



**Economic and Social
Council**

Distr.
GENERAL
E/CN.4/Sub.2/2001/NGO/25
17 August 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-third session
Item 2 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,
INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL
COUNTRIES, INCLUDING COLONIAL AND OTHER DEPENDENT COUNTRIES AND
TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN
RIGHTS RESOLUTION 8 (XXIII)

Joint written statement*/ submitted by Interfaith International, the International Association of Democratic Lawyers, the International Indian Treaty Council, the International League for the Rights and Liberation of Peoples, the Society for Threatened Peoples, non-governmental organizations in special consultative status, and the International Educational Development Inc. and Liberation, non-governmental organizations on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 August 2001]

*/ This written statement is issued, unedited, as received in English, from the submitting non-governmental organization(s).



CEASEFIRE IN SRI LANKA

After years of vain struggle for equality within Sri Lanka, the demands and methods of the Sri Lankan Tamils became radicalized. Their basic demands, i.e. recognition as a nation, of their homeland, of their right to self-determination were first formulated as common platform in 1976 by the newly founded Tamil United Liberation Front and reconfirmed by the Tamil representatives at the peace conference with the Sri Lankan government held under Indian auspices in Thimpu/Bhutan in 1985. The pogrom of 1983 in which hundreds, if not thousands of Tamils were murdered had galvanized the movement to military action as last resort in the pursuit of an independent state as the only solution to escape discrimination. Since then war has been waged particularly in the North and East of the country. During these 18 years between 70-80.000 people died, and 800.000 were internally displaced while an equal number has sought refuge abroad.¹

The present People's Alliance government came to power in 1994 with broad support of the Tamil community because of its promise of peace and reconciliation to be implemented within a decentralized and democratic polity. The peace negotiations broke down in early 1995. The new constitution, moreover, that was to devolve power to the regions and abolish the autocratic presidential system has not only remained an empty shell, but has never gone beyond the stage of a proposal. Moreover, it has been presented from time to time to an impoverished war-weary Tamil public as well as to the international community as a symbol of the government's basically peaceful and accommodating attitude. As a complement "a war for peace strategy" has been proclaimed simultaneously with the aim of defeating the Liberation Tigers of Tamil Eelam (LTTE) on the battlefield.

In February 2000, it was announced that Norway would take on the role of "facilitator" for talks between the LTTE and the government of Sri Lanka. Having refused any third party mediation, Norway's envoy, Eric Solheim started a shuttle diplomacy. Only if suitable conditions, an agenda and a framework could eventually be mutually agreed upon, would a cease-fire be declared and formal peace negotiations commence. Mid-2000 saw strong military activities in the Northern war zone with spectacular successes of the LTTE. Heavy casualties on both sides, inflated outlays for new military equipment, and unsuccessful campaigns to dislodge the LTTE were followed in December by a unilateral declaration of a month long cease-fire by the LTTE. Even though LTTE declared a unilateral cease-fire the government took this opportunity to accelerate the war activities under the mistaken notion that LTTE is weak and under the expectation that the government forces will have the ultimate military victory.

The controversy concerns the principal demands by LTTE which are:

- (1) *An unconditional and comprehensive cease-fire.*
- (2) *The lifting of the economic embargo imposed on the civil population. Hundreds of thousands of people, often displaced have lived for years without proper shelter, or medical care and dependent on government's food supplies which are not forthcoming in sufficient quantities. From the point of view of the civilians directly affected, food and medicine are being used as weapons of war, while the government justifies its policy in the name of double use items (military, civilian respectively).*
- (3) *The de-proscription of the LTTE as a terrorist organization. This condition is crucial for the beginning of meaningful negotiations. The proscription of the LTTE in accordance with the Emergency Regulations No 1 of 1998 makes it an offence punishable by imprisonment of at least seven years to be e.g. a member of, wear the uniform or symbol of, attend a meeting of, and distribute material supporting, the proscribed organization.*

¹ Associated Press and UN High Commission for Refugees June 20, 2001, quoted in Tamil Guardian No.115, June 27, 2001.

The national and international response in the framework of cease-fire and peace initiative:

Foreign countries, among them Israel, Pakistan, the Czech Republic and the USA lend vital support to the war effort through credit, military hardware or training. And, while President Kumaratunga talks of very good chances for an early peace, her government put utmost pressure on Britain to declare the LTTE a "terrorist organization" (which the UK did in mid-March joining India, USA and Sri Lanka) and increased the defense budget for 2001 to 900 million US dollars.

The LTTE, for its part, urged the governments of the EU and the US to put pressure on Colombo to pursue the peace initiative in earnest.²

Thousands of **Tamil** students and civilians in different towns of the war zone demonstrated in the streets asking the government to comply with the demands of the LTTE despite heavy pressure and stern warnings from the military as well as of officials denouncing such demonstrations as open support for the enemy. Bishops from the Catholic Church as well as an alliance of ten Tamil political parties urged the government in Colombo to reciprocate the cease-fire and to accept the LTTE offer for peace negotiations.

Most important, these parties, including those supporting the government in Parliament, **declared the LTTE as sole authentic representative of the Tamil people.**

In early June, quite surprisingly without any prior consultation with all parties concerned, Colombo summoned the Norwegian foreign minister and insisted on the effective removal of Eric Solheim as peace mediator, apparently because of his very intensive commitment to the peace process and his refusal to consider the LTTE simply a terrorist organization. If this move has not derailed the Norwegian peace effort altogether, it has certainly delayed any imminent break-through. Since Mr. Solheim's personal role and efforts had been repeatedly praised and definite dates for the start of peace negotiations had even been announced by Colombo, it is obvious that other political motives are behind such a move.

The crisis for the government has reached a climax, clearly exacerbated by the recent highly damaging LTTE attack on the military base adjacent to Colombo's Katunayake airport, and the subsequent destruction of civilian aircraft. The government is not seeking peace and equitable accommodation of the various national groups in one and the same policy. On the contrary, it is merely fighting for survival, a game in which the war and the 'ethnic issue' is but a ploy to rally the Sinhala Buddhist masses behind the government. The government of Sri Lanka has been waging a propaganda war to convince the international community of the "terrorist" activities and aims of the LTTE "Tamil Tigers". Because of the government's policy hundreds of thousands of Sri Lanka Tamils have left their country for refugee status abroad; they flee the difficult situation where their cultural, social and political rights are not respected. In general they support the LTTE as a visible sign of resistance in Sri Lanka.

SACRALIZATION OF THE STATE

In addition, in Sri Lanka, the government has been using the "religious card" to strengthen the Anti-Tamil campaign; the State wishes to preserve its coherence on the basis of a Buddhist tradition dating back in Sri Lanka to the time King Ashoka and the introduction of Buddhism. Some proponents of the State power, in a "sacralization fashion" even insist that the Sinhalese are descended from high-level Aryans, whereas the Tamil population in Sri Lanka are lower-level Hindus. But such theological claims can not hold too well -- the historical origins of Sinhalese Buddhism are known (and even glorified by the religious parties in the State) -- it is based on some hundred noble families who brought the Buddhism of King Ashoka to Sri Lanka in the distant past. It is impossible for all Sinhalese to have descended from these few "Aryans" from India. It is more probable that these

² At the time of the prolongation of the ceasefire in February 2001. Cf. Chronologie der politischen Entwicklung, *ibidem*, pp 42/43.

nobles intermarried with the local populations which were undoubtedly of Tamil origin, and not Arian. Thus the Singhalese Buddhist kingdoms were not an Aryan product but a mixture of many foreign and local influences. It is held that the Singhalese language is an Aryan language as distinct from Tamil. This may be true, but could be explained easily by the fact that it was a language of the Aryan whose nobles introduced King Ashoka's religion to Sri Lanka, and thus because the dominant position of these nobles in the budding societies of the Buddhist kingdoms, it took first place as a language, and within these kingdoms, Tamil language was replaced by Singhalese. This in no way proves the superiority of the Singhalese over the Tamil culture, and on the other hand, it might be proven that the people living in Sri Lanka at the time of King Ashoka were predominantly Tamil (aside from the indigenous people) and that Singhalese culture grew on the island only because the Aryan nobility brought Buddhism and perhaps a new, Aryan language from King Ashoka's court.

It appears that appeals for a certain sacralization of the Sri Lanka Singhalese State forget too quickly the possibility that Tamil and Singhalese have common ethnic roots, and also demonstrate a fundamental weakness where religion must be called upon to prop up the State.
