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**THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO
PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR
FOREIGN OCCUPATION**

**Written statement* submitted by International League for the rights and liberation of
people [LIDLIP], a non-governmental organization in special consultative status**

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

[8 February 2006]

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

Right to Self-Determination: The Sri Lankan Tamils

Based on historical and socio-political evidence, the *International League for the Rights and Liberation of Peoples (LIDLIP)* and other organisations have always argued that the Sri Lankan Tamils fulfill all the criteria to qualify as a *people*. Not only a common culture, language and religion but also a typical traditional settlement area, a shared history and democratically expressed will characterize them as a *nation*. Moreover, they share the experience of a people that has been systematically and collectively discriminated against, even persecuted in independent Sri Lanka. The majority community of Sinhala Buddhists has effectively appropriated the government machinery and changed the constitution to its advantage so much so that the State has ceased to represent all the peoples living on the island. The split of society along ethnic lines became apparent with the outbreak of civil war in 1983 with the Tamils fighting for an independent state in order to find at last security, social justice, equality and economic well-being. After almost two decades of war with over 70,000 dead, huge material destruction, close to a million Tamils displaced and half a million people expatriates, the Liberation Tigers of Tamil Eelam (LTTE) who can justifiably claim to represent the will of the majority of their people were in control of huge chunks of territory. From a position of military strength, they declared a unilateral cease-fire. With Norway as facilitator, an official cease-fire agreement between the LTTE and the then Government of Sri Lanka was signed in February 2002; it was the prelude to a series of negotiations at different international venues to look for a political solution to the conflict. To give peace a chance, to end the suffering of its people, the LTTE had put aside its demand for external self-determination in favour of substantial autonomy safeguarding the sovereignty and territorial integrity of the State of Sri Lanka. Given the huge sacrifices made by the Tamils during the war and the territorial gains made during the war, it was a politically risky, but at the same time courageous major concession.

There are in fact two administrations, two security apparatuses. The LTTE has organized its own health and education systems as well as its proper judiciary. There are frontiers where all persons and goods that enter or leave their respective areas of control are checked. Levies are imposed for the LTTE administration. Foreign passports are stamped with a seal special to Tamil Eelam. All observers agree that while the government and bureaucracy of the South is inefficient and corrupt, just the contrary holds for the Northeast. But despite a separate administration not all links have been cut. In fact, a certain hybrid system or functional interdependence still exists in the Northeast, if only to give credence to the claim of Colombo that it is the sole and sovereign Government in Sri Lanka.

By contrast, the Sinhalese parties have mutually always subverted any conciliatory move. The ceasefire agreement of 2002 and the negotiations were strongly opposed by the all-powerful executive President, the Buddhist clergy, major sections of the military and large sections of the majority Sinhalese as well as important political parties, the Sri Lanka Freedom Party (SLFP), Janatha Vimukthi Perumana (JVP), Jathika Hela Urumaya (JHU). For them any kind of concession is a first step towards fragmentation of a country that only in its entirety is the sacred land of the Buddha; they insist on the unitary state with power concentrated at the centre in Colombo.

Still negotiations started after the proscription of the LTTE had been lifted. They, however, soon became stalled for lack of implementation of earlier commitments, not least on the humanitarian and development front for the Tamil areas, for non-compliance with the stipulated disarmament of paramilitary troops and the evacuation of sites occupied by the Sri Lankan army in the Northeast. Thus, the hopes of the internally displaced persons to return from provisional camps to their homes, of the fishermen to return to their trades, of the people to restart their lives in peaceful circumstances and not under military occupation and constant harassment of a foreign army were frustrated. Moreover, without a prior consensus on the part of majority community and their principal political parties, manifestly no substantial concessions can be made, no constitutional changes be effected: while the LTTE proposal for an Interim Self-Governing Administration was accepted as basis for discussions by the then Government, the President and head of the major opposition considered it a threat to national security, dismissed three ministers and eventually dissolved Parliament. Another instance relates to the distribution of foreign aid for the victims of the tsunami in the LTTE controlled territories. When after months an arrangement between the President and the LTTE had been agreed upon, it was successfully challenged in court, with the result that even after a year the victims in the Northeast still wait for relief.

The international community has taken the first step to help put an end to the bloody conflict in Sri Lanka. Apart from a few states which have proscribed the LTTE, it has accepted the LTTE as official and legitimate representative of the Tamil people entrusted and able to negotiate, conclude and enforce treaties. Norway, even though much maligned by certain Sri Lankan groups and parties, has continued as facilitator. Troops from different Scandinavian countries man the Sri Lanka Monitoring Mission. Various countries have agreed to be venues for talks. Most important, the Tokyo Donors Group together with the co-chairs, comprising the United States, the European Union, Japan and Norway, have committed themselves to help the negotiations along with generous financial aid provided progress towards a peaceful settlement can be discerned.

These moves have politicized and internationalized the conflict, allowed the LTTE to gain recognition, and opened the door to its transformation from a clandestine guerilla army into a political organization. Having practically restricted the right to external self-determination to the former European colonies overseas, the United Nations has in effect been sustaining the myth of the homogenous 'nation-state'. In conjunction with the principle of non-intervention in internal affairs, it has given *carte blanche* to authoritarian and repressive regimes.

A basic and profound asymmetry has been established between the official governments and the oppressed. This asymmetry between a government and a guerrilla movement proves particularly disadvantageous for ceasefire agreements and negotiations because the official Government alone is treated as representing the State. Considered alone responsible for the security and territorial integrity of the country, it alone can rearm, buy weapons, receive foreign military support. Again, it is the Government that receives foreign aid and decides over its distribution. It is, finally, the inevitable gatekeeper that at its discretion determines access and itinerary even of foreign dignitaries to the country, as the Secretary General of the United Nations learnt when he was prevented from visiting the tsunami affected Northeast of Sri Lanka.

Without any recourse to international law, the oppressed are eventually left with no other alternative but to take to violence. To make matters worse, it has become convenient to label and fight all armed resistance groups, including liberation movements, as terrorists without inquiring into the causes of the conflicts. But to resort to suppression is not a policy; even its legality is questionable since no internationally agreed definition of terrorism exists, to say nothing of state-terrorism. Where there is oppression people will rise.

As to Sri Lanka, the structural asymmetry contributed to the present stalemate and the threat of renewed war. The ruling Sinhalese elite has not seen any need for compromise. No serious proposals for internal autonomy and power sharing have been made, despite pledges in 2002 at Oslo to explore the possibilities for internal self-determination within a federal system.

Under such conditions, it is totally disingenuous to expect the immediate transformation of a guerilla movement into a political party, to demand an unconditional renunciation of violence prior to peace negotiations: it would imperil the gains and sacrifices the Tamils have made during many years of struggle; it would leave them at the mercy of the totally sinhalized security forces who have been proven guilty of massive human rights violations, including extrajudicial killings, disappearances and systematic torture.

While it is true that it is primarily up to the Sri Lankans to find a route to a just peace, the international community can not absolve itself of a certain responsibility for the deterioration of the situation, even systemic impasse. The *International League for the Rights and Liberation of Peoples (LIDLIP)* calls upon the United Nations Commission on Human Rights:

- to use its diplomatic and legal power of reward and sanction to at least put pressure on the Government of Colombo to implement the ceasefire agreement in full, and to channel funds massively into the devastated Northeast;
- to officially recognize the Sri Lankan Tamils as a nation endowed with the right to self-determination;
- to insist on a constitution for the country based on a (con-)federation.
