

THE MANDATE GIVEN TO THE TAMIL NATIONAL ALLIANCE (TNA)

The Tamil People overwhelmingly gave the TNA a mandate at the General Election held in April 2010. The TNA has continued to act in accordance with that political mandate and is now facing the Northern Provincial Council Election as a necessary step in the fulfilment of that objective. It is pertinent to recall the salient features of that mandate:

At the time of independence from colonial rule in 1948, Ceylon was foisted with a unitary type constitution with simple majoritarian rule. In 1949 a sizeable number of Tamils of Recent Indian Origin were disenfranchised. State aided colonization of the preponderantly Tamil Speaking territory, particularly the Eastern Province, with the majority community intensified. The Ilankai Thamil Arasu Kadchi (ITAK) was formed as a consequence in December 1949. In this background in April 1951 the ITAK articulated its claim that the Tamil People in Ceylon were a Nation distinct from that of the Sinhalese by every test of nationhood and were therefore entitled to the right to self-determination. As a necessary corollary to the exercise of this right, we demanded a federal arrangement in the North and the East, where the Tamil Speaking Peoples are a predominant majority. In 1956 Sinhala was made the only official language of the country, again by the use of the parliamentary majority that was available to the majority community. Various peaceful agitations were organized between this time and the late 1970s to win back the right to self-determination that was lost first through foreign conquests and later due to a system of government not accepted by the Tamil People that reinforced majoritarian hegemony. Agreements were also entered into between two Prime Ministers, S W R D Bandaranaike and Dudley Senanayake, and S J V Chelvanayakam, the leader of the Tamil People in 1957 and 1965 respectively, relating primarily to the alienation of state land in the North-East. Both were unilaterally abrogated by the governments of the day.

In 1970 a Constituent Assembly was formed to enact an autochthonous constitution. ITAK also participated in this exercise and urged the inclusion of provisions to share powers of governance with the Tamil Speaking Peoples on the basis of shared sovereignty within a united country in keeping with their democratic verdicts. Those proposals were defeated by majority votes and the members of the ITAK left the Constituent Assembly. Similarly the Tamil People did not grant their consent to the enactment of the 1978 Constitution. Thus the first and second Republican constitutions entrenched a Unitary State, continued with Sinhala as the only official language, gave to Buddhism the foremost place and were enacted without the consent of the Tamil People.

Systematic State-sponsored colonization was carried out since independence in 1948 in order to change the demographic pattern of the North-East, which are the areas of historic habitation of the Tamil Speaking Peoples. This continues with full vigour in the North after the end of the war in 2009. The government retains an oppressive army presence in the Northern Province and is engaged in acquiring large tracts of land for 'military purposes'.

In addition to the acts of discrimination, including standardization which affected the tertiary education of the Tamil youth and discrimination in employment in the state sector, organized violence was periodically unleashed against the Tamil People in the country in 1956, 1958, 1961, 1977, 1981 and 1983. No protection was provided by the State to the Tamil victims. On these occasions, affected Tamil People from other parts of the country were transported by the State to the North and East thereby recognizing these two provinces to be their homeland.

POWER SHARING ARRANGEMENTS

Soon after the anti-Tamil pogrom in 1983, attempts were made to solve the Tamil national question by means of an alternate political arrangement in which greater autonomy would be granted to the Tamil Speaking Peoples. An arrangement was introduced in 1987 consequent to the Indo-Lanka Accord. These changes paved the way for the setting up of Provincial Councils with minimal powers, and promises were made at the highest levels that it will be improved upon. Several such attempts resulted in the 1993 Mangala Munasinghe Select Committee Proposals, the Government's proposals for constitutional reform of 1995, 1997 and 2000 under President Chandrika Bandaranaike Kumaratunga and the APRC multi-ethnic expert committee majority report in December 2006 under President Mahinda Rajapakse.

While no progress was being made on the political front to solve the burning national issue, the Liberation Tigers of Tamil Eelam (LTTE) continued its armed struggle. Though initially there were several military outfits, since 1987 the LTTE emerged as the sole military force in pursuing the struggle. Successive governments entered into negotiations with the LTTE and in February 2002 the LTTE and the Government of Sri Lanka signed a Ceasefire Agreement and later agreed on a set of principles called the Oslo Communiqué, which is as follows:

"[T]o explore a solution founded on the principle of internal self determination in areas of historical habitation of the Tamil-speaking Peoples, based on a federal structure within a united Sri Lanka."

MILITARY ONSLAUGHT AND ITS AFTERMATH

However, the ceasefire did not last and hostilities broke out between the government forces and the LTTE with the military confrontation coming to an end on 19th May 2009. The 30 year old hostilities and war has ravaged the Tamil speaking North-East and left the Tamil People destitute. Over One Million Tamils have fled to other countries for safety and another half a million Tamils have been displaced within the country. Over One Hundred and Fifty Thousand Tamils have been killed over the years of the conflict and it is estimated that well over seventy thousand civilians have been killed in the last stages of the military onslaught. Many more have been maimed and grievously injured and suffer from traumatic disorders. In addition over 500,000 Tamil people were rendered homeless and most were interned in detention camps against all civilized and international norms. The resettlement of these people in their original places, though promised to the international community and to the United Nations, is still to be completed.

OUR STAND ON A POLITICAL SOLUTION

The principles and specific constitutional provisions that the TNA considers to be paramount to the resolution of the national question relates mainly to the sharing of the powers of governance through a shared sovereignty amongst the Peoples who inhabit this island. The following salient features of power sharing are fundamental to achieving genuine reconciliation, lasting peace and development for all the Peoples of Sri Lanka:

- The Tamils are a distinct People and from time immemorial have inhabited this island together with the Sinhalese People and others
- The contiguous preponderantly Tamil Speaking Northern and Eastern provinces is the historical habitation of the Tamil Speaking Peoples

- The Tamil People are entitled to the right to self-determination
- Power sharing arrangements must be established in a unit of a merged Northern and Eastern Provinces based on a Federal structure, in a manner also acceptable to the Tamil Speaking Muslim people
- Devolution of power on the basis of shared sovereignty shall necessarily be over land, law and order, socio-economic development including health and education, resources and fiscal powers.

MATTERS OF IMMEDIATE CONCERN FOR THE TAMIL PEOPLE

In addition to continuing to pursue a just and lasting solution, we will actively engage in addressing the immediate and current concerns of our People. We will seek to enforce the recommendations made by the Panel of Experts appointed by the UN Secretary General and the Resolutions adopted at the UN Human Rights Council in March 2012 and March 2013. The specific matters are as follows:

- There must be meaningful de-militarization resulting in the return to the pre-war situation as it existed in 1983 before the commencement of hostilities by the removal of armed forces, military apparatuses and High Security/Restricted Zones from the Northern and Eastern Provinces
- Tamil People who have been displaced in the North and the East due to the conflict must be speedily resettled in their original places; housing provided, their livelihoods restored and their dignity respected
- An Independent International Investigation must be conducted into the allegations of violations of international human rights and humanitarian laws made against both the Government of Sri Lanka and the LTTE during the last stages of the war, the truth ascertained and justice to victims and reparation including compensation must be ensured
- Persons who are detained without charges must be released promptly and a general amnesty should be granted to all other political prisoners
- There must be finality reached with regard to thousands of missing persons and compensation must be paid to the next of kin Tamils who fled the country must be permitted to return to their homes and a conducive atmosphere created for their return
- A comprehensive programme for the development of the North and East including the creation of employment opportunities for the youth will be undertaken with the active support of the Sri Lankan State, the Tamil Diaspora and the International Community

We, the Tamil People of Sri Lanka are a distinct People in terms of the interpretations maintained in relation to International Conventions and Covenants. We as a People want to continue to live in our country in peaceful co-existence with others, with dignity and self respect, with freedom and liberty and without fear, as equal citizens not subject to majoritarian hegemony.

We as a People would thus be concerned about our historic habitats, our Collective Rights that accrue to us as a Nation and our right to exercise our option to determine what is best for us to ensure self government in the Tamil Speaking North-East of the country within a united Sri Lanka.

The present constitutional arrangements in this regard have proved to be unsatisfactory. A constitutional framework which favours the majority and a majoritarian hegemony is what is in place. Democracy in a plural society cannot function without a constitutional framework that provides for equity, equality, peace and security. It is in this context that we view the forthcoming Northern Provincial Council Election.

The TNA firmly believes that sovereignty lies with the People and not with the State. It is not the government in Colombo that holds the right to govern the Tamil People, but the People themselves. In this regard the Thirteenth Amendment to the Constitution of Sri Lanka is flawed in that power is concentrated at the Centre and its Agent, the Governor. Our political philosophy is rooted in a fundamental democratic challenge to the authoritarian state. Our political programme is therefore rooted in the needs and aspirations of the Tamil Speaking People for justice and equality.

To achieve the above and self-reliance it is imperative that we need self-government. We have set out a two stage constitutional process to secure this. Whilst we do our utmost to play a positive role in promoting self-government for the Tamil Speaking Peoples in the North-East, we will carry on with our political negotiations for meaningful sharing of powers of governance. We cannot emphasise more the immediate necessity for a democratically elected body with legislative, executive and fiscal powers – to take over those functions of government rightly belonging to us.

The North-East of the Island has been traumatized by three decades of armed conflict. The human costs are not only the result of direct violence – casualties among combatants, undisciplined behavior of troops, deliberate targeting of civilians and the sowing of landmines – but also arise from hunger, forced migration and the collapse of public services due to the breaking down of the economic and administrative structure of the North-East.

INTERNALLY DISPLACED PERSONS

The internally displaced persons (IDPs) have a right to a durable solution and often need assistance in their efforts. The Provincial Council will pay immediate attention to the rights of IDPs and formulate durable solutions, articulate the responsibilities of authorities, and facilitate the assistance of humanitarian and development actors in achieving these.

The TNA recognizes that the primary duty and responsibility to establish conditions, as well as provide the means, which allow IDPs to return voluntarily in safety and with dignity, to their homes or places of habitual residence, should be left in the hands of the Provincial administration to ensure credibility and accountability.

MUSLIMS

The Muslims who were resident in the Northern Province prior to their displacement in 1990 had been the traditional residents of the areas which they occupied. It is regrettable that they were compelled to abandon their properties and move to other parts of the country and undergo untold hardships.

We are committed to ensuring that all the Muslims who left the Northern Province return to their respective areas and resume their livelihood activities as soon as possible. They would be encouraged to return and the Northern Provincial Council would provide all the help needed to enable them to re-start their lives.

Any issues concerning the welfare of the Muslims will receive the same treatment as those of the other communities living in the Northern Province. The Provincial administration will ensure that all communities living in the Province will receive just and equal treatment.

WAR WIDOWS

The war has left behind over 50,000 widows in the Northern Province alone. There is a need for a clear policy to build their capacity and uplift the lives of the war widows. These widows have become economically and socially vulnerable. In the circumstances the Provincial Council will take the responsibility to swiftly and effectively create livelihood programmes and other necessary measures to alleviate their present condition.

Other segments that need to be simultaneously attended to and uplifted include war affected children, elders, disabled and also refugees who have fled the country to escape from violence, in particular, the refugees in Tamil Nadu in India.

POST WAR LAND ISSUES

Even four years after the end of the war the government still designates areas as High Security or Restricted Zones and prevents the inhabitants from re-settling in those areas. Large amounts of lands have been seized by the government from the owners without due process. No democratic government has the right to seize land without due process. The government will have to respect the rights of private property owners and restore such lands to the rightful owners. A significant proportion of those evicted from these lands are living in very harsh conditions. The government's draconian regulations on land acquisition and re-occupation has deprived thousands of Tamils of rich agricultural lands and restrictions imposed on fishing has denied thousands of Tamil fishermen their livelihood.

There is an urgent need to address issues relating to the forcible acquisition of land and use by the State in the North-East. TNA is committed to the Provincial Administration retaining control over land in the North-East. TNA believes that there can be no reconciliation without the reform of the existing policies over land ownership, control and use that target the linguistic and cultural identity of the North-East.

LAW AND ORDER

The Northern Province is facing a law and order crisis and its people are overpowered by fear and insecurity. The perpetrators of crime have managed to get away in most instances. There is neither justice nor accountability for people who have suffered serious violations of their human rights. Perpetrators are not brought to justice and the victims and survivors do not receive redress. This situation constitutes a serious breach of Sri Lanka's international obligations to protect and promote human rights. Impunity for violations of human rights and humanitarian law has been the rule rather than the exception in Sri Lanka in the North-East and elsewhere.

The TNA believes that the most effective police force for the North-East would be those directed by the Provincial Council. Currently there is no trust between the people and Police service in the Northern Province. The People have no confidence in their police officers and are often afraid to approach the police with concerns about crime and conflict in their communities.

JOB CREATION

Any Provincial Council would want to tackle unemployment and should have the tools to do so. Indeed, an attack on the root causes of unemployment in the Northern Province will be one of TNA's priorities.

TNA favours supporting the enterprise and business sector of the economy to maximise employment opportunities. This is particularly true when it is remembered that there is work to be done in our communities: safeguarding and improving the environment; improving public transport; better community care; combating crime and vandalism; investment in new infrastructure. These are all crying needs for which the present Government offers no solution. Its attitude has signally failed the Tamil people. In comparison, TNA advocates reintegrating the industrially and socially disenfranchised people and promoting sustainable growth.

DEVELOPMENT WITH NATIONAL AND INTERNATIONAL ASSISTANCE

Post war reconstruction requires an integrated pro-poor approach which addresses the legacy of war, support market institutions, and hence creates the capacity for long term growth in private sector output. TNA would engage with the Sri Lankan State, international community and the Tamil diaspora to address the issue of long term investment and aid in the province.

The Tamil diaspora is an important segment in the securing of regeneration and well being for the affected people and we would obtain their invaluable aid and expertise, not only in the area of development but also in our quest to find a just, workable and durable political solution.

Community participation plays an important role in community development. However, with the escalation of the conflict the activities of, for example, the co-operative societies in the Northern Province faced a setback. Now that the war is over, the Provincial administration will take necessary steps to revive the community development activities such as development of palmyrah based products, agriculture and fishing.

THE ROLE OF THE INTERNATIONAL COMMUNITY

The Tamil People have always worked with commitment towards a reasonable and acceptable resolution of the national question through domestic processes. It is the Sri Lankan state which has spurned these opportunities and sought to suppress the Tamil People through repeated anti-Tamil pogroms. It was such conduct on the part of the Sri Lankan state that internationalized the national question and compelled the Sri Lankan state to accept an international role. Tamil militancy, which also was an inevitable consequence, has now ended.

The Sri Lankan state is now endeavouring to undo even the minimum progress achieved through international involvement. This can only result in the Tamils ceasing to exist as a People in Sri Lanka. The TNA is firmly of the view that justice to all Peoples who inhabit Sri Lanka and genuine reconciliation through permanent peace is only achievable under international auspices.

The TNA wishes to point out that it was the inability of the Sri Lankan state to re-structure itself to meet the aspirations of the Tamil People and thereby resolve the national question, and the unleashing of violence against the Tamil civilian population that resulted in the role of the international community

increasingly becoming inevitable. In such situations, the international community has rightfully played a vital role in several instances around the world.

CONCLUSION

The lives of our People must be rebuilt while maintaining our distinct identity as a People. We must also regain our political rights as a People. We therefore appeal to the Tamil Speaking Peoples to courageously stand up and demonstrate their resolve at this Election by voting for the Tamil National Alliance contesting under the name of Ilankai Thamil Arasu Kadchi and its 'House' symbol.