals have deliberately thwarted de-centralisation of power to the Provinces and extended the Presidential authority to grass-root level, subjugating the entire Provincial administration of the island to the dictates of the Centre.

It is well-known that President Jayawardene has been abusing emergency powers for the last 10 years to continue his regime of racist repression. With additional emergency powers conferred on him by those laws one can safely assume that Jayawardene will not hesitate to use his power to stifle and suffocate any attempts on the part of the Tamils to assume political power.

With Presidential authority exerting rigid control over the functions of the Provincial Councils, the powers accorded to Parliament to amend or repeal the chapter pertaining to the P.C.'s make this 'devolution package' a mockery. The legislative powers devolved to the Councils become meaningless and impotent since Parliament retains the power to legislate even on matters allotted to Provincial Councils. In brief, the provisions of these Bills, having effectively constrained devolutional power, allow the perpetuation of the tyranny of the parliamentary majority which has been the medium of repressive racist policies against the Tamil people.

CENTRAL CONTROL OVER VITAL SUBJECTS

The severe limitations of the functional authority of the Provincial

Councils can be best ascertained by the list of subjects that are allotted to the Provinces. While all the crucial subjects that are vital for the social and economic development of the regions are brought under the Central Government (under Reserved and Concurrent lists) only a limited number of unimportant subjects fall within the Provincial administration.

Important subjects like agriculture, industries, fisheries, land development, colonisation, higher education, reconstruction, rehabilitation, local government and several others are excluded from provincial authority.

The powers of the Provincial Councils are extremely limited over the issue of land and land settlement which is an important and sensitive matter to the Tamils. The Provincial Councils are denied the right to utilise lands which fall within their regions. The right of alienation of what is described as 'state lands' is vested with the Centre and the President is given power over alienation and disposition of such lands. Furthermore, the State is empowered to allot or acquire lands, or initiate colonisation projects under the cover of inter-provincial irrigation and land development schemes. In brief, the proposals governing land settlement deprive the Tamils of their rights over their own lands, their right to develop their own soil for their own economic well-being, and their right to protect their own homeland against Sinhala encroachments.

In terms of the limitation of subjects and powers delegated to the Provinces one can safely conclude that the Rajiv-JR Peace Accord falls short of the Bandaranaike-Chelvanayagam Pact of 1957. In the B.-C. Pact, "It was agreed that Regional Councils should have power over specified subjects including agriculture, co-operatives, lands and land development, colonisation, education, health, industries and fisheries, housing and social services, electricity, water schemes and roads". Did not the B.-C. Pact offer more to the Tamils 31 years ago than the present Agreement?

The proposals concerning law and order, a subject of grave concern to the Tamil people, is the most defective. The proposals fail to meet the demand for a Tamil police service independent of the Centre's interference and domination. Rather, it proposes the creation of a dual police system—National and Provincial—with more powers to the national division to appoint senior positions to the Provincial police and even to interfere directly in the affairs of law and order of a province under the cover of emergency. This police system fails to provide adequate security to our people but

rather it will allow the perpetuation of Sinhala police tyranny in Tamil areas.

OFFICIAL LANGUAGE: A MYTH

The supporters of the Indo-Sri Lanka Accord argue that one of the positive elements of the Agreement is the elevation of the Tamil language to the status of an official language on a par with Sinhala. But a close scrutiny of this matter will dispel this myth.

The Sri Lanka constitution accords to Sinhala the full status of the official language, '*to be the sole official language*' and provides for the manner of its use. The status of the Tamil language or its use is not guaranteed by constitutional provisions. Instead, the 13th Amendment states that the Parliament shall, by law, provide for the use of Tamil as an official language. By bestowing such power to the Sinhala majority Parliament the status of the Tamil language as an official language is negated and its use is severely undermined.

FORCEFUL REPATRIATION

A deliberate attempt by both India and Sri Lanka to de-link the burning issue of the plantation Tamils with 'the ethnic problem of Sri Lanka' is the most serious defect of the Accord. The LTTE and other Tamil organisations, at the Thimpu talks, insisted on the inclusion of the problem of the plantation Tamils in any meaningful attempt to find a permanent political solution to the Tamil issue and demanded that citizenship and other civil rights should be granted to the plantation Tamils; they consider the island as their mother country.

The Accord offers nothing to resolve the plight of this section of the Tamil population. Instead, the Government of India's pledges "to expedite repatriation from Sri Lanka of Indian citizens to India concurrently with the repatriation of Sri Lankan refugees from Tamil Nadu". The Accord allows for forceful repatriation of plantation Tamils, thereby violating the right of human beings to choose their own country.

TAMIL INTERESTS BETRAYED

In total perspective, the Provincial Council framework fails to meet

the legitimate and reasonable demands of the Tamils; it fails to recognise their political and national aspirations; it fails to promote their socio-economic interests; it fails to guarantee their security concerns. The proposed devolution plan is not designed to redress the longstanding grievances of our people. On the contrary, it allows the perpetuation of the domination, oppression and exploitation of the Tamil masses by the racist Sinhala state. Thus, the Indo-Sri Lankan Accord offers an inadequate, insubstantial and impotent set of proposals for the resolution of the Tamil issue. This is the offer given as an alternative to a politically conscious nation of people who have been waging an armed struggle for more than a decade to establish an independent sovereign state. This total disregard shown to Tamil political sentiments and aspirations by both India and Sri Lanka brings to the surface one important political truth. That is, *the signatories to the Accord have little or no concern about the interests of the Tamil people*. The Accord was hurriedly signed not with the acknowledgement of "the imperative of resolving the ethnic problem" as proclaimed in the preamble to the Agreement. The impelling and compelling imperative was something else. As far as India is concerned, the imperative is her geo-political interests and the Accord secures such national interests. What shocks the Tamil nation is that the Government of India, in pursuit of her geo-political interests has betrayed the Tamils by totally disregarding their political aspirations and interests.

Indisputably India has given primacy to her national and geo-political interests over and above Tamil concerns. But the manner in which the Government of India chose to secure her interests at the cost of Tamil aspirations is what has deeply disillusioned the Tamil people. Utilizing the Tamil struggle to interfere in the conflict, encouraging the Tamil resistance movement to bring pressure on Jayawardene, taking the responsibility upon itself to mediate on behalf of the Tamils, the Government of India has finally achieved her strategic interests but the Tamils are left alienated, helpless, defenceless, with their fundamental political problems unresolved.

INDIA'S STRATEGIC INTERESTS

Let us now examine the aspects of the Accord that secures India's strategic interests.

Sri Lanka, since the assumption of power by the right-wing UNP regime under Jayawardene, has been drifting away from India's sphere of influence and moving towards the power axis of western imperialism. Sri Lanka's open economic policy, her desperation to crush the Tamil freedom movements, her fear of India's hegemonic dominance in the region, propelled Jayawardene to drift closer to western imperialism. Such a drift of a neighbouring country, whose strategic importance is considerable, has irritated India. Furthermore, the subversive activities of Israeli intelligence personnel, the induction of foreign mercenary forces in the war against the Tamil guerrillas, the military assistance and training facilities provided by Pakistan, the clandestine operations of the American and West German broadcasting stations, the U.S. bid to take over the oil farms in Trincomalee—all these factors posed a serious threat to peace and stability in the region. Therefore, an Accord of peace and friendship with Sri Lanka, to bring the Island back into India's sphere of influence and to put an end to the penetration of the international forces of subversion became an imperative need for India. The precise objective of the Accord is to secure these strategic interests of India.

First of all, the Accord binds Sri Lanka to India's strategic sphere of influence in the region.

Secondly, it puts an end to the employment of foreign mercenary forces in Sri Lanka.

Thirdly, it stops the activities of Israeli Intelligence agencies in Sri Lanka.

Fourthly, it prevents foreign broadcasting organisations in Sri Lanka to use their facilities for military and intelligence purposes.

Fifthly, it allows India to undertake the task of restoring and operating the Trincomalee oil tank farm.

Sixthly, it prevents the use of Trincomalee or any other port in Sri Lanka for military purposes by any country 'in a manner prejudicial to India's interest'.

Thus, the Indo-Sri Lanka Accord secures India's geo-political interests and strategic objectives. The LTTE is sincerely pleased that the Government of India was able to put an end, through the Agreement, to the dangerous activities of international subversive elements who operated in Sri Lanka as agents of Imperialism. *As a revolutionary liberation movement committed to anti-imperialist policy we recognise India's security concerns in the region and support her cardinal foreign policy of making the Indian ocean as a*

zone of peace free from interference of extra-territorial powers. In this context, we wish to point out that it was the LTTE fighters who put up a heroic and relentless fight against foreign mercenaries. It was the LTTE fighters who shed their blood to contain these evil forces. Our liberation movement is not opposed to India's interests. *We have no objection whatsoever to India's strategic aspirations to establish her status as the regional super-power in South Asia.* We always functioned and will continue to function as a friendly force to India. We would have extended our unconditional support to the Indo-Sri Lanka Accord if the Agreement is only confined to Indo-Sri Lanka relations aimed to secure India's geo-political interests. But the Accord interferes in the Tamil issue and betrays the Tamil interests. It is here that the contradiction of interests between the LTTE and India emerges.

The Accord posed a serious threat to the role and function of our liberation organisation, to our armed revolutionary struggle, to our political objectives. The military structure of our organisation, which was built by blood and tears, by the supreme sacrifices of our heroic fighters, by relentless toil of our cadres for the last 15 years was ordered to be dismantled within 72 hours. The Accord stipulated such stringent conditions on our organisation without providing an acceptable solution to the Tamil issue, without providing adequate guarantees for the protection of our people.

The Accord proscribes the armed resistance movement and the political struggle for self-determination. The armed struggle is depicted as terrorist activity, while the demand for the right to self-determination is characterised as 'separatism or secessionism'. These activities are considered 'prejudicial to the unity, integrity and security of Sri Lanka' and would not be permitted to be practised on the Indian soil. Those who practise such activity in India would face deportation. The Indian territorial waters will also be closed for 'militant activities'. The Accord also threatens Indian military action against any Tamil organisation that rejects the Agreement and refuses to lay down arms.

Thus, the Government of India, suddenly and mercilessly, closed her doors against the Tamil freedom movement and imposed upon the Tamils, at the point of a gun, a framework of proposals that fell very short of their legitimate demands. Tamil interests are the price paid by India to Jayawardene's regime to secure its consent for the Accord. By subordinating the island to India's regional supremacy, Jayawardene has secured from India what his imperialist

masters couldn't provide, that is the total suppression of the Tamil liberation movement and the permanent subjugation of the Tamils under Sinhala hegemony.

WHY WE DECIDE TO CO-OPERATE

The Accord posed an unprecedented challenge to our liberation movement; it signalled a monumental turn of events. As our leader Mr. Prabhakaran has put it aptly to the Suthamalai convention,

Today there has taken place a tremendous turn in our liberation struggle. This turn has come suddenly, in a way that has stunned us, and as if it were beyond our power to influence events”.

We had no alternative other than to co-operate with India on the implementation of the Accord or to face the full might of the Indian armed forces.

We were taken unawares by the haste and hurry in which the diplomatic carpet was pulled under our feet. The Accord was framed secretly between the Government of India and Sri Lanka without our knowledge. Our leader Mr. Prabhakaran was rushed to Delhi in a hurry on the pretext of a meeting with the Indian Prime Minister. There, in Delhi, the Agreement was read out to him. He was told that the Accord had been finalised and there could be no alterations.

Prabhakaran refused to accept the Accord expressing serious reservations on the Provincial Council proposals. He was firm in his conviction that the proposals envisaged in the Accord would not pave the way for the permanent settlement of the Tamil question. At this stage, the Indian Prime Minister, Mr. Rajiv Gandhi, met the LTTE leader and had a lengthy dialogue. The Indian leader gave a patient hearing to Mr. Prabhakaran's concerns and misgivings, particularly to his anxiety about the security of his cadres and his people. The Indian Prime Minister assured the following:

- The problems and limitations of the proposed framework would be resolved to the satisfaction of the Tamil people.
- The LTTE would be given its due recognition. An Interim Government would be formed with LTTE playing a dominant role.
- A Tamil regional police service would be set up under the Interim Government.

- The Government of India would pay compensation to the LTTE for the maintenance of the organisation following the decision of the LTTE to withdraw the system of taxation in Jaffna. This relief fund would be paid on monthly basis until the formation of the Interim Government.
- The Government of India also promised funds to the Interim Government for the rehabilitation and resettlement of Tamil refugees.
- The Indian Peace Keeping Force would take over the responsibility of protecting the Tamils in the North and East until an adequate Tamil security system is created.

Following the assurances given by the Indian Prime Minister, we decided to lay down our arms. We also pledged to co-operate with the Government of India on the implementation of the Accord if the Tamil interests are promoted and the Tamil people are protected.

As pledged, we handed over a substantial portion of our arms to the Indian Peace Keeping Force. We parted with our arms as a gesture of goodwill towards India and as a symbolic act signalling our willingness to co-operate with India in her efforts to implement the Indo-Sri Lanka Accord. We also pledged that the rest of the arms would be handed over once the Interim Government is established. While we handed over our arms, we also handed over to the Government of India the responsibility of the protection of our cadres and people. Our leader Mr. Prabhakaran declared at the Suthumalai Convention:

‘What ardent, immeasurable sacrifices we have made for the safety and protection of our people. There is no need to elaborate on this theme. You, our beloved people, are fully aware of the character of our passion for our cause and our feelings of sacrifice. The weapons that we took up and deployed for your safety and protection, for your liberation, for your emancipation, we now entrust to the Indian Government.

‘In taking from us our weapons—the only means of protection for Eelam Tamils—the Indian Government takes over from us the great responsibility of protecting our people. The handing over of arms only signifies the transfer of this responsibility...

‘The soldiers of the Indian army are taking up the responsibility of safeguarding and protecting us against our enemy. I wish to

emphasise very firmly here that by the virtue of our handing over our weapons to it, the Indian Government should assume full responsibility for the life and security of every one of the Eelam Tamils.'

On his part, Prabhakaran fulfilled his pledges. He showed his goodwill towards India. In the hope that the lives of his people would be protected he laid down his arms, co-operating with the implementation of the Accord.

We need not elaborate or discuss in detail how the Government of India carried out its responsibility of protecting our people. It has now become the knowledge of the entire world how the Indian army unleashed terror in Tamil Eelam, turning our homeland into a killing field, how the promises and pledges given to us were betrayed, how the terms of the Accord were violated.

The LTTE did not violate any provisions of the Accord. But it were the signatories of the Accord who chose to violate the Agreement. Let us document here, very briefly, the breaches of the Accord made by both Sri Lanka and India.

VIOLATIONS OF THE ACCORD

The Sri Lanka Government violated the Accord by:

- Failing to release the Tamil political prisoners.
- Failing to withdraw the Emergency rule in the Northern and Eastern Provinces.
- Failing to disband the Sinhalese homeguards in the Eastern Province.
- Failing to confine the armed forces in the barracks.
- Intensifying Sinhala colonisation in Tamil areas.
- Opening up Sinhala police stations in the North and East.
- Arresting LTTE regional commanders and cadres and attempting to take them to Colombo for interrogation and execution.
- Refusing to merge the North and East.
- Rejecting talks on residual matters concerning Provincial Councils.

The Indian Government withdrew its commitments and pledges by:

- Failing to set up an Interim Government for the North and East.

- Failing to set up a Tamil police system.
- Arming the other Tamil groups while disarming the LTTE.
- Allowing these armed groups to hunt down LTTE cadres.
- Allowing our political wing leader Thileepan to die from fasting.
- Allowing the LTTE regional commanders and cadres who were in the custody of the IPKF, to die.
- Declaring an unjust war against the LTTE.
- Being responsible for the senseless slaughter of thousands of innocent Tamil civilians.

These are the remarkable achievements made by both Sri Lanka and India since the signing of the Accord to promote the well-being of the Tamil people and to establish peace and normalcy in Tamil areas. From this impressive list of achievements it is easy to assume who is responsible for the present chaotic state of affairs in Tamil Eelam, whether it is the LTTE or the signatories of the Accord.

In theory and practice, the Indo-Sri Lanka Accord is a monumental failure. It is a disastrous failure insofar as its acclaimed objective of resolving the Tamil problem is concerned. The Accord has miserably failed to bring about peace and normalcy in Tamil areas, nor has it promoted 'the safety, well-being and prosperity' of our people. Instead, it brought war, violence, death and destruction; it brought a holocaust to the Tamil nation; it brought a colossal human tragedy.

The Accord is a failure because the parties who entered into this diplomatic contract paid no attention to the pathetic plight of the Eelam Tamils, to their profound suffering and anguish, to their complex problems and grievances.

The Government of India is only concerned with securing and consolidating her national interests and geo-political gains. Whereas, Sri Lanka is only concerned with the liquidation of the Tiger movement and the destruction of the Tamil freedom struggle. The people of Tamil Eelam have become the unfortunate victims of these different designs of a regional super-power and a racist State.

It is our liberation movement which is sincerely concerned with the interests of our people. It is because of our earnest and genuine commitment to the cause of our people that we stand in conflictual relations with India and Sri Lanka. It is this conflict of interests that has exploded into a war.

This war undertaken by India with its full military might against our liberation movement has been continuing for the last seven months causing unprecedented suffering to our people. The reason advanced by India to legitimise her military misadventure is that the Tamil Tigers are opposed to the Accord and that they have to be disarmed as a necessary condition for the implementation of the Accord. This argument is untenable and far from the truth. *The real objective of this massive military exercise is to terrorise the Tamil population and to impose upon them—against their will—a defective political arrangement.*

Why India, the ardent advocate of global peace, of non-violence and non-alignment, the master of the world's largest democratic system, a crusader against oppression who intervened in Bangladesh, a champion for the world liberation movements and struggles for self-determination, chose to adopt an unpopular method of military repression and domination against a nation of people who are its ally and friend, who are culturally and ethnically bound to its blood and history, is the most perplexing question that torments our people. We do not think that the interests and aspirations of the Eelam Tamils, which are articulated in the political goals of the LTTE, are necessarily incompatible with India's national and strategic interests. What we demand is freedom from fear, from oppression, from genocidal annihilation; what we demand is justice, peace and security; what we demand is the recognition of our inalienable rights, our birth rights, our fundamental human rights; what we demand is liberty to shape our own destiny, to shape our own social, economic and political life; what we demand is a rational political system that could ensure our rights and liberties so that we could live like civilized humans with freedom, honour and dignity.

These demands are fair, reasonable, and legitimate and are not incompatible with democratic political thought and practice. If there had been an earnest and sincere effort on the part of India to remove the national conflict, a political model could have been evolved to accommodate the aspirations of the oppressed Tamil masses without prejudice to India's geopolitical interests. But the policy makers in Delhi chose to ignore completely the concerns of the Tamil people.

We hope that the Government of India will give up its militaristic approach and opt for a path of peace and negotiations. The Indo-Sri Lanka Accord can only succeed if Tamil aspirations are recognised

and the deep, complex, historical problems of the Tamils are resolved to the satisfaction of the Tamil people.

INDIAN MILITARY STRATEGY

Morally and spiritually we are opposed to this war. We do not want a conflictual relationship with India. This war is imposed on us against our will. We are only fighting to defend ourselves, to protect ourselves, against a formidable military machine far superior in man-power which is determined to wipe us out. While fighting a defensive war against severe odds, against extreme conditions, we are trying to impress upon the Government of India that the will and determination of a people cannot be subjugated or crushed by military means however formidable it may be.

Since the beginning of this war, we have been pleading with the Government of India to call off the military offensive operations and to resume negotiations to settle the issue by peaceful dialogue. We have indicated our willingness to lay down our arms and co-operate with the implementation of the Accord. At the same time we continue to insist that the interests of our people should be secured and their lives protected. In several communications to the Indian Prime Minister our leader, Mr. Prabhakaran, has expressed his desire for peace and reconciliation. But to our great disappointment India's response was negative. There is no indication whatsoever on the part of India to bring about peace and normality in Tamil areas. It is easy to discern from the belligerent and the intransigent attitude shown to us and from the malicious propaganda carried out to malign our movement, that the Government of India aims at none other than the total destruction of the LTTE. In other words, the strategic objective of this war is the 'total immobilisation'—to use the current Indian military jargon—of the armed resistance movement of the Eelam Tamils, and to put an end to the struggle for national emancipation. Therefore, there is no doubt that this war is conducted in such a callous and ruthless manner, for such a prolonged period of time, against all pleadings from the Tamil people, to serve the chauvinistic designs of the Sinhala regime. There is no doubt that India is playing into the evil hands of Jayawardene. This is the most dangerous aspect of the present Indian policy. By destroying the Tamil resistance movement which has been the protective shield of the Tamils against Sinhala state terrorism and the only bargaining card for political

negotiations, India is committing a grave political blunder and also doing a grave injustice to the Tamils. The Indian Government will realise the folly of the present policy when it finds the Jayawardene regime going back on its commitments in the Accord, once the Indian army succeeds in its strategy of totally immobilising the Tiger movement. It is unfortunate that the Government of India has embarked on this disastrous policy at this critical juncture when Jayawardene has already violated the terms of the Accord, when a political process in Tamil Eelam is not instituted, when Tamil concerns, particularly their security, are not guaranteed, when the immense problems of the uprooted Tamil refugees are not resolved.

Another aspect of the Indian policy that causes serious concern among the Tamil people is the plan to hold Provincial Council elections in Tamil areas under the umbrella of Indian military occupation and domination. This plan to induct an electoral process under the conditions of war and violence without creating conditions of peace and normalcy, constitutes a serious breach of democratic practice. The people of Tamil Eelam want peace; they want the restoration of normal life; they want the creation of an appropriate atmosphere where free, unhindered expression of political will is possible. The prevailing conditions in Tamil Eelam are not conducive for the induction of a political process. The IPKF which has been behaving as an army of occupation has destroyed the free press, banned public meetings and assembly, and imposed rigid control over political expression. Our people are denied all democratic rights and freedom which are fundamental to free political expression. Therefore, this Indian plan to hold elections under these circumstances is nothing but a travesty of democracy, a mockery of democracy.

In view of these dangerous policies and plans envisioned by India in collusion with Sri Lanka, it is of utmost importance that the international Tamil community should campaign effectively to bring maximum pressure on the Government of India to abandon its militaristic, authoritarian approach and to seek peace and reconciliation with the LTTE.

WHAT IS TO BE DONE

We do not want a protracted war with India. We want to put an end to this unfortunate conflict as early as possible. As our leader, Mr. Prabhakaran, has declared at Suthumalai, our organisation is -

prepared to co-operate with India in her effort to implement the Accord. As he said, we have no alternative but to offer India an opportunity to find a political settlement to the Tamil question. We are also prepared to face a democratically constituted electoral process to convince the world that the wider sections of the popular masses are behind our liberation movement.

It is the consensus of all Tamil political organisations that the Provincial Council framework in the present form is defective, has serious limitations and falls very short of Tamil aspirations. Therefore this framework cannot be the basis for a permanent political settlement of the Tamil issue.

We are of the opinion that the Government of India should re-negotiate with Sri Lanka with the active participation of the Tamil representatives to work out an adequate framework with satisfactory devolution of power for a regional Tamil State. The LTTE holds the view that the principles enunciated at Thimpu demanding the recognition of the Tamil people as a nation, the recognition of the Tamil homeland, the recognition of the right to self-determination of the Tamils, the recognition of the right to citizenship of the plantation Tamils — should be the basis for a permanent solution to the Tamil national question.

The urgent and immediate task facing India today is to restore peace and normalcy in Tamil Eelam. The establishment of a congenial atmosphere of peace in the war torn territory is a necessary condition for initiating a political process. To create the conditions for peace, the Government of India should call for a ceasefire and withdraw its offensive military operations against the LTTE. Laying down of arms by the LTTE is not the stumbling block for a reconciliation. What the LTTE demands from India for the handing over of arms is appropriate guarantees and safeguards for the protection of life of the Tamil people.

It is the considered opinion of the LTTE and of the Eelam Tamils that an Interim Government should be established until appropriate conditions are created for the induction of an electoral process. This would facilitate, apart from other matters, the rehabilitation and resettlement of the Tamil refugees which is of utmost importance to alleviate the suffering of our people and to create conditions of normalcy in the Tamil areas.

The future direction of our struggle is contingent upon the actions and responses of the Government of India to our fair and reasonable suggestions which are predicated upon the interests of our people.

But we can assure you that the LTTE will continue the struggle in the forms and modes that are suited to concrete conditions and historical necessities to advance the cause of our people.

At this critical historical juncture, when the Eelam freedom struggle is facing a grave crisis, it is the duty and responsibility of all patriotic Tamils living abroad to unite into a single force, into a single voice to articulate and campaign for their beleaguered brethren in their homeland. We suggest that an international forum of expatriate Tamils should be formed to organise an international lobby to:

1. Bring to book the human rights violations and other atrocities committed by the Indian troops in Tamil Eelam.
2. Expose the undemocratic, totalitarian methods adopted by the Indian government to terrorise the Tamil civilian masses and to impose upon them, against their will, a political formula that is totally unacceptable to them.
3. Campaign for immediate cessation of hostilities and for negotiations with the LTTE without pre-conditions.
4. Campaign for the establishment of an Interim Government as pledged by India.
5. Campaign for a political settlement based on the cardinal principles enunciated at Thimpu *giving primacy to our struggle for national self-determination.*

We hope that the international Tamil community will provide unrelenting support to the LTTE in its determined struggle to advance the cause of the Eelam Tamils. The LTTE is fighting for a right cause, a legitimate cause, a noble cause; and righteousness and truth will eventually be victorious.



CHAPTER 20

Crying for Justice and Peace

R.F. WOOTON

THE refusal of people to part with their land in the face of brutality and greed is well known in many parts of the world. We can think of South Africa, and Australians know of the evil genocide that was used to steal the land from Australian Aborigines. The issues of greed, injustice and brutality are familiar to all Sri Lankan Tamils. While the history of Sri Lanka is long and cruel, present events with the Indian occupation have been particularly barbaric.

1. At the time of signing of the Accord, it was announced that it was a Peace Accord, that it would protect the Tamil people from the Sri Lankan Army's onslaught, and bring autonomy to the Tamil areas. Instead it has brought more war to the Tamil people. The WCC (World Council of Churches) Executive noted at this time 'the role assigned to India in the implementation of the Agreement itself can become a problem, especially because of the strong Indian military presence in Sri Lanka'.

2. Neither before nor after the signing of the Accord has the Sri Lanka Government made any attempts at reconciliation with the Tamil people. Nothing has happened since for the Tamil people to forget Sinhala atrocities or resume trust and confidence in the Sinhala Government or people.

3. The only protection the Tamils had against the terrorism of the Sinhalese army and government in recent years had been the militant youth. In particular the defence of the people of Jaffna Peninsula and Jaffna City in 1985-87 was by the LTTE. India's war against the LTTE thus eliminates the main protection the Tamils have had, and expect to have in the future when Indian forces are withdrawn. Having so weakened the LTTE, it is now India's responsibility to safeguard the Tamils, on a continuing basis.

4. When the Indian Army first arrived in Jaffna, they were welcomed enthusiastically by the Tamil people. But the continued fighting of India against the LTTE, and their refusal to negotiate, are progressively alienating the Tamil people from India. For ensuring peace, negotiations between India and the LTTE must resume at the earliest possibility.

5. There is no inherent conflict of interests between Indian geopolitical objectives in Sri Lanka, and Tamil Human rights and autonomy.

6. The early inauguration of a regional administration in the North and East, as envisaged in the Accord, is essential and was seen as a positive step towards peace and autonomy. However, these negotiations failed. A series of incidents resulted in a fast deterioration of the situation and the LTTE defying the agreement. The Indian Peace Keeping Force (IPKF) then began a major military offensive against the LTTE in the Jaffna peninsula. There are many reports from Churches and other sources about the large-scale civilian casualties, appalling conditions and severe hardship to the civilians. The General Secretary of the WCC pointed out on 15 October 1987 that 'the Indian Forces contrary to all public statements put out by the official media have engaged in indiscriminate killing and aerial attacks.' An appeal by the General Secretary reiterated the appeal 'to seek ways to end the fighting and renew efforts for negotiations and political settlement'.

7. There are indications that some Tamil refugees now in India are being repatriated to Sri Lanka. Arrangements for their settlements and rehabilitation should be made by the Indian authorities. The relief of thousands of refugees within Sri Lanka itself, and the release of thousands of Tamil youth still held in detention, though part of the Accord, have not been implemented. One estimate we have is that there are 400,000 refugees within the peninsula.

8. Before further repatriation of refugees from India, the Indian authorities should seriously consider that they may trigger similar action by many overseas countries. We believe India should go slow with its Repatriation Program. The Regional Administration when set up will have many problems to handle. Additional complications with returning refugees should be postponed. At the least we should heed the advice of the WCC General Secretary in appealing to all Governments 'to take immediate steps for rehabilitation and relief and to allow the International Committee of the Red Cross and other Humanitarian Organisations to provide assis-

tance to the people in the area'.

9. The Indian Army caused death and injury, and destruction and damage to numerous buildings. The destruction caused is far greater than that by Sri Lankan forces. They should be required to restore all damaged homes, schools, hospitals, etc.; and render relief to the families of the victims.

10. The future requires that the human rights of the Tamil nation, as of any small nation, shall have the protection and support of the International Community.

11. Once the regional administration functions and restores some stability, international relief organisations should participate in the rehabilitation of refugees, and the restoration of nationhood.

12. The expatriate Tamils, together with human rights organisations worldwide, should acquaint the Indian Government of the realities as the Tamils see it, and urge immediate resumption of negotiations with the Tamil Liberation movements. It is evident that without bringing the LTTE into the political process no solution can be found. In public the Indian Government has rejected moves for negotiations with the LTTE but behind the scenes it appears that there are direct and indirect contacts. It is hoped that the LTTE which is primarily a military organisation might join the political mainstream rather than just continue as a guerrilla movement.

Expatriate Tamils must seek more unity amongst themselves and with their families in Sri Lanka. The present disunity overseas and internally makes the possibility of Eelam unachievable and prolongs the pain for all Tamils. If the LTTE for good reasons boycotts the June elections or disrupts it, we may see the stalemate and bloodshed continue.

India because it has the power, must allow the worldwide Tamil refugee problem to be resolved by establishing a secure state in which the Tamil people can live in safety and security.

It is certainly the prayer of most in the world that justice and peace may be realised in Sri Lanka.

The Future: A Perspective from the Northern Territory Australia

K. RATNAGOPAL

OUR people in Eelam have undergone and are still undergoing a lot of hardships. The peace accord signed between India and Sri Lanka was achieved without any consultation with or consent of the Tamil representatives. Now, the Indian government has taken steps to suppress the freedom fighters to implement the accord. When the Sri Lankan government initially broke the accord by colonising Sinhalese in the east of Sri Lanka to make Tamils a minority, the Indian government didn't take any steps to force the Sri Lankan government to comply with the accord. Our freedom fighters were forced to take up arms against a friendly neighbour to protect our traditional homeland. Now the Indian government should unconditionally start negotiations with the Tamils to arrive at an acceptable solution fulfilling the aspirations of the Tamil people.

The Tamils of Eelam have the most important role to play in this hour. They are the people who are facing the brunt of our struggle. They must never feel disheartened. They must never feel isolated. We are with them in their struggle. They must keep the freedom torch burning. They must continue the opposition to the Indian army by non-violent methods to bring back the Indian government into negotiations with Tamil representatives. They must stop co-operating with the Indian Army. They must protest by civil disobedience, by Satyagraha, by fasting, by prayers, etc. The Indian Army is already feeling the opposition to their occupation. The Indian Army will have to accept defeat eventually and will be forced to negotiate with the Tamils and arrive at a solution acceptable to the Tamils. History tells us nowhere in the world, has an army won a war against the popular uprising of the people. The

Tamils of Eelam must continue to protect our freedom fighters. Our fighters protected our people from the Sri Lankan Army. Now it is time for the people to protect the freedom fighters from the Indian Army. They are the only hope the Tamils have to achieve freedom.

Our struggle for Eelam was supported wholeheartedly by the people and government of Tamil Nadu. Eelam Tamils are always grateful to them. At present we feel betrayed by the Indian government. Our brothers in Tamil Nadu have a role to play at this juncture. They must continue to show their opposition to the accord which doesn't satisfy the aspirations of the Tamil people and also to the atrocities committed by the Indian Army against Eelam Tamils. At the time of the elections in Tamil Nadu the Indian government will be more receptive to the aspirations of the people of Tamil Nadu. They must exert maximum pressure on the Indian government to bring it to the negotiating table with the Tamils. The Tamil Nadu press has a moral duty at this important hour. The press, international red cross and the human rights organisations are banned from going into the North and East of Sri Lanka. The Indian press and particularly the Tamil Nadu press has a moral duty to publicise the atrocities committed by the Indian Army and the sufferings the people of Eelam are undergoing. We, the expatriate Tamils appeal to the press in India and specially in Tamil Nadu, to publish the real sufferings of the Tamils in Eelam, and appeal to the people and government of Tamil Nadu to continue to support our struggle and the people and the freedom fighters in all possible ways.

The expatriate Tamils have a moral obligation to support our brothers in Eelam. We must show solidarity with them and make them feel more confident. We must show our opposition to the peace accord which doesn't have the support of the Eelam Tamils and expose the Indian Campaign that the Tamils living abroad are supporting the accord. I appeal to every Tamil living outside Eelam to send letters to the Indian government informing them of their opposition. The Tamil associations around the world must condemn the accord and must send delegations to the Indian government requesting direct negotiations with the Tamils. The Indian government will then know the stand of the expatriate Tamils. We must also inform the Tamil Nadu government of our opposition to the peace accord. We must make efforts to publicise the human rights violations and atrocities committed against our people in

Eelam, in the countries where we all reside. We must make the Western countries know the real situation in Eelam. We must all get in touch with our local politicians and inform them of the real situation in Eelam. Through them we must all try to get help from the respective governments towards our struggle.

There are many thousands of Tamil refugees back home in Eelam. They are in desperate need of food, clothing and medicine. We must help the people of Eelam in whichever way possible. Every Tamil living outside must wholeheartedly support our people in their time of need. We, the Tamils from the Northern Territory of Australia, appeal to this forum to establish a trust fund to support the refugees in Eelam at present and to support the needs of our people in future. Once the fund is established we request every Tamil living outside Eelam to give a dollar per week for the worthy cause. Eventually we must all willingly support our freedom fighters. They have given their lives, are giving their lives and are determined to give their lives to achieve freedom for the Tamils. They are fighting to protect our race from genocide. They are facing a bipronged attack from Indian and Sri Lankan governments at the moment. They desperately need our support. We must continue to support them financially and psychologically.

The expatriate Tamils have got a role to play in the future of our country. We have the resources and technical know-how to develop our country. We must all help rebuild our country.

CHAPTER 22

Resolutions Passed at the International Tamil Conference*

RESOLUTION 1: RIGHT OF SELF DETERMINATION

CONSIDERING that the Tamils of Ceylon are a people bound together by a shared heritage, a common culture and a common language; and

Considering that the togetherness of the Tamil people has evolved in the context of a shared economic life in their homelands in the North and East of Ceylon; and

Considering that without a homeland they would not have become a people and that without a homeland they will cease to be a people; and

Considering that the togetherness of the Tamil people has been reinforced by an ever widening and deepening national oppression by successive Sinhala governments—an oppression which has included the disenfranchisement of Plantation Tamils, state aided colonisation of the homelands of the Tamil people, the downgrading of the Tamil language and the enactment of the Sinhala Only Act, discriminatory employment policies, the inequitable allocation of resources to Tamil areas, the exclusion of eligible Tamil students from universities, the refusal to share power within the frame of a federal constitution, and the resort to state sponsored violence against the Tamil people to intimidating them into submission and which violence has led to a genocidal situation; and

Considering that a people oppressed by an alien people have the inalienable and inherent right to engage in armed struggle against that oppression and recognising that this right of self determination has today become a peremptory norm of the law of nations; and

Considering that the armed struggle of the Tamil people, in which thousands of Tamils have given their lives so that their

* Held on 30th April and 1st May 1988 in London, England.

brothers and sisters may live in equality and justice has cemented the togetherness of the Tamil people; and

Recognising that the existential political reality today is that by any and every test, the Tamils of Ceylon are a nation and that Tamil nationalism is an irresistible political force with power to direct and influence the conduct of Tamils everywhere; and

Recognising the inherent and self evident justice of the claim of the Tamil people in the joint and unanimous Thimpu Declaration of July 1985, for

- A. The recognition of the Tamil Nation in Ceylon
- B. The recognition of the Northern and Eastern provinces as the homeland of the Tamils in Ceylon
- C. The recognition of the right of self-determination of the Tamil Nation in Ceylon
- D. The recognition of the equal right to citizenship and other fundamental rights of all Tamils in Ceylon: and

Considering that the right of self-determination is the right of a people to freely choose their political status and may be exercised while remaining in association or integration with an existing state; and

Recognising that peace will not come to the Indian Region without justice and that justice demands that action should be taken to secure to the Tamils of Ceylon those basic and fundamental rights which spring from the inherent dignity of man because the Tamil people seek to live with dignity with their fellow men, and considering that foremost amongst those basic and fundamental rights, and from which all other rights flow, is the right of self-determination of a people:

This International Conference of Delegates from more than one hundred Tamil Associations from Africa, Australia, Brunei, Canada, Europe, India, Malaysia, Middle East, Papua New Guinea, Philippines, Sri Lanka, the United Kingdom, and the United States of America, in expressing the considered will of the International Tamil Community on this 1st Day of May 1988—

1. Expresses the solidarity of the International Tamil Community with their brothers and sisters in Ceylon at this time of trial and tribulation; and
2. Declares the support of the International Tamil Community for the national liberation struggle of the Tamils of Ceylon;

and

3. Recognises the Tamils of Ceylon as a nation with the right to self-determination; and
4. Calls upon the Government of India, the Government of Sri Lanka, and the other member states of the United Nations as well as Non-Governmental Agencies with consultative status to support the struggle of the Tamils of Ceylon for their basic and fundamental rights, including the right of self-determination; and
5. Urges the International Community to assist in securing a just political settlement of the conflict in Sri Lanka on the basis of an open recognition of the political reality that there exists in Sri Lanka today two nations—the Tamil Nation and the Sinhala Nation—and that two nations may agree to live together by force of reason but cannot be compelled to live together by force of arms; and
6. Resolves that the Thimpu Declaration of July 1985 affords the only reasoned and just framework for the political settlement of the conflict in Sri Lanka.

RESOLUTION 2: RECOGNITION OF LIBERATION TIGERS OF TAMIL EELAM

Considering that a people oppressed by an alien people have the inalienable and inherent right to engage in armed struggle against that oppression and recognising that this right of self-determination has today become a peremptory norm of the law of nations; and

Considering that at Thimpu in Bhutan, in July 1985, the Government of Sri Lanka participated in talks with representatives of the armed liberation organisations of the Tamils of Ceylon with a view to resolving the Tamil National question and with the declared intention of abiding by any agreement that may be reached, and thereby recognised the legitimacy of the armed struggle of the Tamil people; and

Welcoming the recognition given by the Government of India and the Government of Sri Lanka in the Indo-Sri Lanka Accord of July 1987 to the armed liberation organisations of the Tamil people, by declaring them to be 'combatants' in the struggle of the Tamil people for their basic and fundamental rights; and

Regretting the decision of the signatories to the Indo-Sri Lanka Accord to call upon the combatants to surrender their arms before securing a resolution of the central issues of the Tamil National

Struggle and before resolving the so called 'residual matters'; and

Deploring the failure of the 13th constitutional amendment presented by the Sri Lankan Government in August 1987 to adequately address the so called 'residual' matters and the central issues of the struggle of the Tamil people which were crystallised in the joint and the unanimous Thimpu Declaration of July 1985; and

Welcoming the stand of Velupillai Prabhakaran and the Liberation Tigers of Tamil Eelam on the Indo-Sri Lanka Accord and the 13th amendment to the constitution and agreeing with the statement of Velupillai Prabhakaran that the set of proposals envisaged in the Indo-Sri Lanka Accord for the settlement of the Tamil National Question has serious limitations and therefore falls short of fulfilling the political aspirations of the Tamil people; and

Condemning the action of the Sri Lankan Government in taking into custody leaders of the Liberation Tigers of Tamil Eelam in October 1987, after the declaration of the general amnesty, and in breach of the terms of the Indo-Sri Lanka Accord; and

Regretting the failure of the Indian Government to secure the release of the leaders of the Liberation Tigers of Tamil Eelam so taken into custody; and

Mourning the consequent death, in custody, of these leaders; and

Condemning the subsequent widespread and indiscriminate attack by the so called Indian Peace Keeping Force on the Liberation Tigers of Tamil Eelam and on the Tamil people as an attempt by the Indian Government to bend the LTTE and the Tamil people to its will and to secure their unconditional support for the Indo-Sri Lanka Accord and the 13th amendment to the constitution; and

Paying homage to the heroism of the Liberation Tigers of Tamil Eelam and their leader Velupillai Prabhakaran for their uncompromising struggle to defend the basic and fundamental rights of the Tamil people and recognising that that heroism has become part of the founding memories of the Tamil Nation:

This International Conference of delegates from more than one hundred Tamil Associations from Africa, Australia, Brunei, Canada, Europe, India, Malaysia, Middle East, Papua New Guinea, Philippines, Sri Lanka, the United Kingdom, and the United States of America, in expressing the considered will of the International Tamil Community on this 1st Day of May 1988—

1. Recognises Velupillai Prabhakaran and the Liberation Tigers of Tamil Eelam as the true leaders of the Tamil National Struggle; and

2. Calls upon Tamils everywhere to strengthen the capacity of the Liberation Tigers of Tamil Eelam to further the Tamil National Struggle and to support the efforts of the Liberation Tigers of Tamil Eelam to secure the basic and fundamental rights of the Tamil people; and
3. Calls upon the Government of India, the Government of Sri Lanka, and the other member states of the United Nations as well as Non-Governmental Agencies with consultative status to recognise Velupillai Prabhakaran and the Liberation Tigers of Tamil Eelam as the true leaders of the Tamil National Struggle.

RESOLUTION 3: IMMEDIATE CEASE-FIRE AND NEGOTIATIONS

Recognising the urgent and imperative need to prevent the continued suffering of the Tamil people in their homelands in Ceylon and recognising their fervent prayers for peace; and

Recognising that the Indo-Sri Lanka Accord of July 1987 and the 13th amendment to the Sri Lankan constitution have failed to secure peace and normalcy in Sri Lanka; and

Considering that peace will not come to the Indian Region without justice; and

Recognising that Velupillai Prabhakaran and the Liberation Tigers of Tamil Eelam have emerged as the true leaders of the Tamil National Struggle:

This International Conference of Delegates from more than one hundred Tamil Associations from Africa, Australia, Brunei, Canada, Europe, India, Malaysia, Middle East, Papua New Guinea, Philippines, Sri Lanka, the United Kingdom, and the United States of America in expressing the considered will of the International Tamil Community, on this 1st Day of May 1988—

1. Calls upon the Government of India, and the Government of Sri Lanka for an immediate cessation of hostilities and to accede to the request of the Liberation Tigers of Tamil Eelam for an immediate cease-fire; and
2. Calls upon the Government of India, the Liberation Tigers of Tamil Eelam and the Government of Sri Lanka to agree on the constitution of an independent, impartial and mutually acceptable monitoring committee to monitor the cease-fire agreement; and
3. Calls upon the Government of India, the Liberation Tigers

of Tamil Eelam and the Government of Sri Lanka to commence and conclude negotiations during the period of such cease-fire, with a view to reaching a political settlement of the conflict in Sri Lanka on the basis of the reasoned framework of the Thimpu Declaration which expresses the joint and unanimous will of the Tamil people.

RESOLUTION 4: SECURE LIFE OF VELUPILLAI PRABHAKARAN

Paying homage to the heroism of Velupillai Prabhakaran, the leader of the Liberation Tigers of Tamil Eelam, for his uncompromising struggle to defend the basic and fundamental rights of the Tamil people as crystallised in the Thimpu Declaration; and

Condemning the action of the Government of Sri Lanka in offering a reward of one million rupees for the capture of Velupillai Prabhakaran, dead or alive, and deploring the support given by the Government of India to such action:

This International Conference of Delegates from more than one hundred Tamil Associations from Africa, Australia, Brunei, Canada, Europe, India, Malaysia, Middle East, Papua New Guinea, Philippines, Sri Lanka, the United Kingdom and the United States of America, in expressing the considered will of the International Tamil community on this 1st Day of May 1988—

1. Calls upon the Government of India and the Government of Sri Lanka to recognise that Velupillai Prabhakaran has today become the living symbol of the Tamil National Struggle and to further recognise that living symbols will not die; and
2. Calls upon the Government of India and the Government of Sri Lanka to recognise that peace will not come to the Indian Region without justice; and
3. Therefore urges the Government of India and the Government of Sri Lanka to ensure and secure the physical safety of Velupillai Prabhakaran, the true leader of the Tamil national struggle.

RESOLUTION 5: POLITICAL ASYLUM FOR TAMIL REFUGEES

Considering that the elected President of Sri Lanka declared publicly in July 1983 that he was no longer concerned with the lives or opinion of the Tamil people; and

Considering that the Tamils have suffered increasingly wide-

spread persecution in Sri Lanka during the past decade, and that such persecution included extra-judicial killings, torture, state-sponsored arson and looting of Tamil homes and businesses, and arbitrary arrest and imprisonment under the Prevention of Terrorism Act; and

Considering that the International Commission of Jurists in a statement to members of the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities, in 1983, urged that the Government of Sri Lanka 'should demonstrate its commitment to the Rule of Law through repeal of the Prevention of Terrorism Act which violates Sri Lanka's international obligations under the International Covenant on Civil and Political Rights to which it is a party'; and

Considering that the provisions of the Prevention of Terrorism Act were described by the Chairman of British Justice in 1984 as 'a blot on the statute book of any civilised country'; and

Considering that the United Kingdom Parliamentary Human Rights Group concluded in 1985 that the 'Tamil minority (in Sri Lanka) is under threat' and considering that the Working Group at the second consultation of the Standing International Forum on Ethnic Conflict, Development and Human Rights declared in the Netherlands in 1985 that there was a 'general consensus that within Sri Lanka the Tamils do not have the protection of law'; and

Considering that Amnesty International, in 1984, 1985, 1986 and 1987, repeatedly expressed its grave concern to the Government of Sri Lanka at the continued extra-judicial killings, torture and disappearances of Tamils in Sri Lanka; and

Considering that the International Human Rights Law Group in Washington concluded in 1985 that the failure to punish security force personnel implicated in violence seriously compromises Sri Lanka's international obligations and its domestic law; and

Considering that despite repeated appeals from International Human Rights bodies such as Amnesty International, the International Commission of Jurists, and from regional organisations concerned with the protection of human rights such as Lawasia, the Government of Sri Lanka failed to order independent investigations into reports of torture, extra-judicial killings and disappearances of Tamils in Sri Lanka, and considering that such failure added to Tamil fears of persecution in Sri Lanka; and

Considering that the 6th Amendment to the Sri Lankan Constitution in 1983 rendered it illegal for any Tamil to directly or indirectly,

peacefully or otherwise, engage in any activity connected with the establishment of a separate state and thereby sought to persecute the Tamils of Sri Lanka for expressing their political beliefs, and considering that the International Commission of Jurists declared in 1984 that the said 6th Amendment was a violation of Article 25 of the International Covenant of Civil and Political Rights and a violation by Sri Lanka of its obligations under the said Covenant; and

Considering that the Indo-Sri Lanka Accord of July 1987 failed to secure the repeal of the Prevention of Terrorism Act and the 6th Amendment to the Constitution, and considering that such failure added to Tamil fears of continued persecution in Sri Lanka; and

Considering that despite the Indo-Sri Lanka Accord of July 1987, Amnesty International concluded in September 1987 that there was 'considerable uncertainty about the safety of Tamils in Sri Lanka'; and

Considering that on the 10th October 1987, a widespread and indiscriminate attack was launched by the so-called Indian Peace Keeping Force on the Tamils in the North and East of Sri Lanka and on the Liberation Tigers of Tamil Eelam, who had been recognised by the Indo-Sri Lanka Accord as 'Combatants' and considering that the purpose of such war was to secure the unconditional acceptance by the Tamil people of the Indo-Sri Lanka Accord of July 1987; and

Considering that in the course of such war the so-called Indian Peace Keeping Force acted in breach of the rules of international law governing the conduct of war and killed, tortured and raped Tamil civilians, destroyed Tamil civilian homes and hospitals and killed Tamil combatants instead of taking them prisoners of war and considering that the Tamil people and the Liberation Tigers of Tamil Eelam have steadfastly refused to signify their unconditional acceptance of the Indo-Sri Lanka Accord of July 1987 and considering that the so-called Indian Peace Keeping Force continues to wage war in the Tamil homelands to the present day and that such war has rendered it impossible for Tamils to live freely in their homelands without fear of persecution; and

Considering that during the past five years more than 125,000 Tamils from Sri Lanka have sought refuge in India, around 50,000 have sought refuge in Europe and thousands more in Australia, Canada, the United States and in many other lands; and recognising that such Tamils fear that if they return to Sri Lanka

they will be persecuted for reasons of race, religion, nationality or membership of a particular social group or political opinion and in addition will become civilian victims in the war waged by the so-called Indian Peace Keeping Force; and recognising that their fear includes fear of arbitrary arrest and detention under the Prevention of Terrorism Act, fear of capture, torture and extra-judicial killing both by the so-called Indian Peace Keeping Force and by the Sri Lankan State Security forces, and fear of arrest and deprivation of property under the provisions of the 6th Amendment to the Constitution and recognising that by any and every test their fear is well-founded:

This International Conference of Delegates from more than one hundred Tamil Associations from Africa, Australia, Brunei, Canada, Europe, India, Malaysia, Middle East, Papua New Guinea, Philippines, Sri Lanka, the United Kingdom and the United States of America, in expressing the considered will of the International Tamil community, on the 1st day of May 1988—

1. Calls upon the member states of the United Nations, including the governments of the United Kingdom, Italy, France, Switzerland, the Federal Republic of Germany, Denmark, Norway, Australia, Canada, the United States of America, and India as well as non-governmental agencies with consultative status to recognise that every Tamil from Sri Lanka who has sought asylum as a refugee has a prima facie right to refugee status and to the protection of International Humanitarian law as such refugee; and
2. Calls upon the member states of the United Nations, including the Governments of the United Kingdom, Italy, France, Switzerland, The Federal Republic of Germany, Denmark, Norway, Australia, Canada, the United States of America, and India to grant to every claimant for refugee status the right to an impartial and fair determination of his or her claim subject to a right of appeal against a negative decision to an independent review body; and
3. Requests that, pending the final determination of a claim for refugee status, in accordance with the principles of natural justice, the member states of the United Nations, including the Governments of the United Kingdom, Italy, France, Switzerland, the Federal Republic of Germany, Denmark, Norway, Australia, Canada, the United States of America, and India refrain from returning any Tamil who has sought refugee status to Sri Lanka against his or her will.

Human Rights Situation in Sri Lanka

THERE was anxiety and anticipation that the human rights situation would improve for the Tamils in Sri Lanka, after the resolution passed by the Human Rights Commission of the United Nations, in March 1987.

A recent study by us has revealed the following:

1. Massing of Troops

The present massing of troops in the North and East of Sri Lanka has created fear amongst the Tamils in the North and East, who still hold fresh in their minds, more than 42 incidents of massacre, horrendous destruction, dying starvations and the continuous curfew for more than 20 days imposed by the Indian troops during the period 11 October to 2 December 1987.

2. Arrests, Torture and Detention without Trial

There are still about 7,000, mainly school children, kept in Boosa Concentration Camp without any magisterial enquiry for more than 2 years.

At present soldiers are moving brutally in the North and East of Sri Lanka and are violating human rights in a manner similar to the violations carried out by Sri Lankan soldiers in 1983 and 1984.

Youth are arrested at random. In an incident reported to us, a relative described the arrest of her brother as follows:

‘My brother was walking along the road when a jeep full of Indian soldiers stopped in front of him. One soldier jumped out and dragged my brother to a masked man in the jeep.

The man nodded his head and my brother was beaten up and taken away. I still do not know his whereabouts.’

Incidents of torture and detention for long periods have also been reported to us.

3. Instant Justice

In the North and East of Sri Lanka ‘instant justice’ is carried

out by soldiers.

A person suspected as a militant is immediately shot dead and any person suspected as a supporter is arrested, severely beaten up, and detained without trial.

The soldiers have become 'masters of law and enforcers of justice'.

4. No Voting Rights for Stateless Citizens

There is still a section of Tamil population living without exercising universal franchise.

Their condition is similar to the black citizens of South Africa. The situation has existed since 1948.

5. No Right of Compensation

Tamils in the North and East of Sri Lanka have lost their right of compensation which is a fundamental right enjoyed by the entire human race throughout the world.

Houses were destroyed during the Indian offensive and the damage is estimated to be about 500 million US dollars in property. No one has been compensated upto now and both Sri Lanka and Indian Governments are silent.

The breadwinners of families who were killed during the offensive continue to suffer without any compensation being paid to them.

6. No Right to Earn a Livelihood

There are more than 200,000 people in the North and East of Sri Lanka who depend on deep sea fishing for their livelihood.

Since the Indian offensive in October 1987 the fishermen have not been allowed to do fishing and no compensation is being paid to them. The families are really suffering without being in a position to earn a livelihood.

7. No Right of Free Travel

Like the situation in South Africa, any Tamil who leaves the North has to carry a permit for travel.

Mostly this permit is issued in 'Hindi', a language not understood by the Tamils of Sri Lanka.

8. No Right of Expression through Mass Media

Newspapers are not allowed to function in the North and East



of Sri Lanka and press reporters are prevented from visiting Tamil areas, with an intention to blindfold the world about the atrocities that are being carried out against the Tamils.

9. *Emergency Laws and Curfew*

State of emergency is still enforced in the North and East of Sri Lanka and curfew is imposed daily for prescribed time limits, inconveniencing mainly the sick and the wounded.

10. *Birth Certificate as a Document for Discrimination*

The document for discrimination of Tamils in Sri Lanka, namely the birth certificate is being continued to be used for purpose of employment, Land alienation, Trade licence, Education, joining armed forces, etc.

The present day national leaders speak proudly of freedom and human rights being granted to citizens of countries, where they were deprived for many years but for the Tamils of Sri Lanka, it is a situation where rights are being taken away and the situation is really deteriorating.

We are unable to understand the silence of national and religious leaders about this dangerous trend, the questions we are studying are:

- (a) Has the Human Rights Commission failed to convince both Sri Lanka and Indian Governments?
- (b) Are the governments of India and Sri Lanka feathering their own nests at the expense of human rights of Tamils?
- (c) Are we not permitting a precedent for the entire human race?
- (d) Have we passed a global climax situation for granting of human rights and is this an indication that decline of human rights standards is at its commencement?

Commenting about the U.N. Human Rights Commission and its current sessions in Geneva, South African TV, on 3 February 1988 commented 'This is another U.N. body with double standard'.

We do not accept the view expressed on South African TV and we are sincerely worried about the trend of events in Sri Lanka and South Africa and we earnestly appeal for global action to stop this dangerous trend towards deterioration of human rights.

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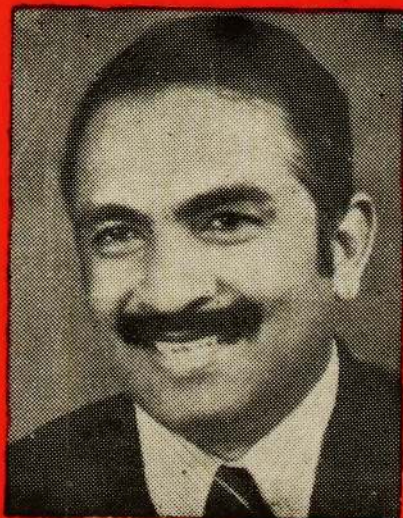
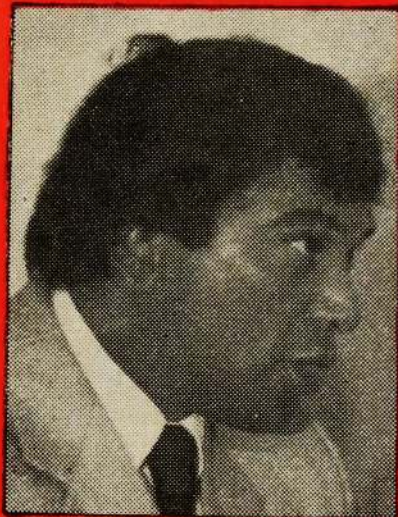


N. SEEVARATNAM was the Chairman of the first International Tamil Conference held in London on 30th April-1st May 1988. The Conference was organised by the World Federation of Tamils, UK and was attended by over two hundred and sixty delegates representing Tamil Associations of the world. Mr Seevaratnam is presently the Secretary General of the World Federation of Tamils, UK and also the Managing Editor of the *Tamil Voice International*.

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