

TAMIL EELAM COMPARED WITH KOSOVO

THE RIGHT TO SELF-DETERMINATION TAMILS OF SRI LANKA (CEYLON)

TAMIL CENTRE FOR HUMAN RIGHTS – TCHR/CTDH – MARCH 2008

	Kosovo <i>UDI on 17 February 2008</i>	TAMIL EELAM (NORTH EAST) <i>(De-facto government for more than 17 years. Minimal initiative by the International Community to recognize the Tamils' right to self- determination)</i>
Sq. Kilo meters	10,887 km ²	19,509 km ²
Coastal area	----	More than 400 km
Capital	Pristina	Trincomalee
Annexed with	Serbia in 1989	Ceylon (Sri Lanka) in 1948
Conflicting peoples	Serbs vs Kosovars	Singhalese vs Tamils
Population	2,000,000	(3,598,000 - census in 1979 (93% Tamils in the North East
Domination by	Serbs	Singhalese of Sri Lanka
Military Composition	100% Serbs	99% Singhalese in all Forces
Colonisation	Kosovo region by Serbs	North East by Singhalese
Settlers	-----	over 300,000 Singhalese colonists
Negotiations started	1989	1927
Failed negotiations	Several	Between Sinhala and Tamil leaders 1927, 1971,1977-82,1985, 1986, 1989, 1994, 2003-2006
Abrogation of pacts by State	yes Serbia-EU	Unilaterally abrogated by Sri Lanka 1956, 1965, 1987, 2002, 2005
Democratic mandate	September 1991 & May 1992	1977 General elections - Tamils voted overwhelmingly for independence
Armed conflict	March 1998	From July 1983, to date
Freedom fighters	Kosovo Liberation Army - KLA	Liberation Tigers of Tamil Eelam – LTTE under the leadership of National Leader Pirabaharan
Civilians killed	over 5000	over 100,000
Disappearances	over 4000	over 28,000 to date
Rapes	20,000	over 12,600 to date
Mass graves	526	Many found in the North-East
Internally displaced	250,000 single displacement	over 800,000 multiple displacement
Refugees	61,000	over 600,000 in western countries and India
Press & Freedom of Movement	Denied	Denied
Property damaged	figures not known	over eight billion US Dollars
Houses destroyed	128,000	over 300,000 To date
Attacks on religious bld	500	2375 (both Christian and Hindu-Saivites)
Villages demolished	figures not known	over 500
Political prisoners	nearly 2000 (Dec.2001)	over 3000 (at present)

	KOSOVO	TAMIL EELAM (NORTH EAST)
Ethnic cleansing / violence	1990	Since 1956 1956, 1958, 1977, 1981, 1983 onwards
Economic embargo	not enforced	since 1987 with few intervals. Now in force
Forces	Army	Tamil Eelam Army, Navy, Air force, Police and Auxiliary
Courts	Judicial Development Division - JDD	Tamil Eelam Courts including an Appeal Court and Law College
Human Rights institution	Ombudsperson Institution of Kosovo	North East Secretariat on Human Rights - NESOHR
Financial institutions	Banking and Payment Authority of Kosovo - BPK	Bank of Tamil Eelam with many branches
Education	Kosovar education system	Education Council of Tamil Eelam
Welfare & social Institutions	Institution of social welfare	Homes for the aged, widows, children and war affected adults and children
Violation of signed UN International instruments	Serbia has not signed many UN Human rights instruments	Sri Lanka has violated UN Charter, UDHR, ICCPR*, ICESCR, ICERD, CEDAW*, CAT and CRC*
Visit by High Commis. for Human Rights	Visited	Visited only the Sri Lankan government administrated areas
UN/EU intervention	yes	NONE
UN Resolutions	yes	NONE
International Monitoring	yes	NONE
Visit by VIPs	yes	VIPS MET WITH LTTE LEADERSHIP Spe.Rep of UNSec Gen.Mr Olaru Ottunu-1997 EU Commissioner – Mr Chris Patten Norway’s Foreign Minister & Deputy Norway’s Minister for Intern. Development Norwegian special envoy – Erik Solheim Japanese special envoy Yasushi Akashi US Congressman – Danny Davis Australian MP – Ms Virginia Judge Iceland’s Foreign Ministry official – Bjarni V Martin McGuinness – Sinn Fein, North reland All EU and other Diplomats in Colombo UNICEF Executive Director UN Special Representative Allan Rock UN Spec.Rapporteur–Extra-judicial killings UN Spe.Rapporteur – Religious intolerance Head of UN agencies in Colombo
VIPs visits Prevented	-----	SRI LANKA PREVENTED VISIT TO LTTE ADMIN AREAS UN Secretary General Kofi Annan His Royal Highness Prince Charles – UK Ex-Presidents of USA W Bush and B Clinton Secretary of State, USA Prime Minister of Canada Prime Minister of South Korea Ministers from Japan, Netherlands, Finland, Germany and many other countries UN High Commissioner for Human Rights Spec. Rep of UN Sec Gen. Sir Holmes Spec. Rep of UN Sec Gen on IDPs UN Sep. Rapporteur on Torture

(Updated from the TCHR reports submitted in March 2001 and March 2007)

- ICCPR* - International Covenant on Civil and Political Rights
- ICESCR - International Covenant on Economic, Social and Cultural Rights
- ICERD - International Convention on the Elimination of All Forms of Racial Discrimination
- CEDAW* - Convention on the elimination of Discrimination against Women
- CAT - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment....
- CRC* - Convention on the Rights of the Child

* optional protocols

FAILED TALKS AND ABROGATION OF PACTS

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<u>YEAR</u>	<u>TALKS BETWEEN</u>	<u>RESULT</u>	<u>REASON/CONSEQUENCE</u>
1927	Sir Ponnambalam and Sinhala leader (<i>Recommendations of Donoughmore Commission</i>)	Failed	Tamils' point of view ignored
1957	S.J.V. Chelvanayagam and Bandaranayke (<i>In 1956 Sinhala Only act introduced by the PM Proposal for Regional Councils</i>)	Pact signed	'Banda-Chelva' pact unilaterally abrogated by Prime Minister SWRD Bandaranayke
1965	Chelvanayagam and Dudley Senanayake (<i>Proposal for Establishment of District Councils</i>)	Pact signed	'Banda-Dudley' pact unilaterally abrogated by Prime Minister Dudley Senanayake
1971	Tamil Leaders and Srimavo Bandaranayake PM (<i>Amendments to Republican constitution</i>)	Failed	Republican constitution was passed in 1972 without the support of Tamil parties
1977-1982	TULF and President J.R. Jayawardena (<i>In July 1977 general elections Tamil people gave a mandate to the Tamil United Liberation Front - TULF, to exercise the "Right to Self-determination" in the North East</i>)	Failed	The July 1983 riots followed, marking the beginning of Eelam War - I
1985	Tamil activists including the LTTE and GOSL (<i>Thimbu talks under Indian facilitation</i>)	Failed	GOSL rejected the Thimpu principle of Tamil homeland, Nationhood, Right to self-determination and Equal rights
1986	LTTE Leader and President J.R. Jayawardena (<i>Talks mediated by Indian Prime minister in Bangalore, India</i>)	Failed	Jeyawardena refused to recognise the right to self-determination and the homeland of the Tamils
1987	India and Sri Lanka (Accord) (<i>under the guise of settling the Tamil ethnic conflict in Sri Lanka.</i>) <i>Under this accord merger of North Eastern province took place on 8 Sep. 1988. But, after exactly 18 years, The Supreme Court delivered its political judgement on 16 October 2006, stating that the merger of these two provinces was invalid.</i>	Signed	Accord signed, without any consultation with Tamils, nor the LTTE, the main party to conflict. 95% Tamils didn't support this accord.
1989	LTTE and President Premadasa (<i>LTTE formed a political party and named it, "People's Front of the Liberation Tigers -PFLT". It was registered with the Election officials of Sri Lanka.</i>)	Failed	GOSL prevented International Community knowing the support for the LTTE among the Tamils. Beginning of Eelam war-II.
1994	LTTE and President Kumaratunga GOSL (<i>President Chandrika and the LTTE signed an agreement for cessation of hostilities</i>)	Failed	Promised lifting of Economic embargo dragged on and on. Beginning of Eelam war-III
2002-2004	LTTE and Ranil Wickremasinghe PM (<i>Under the facilitation of Norway a Cease Fire Agreement - CFA was signed on 22 February 2002 between the LTTE and government of Sri Lanka.</i>)	Failed	The GOSL failed to implement the agreed outcomes of peace talks and the CFA. Several rounds of negotiations took place in Thailand, Norway and Germany

<u>YEAR</u>	<u>TALKS BETWEEN</u>	<u>RESULT</u>	<u>REASON / CONSEQUENCE</u>
2005	LTTE and President Kumaratunga with the aim of ensuring equal distribution of Tsunami aid to the worst affected North East <i>(Post Tsunami Operational Management Structure – PTOMS was signed between the GOSL and the LTTE – 24 June 2005)</i>	Failed	By a political judgement from the Supreme Court, PTOMS was made null and void – 15 July 2005
2006 February & October	LTTE and President Mahinda Rajapaksa <i>(Talks in Geneva, Switzerland on Paramilitary activities)</i>	Failed	GOSL failed to implement the agreed outcomes of Geneva talks in February 2006 April - Beginning of Eelam War – IV
2008 January			Sri Lanka officially withdrew from the CFA on 3 January 2008

GOSL = Government of Sri Lanka

WHY IS NOT A REFERENDUM HELD AMONG TAMILS TO CHOOSE BETWEEN STATEHOOD AND UNITY?

Bruce Fein - former Associate Deputy Attorney General of the USA

12 February 2008 - In a letter addressed to Sri Lanka's Ambassador to U.S., Bernard Goonetilleke by Bruce Fein, Attorney Tamils for Justice, following the Ambassador's 17th article titled "Tamil homeland fantasy" in Washington Times.

If the Government of Sri Lanka, as you tacitly boast, treats Tamils as first class citizens with no cause for complaint, why is not a referendum held among Tamils to choose between statehood and unity? Canada permits Quebec to vote on independence. The United States permits Puerto Rico to vote on independence. Serbia permitted Montenegro to vote on independence. Why are the Canadian, United States, and Serbian examples not good enough for Sri Lanka? Is it the same reason why India balks at holding a plebiscite in Kashmir in accord with United Nations Security Council resolutions?

(Courtesy - www.tamilforjustice.org)

THE TWO COUNTRIES SHOULD SIGN A FRIENDSHIP PACT

A well known Sinhalese historian, late Mr. Adrian Wijemanne once told me, "why negotiate over what is yours? I am a Sinhalese Nationalist as much as you are a Tamil Nationalist. I must have my Sri Lanka and you, your Eelam. The two countries should sign a friendship pact, and I should be able to visit you in Jaffna and you should be able to visit me in Colombo." (Excerpt from an article written by Nadodi in 'Sangam' December 4, 2007)

PROPOSED SOLUTIONS TO SETTLE THE ETHNIC CONFLICT

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<u>YEAR</u>	<u>TYPE OF POLITICAL SOLUTION</u>	<u>RESULT</u>
1957	Banda-Chelva pact – Regional Councils	Unilaterally abrogated by GOSL
1965	Dudley-Chelva pact – District Councils	Unilaterally abrogated GOSL
1970	Proposals placed by the Tamil Federal Party <i>(A federal form of government with an autonomous Tamil-Muslims state and three autonomous Sinhala states)</i>	Rejected by the GOSL
1979	Presidential Commission to report on <i>(creation of District Development Councils)</i>	This did not fulfil the Tamils' aspirations. Not intended to provide a different political or administrative structure for any particular part of the country
1983	All Party Conference <i>(Proposals merely extended the scheme of decentralization at District level to the Provincial level with limited co-ordination)</i>	TULF rejected these proposals as it was not the originally formulated set of proposals, known as Annexure – C.
1985	In Thimpu - The devolution proposal by Sri Lanka <i>(District councils without executive power)</i> Thimpu (principle) proposal placed by Tamils <i>(Homeland, Nationhood, Right to self-determination and equal rights)</i>	Rejected by the Tamil representatives Rejected by the GOSL Talks collapsed because while the talks take place Sri Lanka renewed its military offensive in the North East
1986	“19 December” proposals by Indian envoys <i>(Formation of a new Eastern Province by excising Sinhalese majority areas and the creation of two Tamil Provincial Councils in the Northern and the reconstituted Eastern Province)</i>	GOSL expressed reservations and eventually rejected this proposal.
1987	Indo-Lanka Accord (Provincial Councils) <i>(North and Eastern Provinces were merged under this accord. 95% Tamils didn't support this accord)</i>	After 18 years, the Sri Lanka Supreme Court rejected this merger 16 October 2006
1989-90	Premadasa Talks <i>(LTTE formed a political party-PFLT and prepared to contest in the elections)</i>	The holding of fresh elections in North East never took place. Prevented LTTE from demonstrating its support from the people in North East
1992-93	Parliamentary Select Committee Reports <i>(President D.B.Wijetunga said that there is no 'ethnic problem')</i>	Eyewash to International Community No progress was made
1995	Devolution Package <i>(Refused to recognise the existence of the Tamil homeland, rejected an asymmetric approach, continued to treat all the provinces in the same way)</i>	Rejected by Buddhist Maha Sanga and other Sinhala political parties
2003	ISGA proposal by LTTE <i>(Interim Self-Governing Administration)</i>	Rejected by the GOSL and other extreme Sinhala political parties
2005	Post Tsunami Operational Management Structure – PTOMS	Rejected by the Sri Lanka Supreme Court
2007	All Party Conference* Sinhala political parties UNP, JVP, JHU strongly against its proposals	Not ALL political parties invited to participate in its discussions. Tamil National Alliance, especially was kept away.

***Mr. N. Satyendra**, a scholar and legal expert who participated in the earlier political negotiations with GOSL, described the legislation as a "comic opera." The provisions of the 13th Amendment are possibly "burlesque and farcical," he stated. Further Parliamentarians and academics described this proposal as 'political mockery'.