

ANNEXURE I

Text of the Indo-Sri Lanka Accord of July 29, 1987

The President of the Democratic Republic of Sri Lanka, His Excellency Mr. J. R. Jayawardene, and the Prime Minister of the Republic of India, His Excellency Mr. Rajiv Gandhi having met at Colombo on 29th July 1987.

Attaching utmost importance to nurturing, intensifying and strengthening the traditional friendship of India and Sri Lanka and acknowledging the imperative need of resolving the ethnic problem of Sri Lanka, and the consequent violence, and for the safety, well-being and prosperity of people belonging to all communities of Sri Lanka.

Have this day entered into the following agreement to fulfil this objective, In this context,

- 1.1 desiring to preserve the unity, sovereignty and territorial integrity of Sri Lanka;
- 1.2 acknowledging that Sri Lanka is a multi-ethnic and multi-lingual plural society consisting, *inter-alia*, of Sinhalese, Tamils, Muslims (Moors) and Burgers,
- 1.3 recognising that each ethnic group has a distinct cultural and linguistic identity which has to be carefully nurtured;
- 1.4 also recognising that the Northern and the Eastern provinces have been areas of historical habitation of Sri Lankan Tamil speaking people, who have at all times hitherto lived together in this territory with other ethnic groups,

1.5 conscious of the necessity of strengthening the forces contributing to the unity, sovereignty and territorial integrity of Sri Lanka, and preserving its character as a multi-ethnic, multi-lingual and multi-religious plural society, in which all citizens can live in equality, safety and harmony, and prosper and fulfil their aspirations;

2. Resolve that:

2.1 Since the Government of Sri Lanka proposes to permit adjoining Provinces to join to form one administrative unit and also by a Referendum to separate as may be permitted to the Northern and Eastern provinces as outlined below:

2.2 During the period, which shall be considered an interim period (i.e., from the date of the elections to the provincial council, as specified in para 2.8 to the date of the Referendum as specified in para 2.3), the Northern and Eastern provinces as now constituted, will form one administrative unit, having one elected Provincial Council. Such a unit will have one Governor, one Chief Minister and one Board of Ministers.

2.3 There will be a referendum on or before 31st December 1988 to enable the people of the Eastern Province to decide whether:

(a) The Eastern province should remain linked with the Northern province as one administrative unit, and continue to be governed together with the Northern Province as specified in para 2.2., or:

(b) The Eastern Province should constitute a separate administrative unit having its own distinct provincial council with a separate Governor, Chief minister and Board of Ministers. The president may, at his discretion, decide to postpone such a referendum.

2.4 All persons, who have been displaced due to ethnic violence or other reasons, will have the right to vote in such Referendum. Necessary conditions to enable them to return to areas from where they were displaced will be created.

2.5 The Referendum, when held, will be monitored by a committee headed by the Chief Justice, a member appointed by the President, nominated by the Government of Sri Lanka, and a member appointed by the President, nominated by the representatives of the Tamil speaking people of the Eastern province.

2.6 A simple majority will be sufficient to determine the result of the Referendum.

2.7 Meetings and other forms of propaganda, permissible within the laws of the country, will be allowed before the Referendum.

2.8 Elections to Provincial Councils will be held within the next three months, in any event before 31st December 1987. Indian observers will be invited for elections to the Provincial Council of the North and East.

2.9 The emergency will be lifted in the eastern and Northern provinces by August 15, 1987. A cessation of hostilities will come into effect all over the Island within 48 hours of signing of this Agreement. All arms presently held by militant groups will be surrendered in accordance with an agreed procedure to authorities to be designated by the Government of Sri Lanka. Consequent to the cessation of hostilities and the surrender of arms by militant groups, the army and other security personnel will be confined to barracks in camps as on May 25, 1987. The process of surrendering arms and the confining of security personnel moving back to barracks shall be completed within 72 hours of the cessation of hostilities coming into effect.

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.

2.11 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 to those persons accused, charged and/or convicted under these laws. The Government of Sri Lanka will make special efforts to rehabilitate militant youth with a view to bringing them back to the mainstream of national life. India will cooperate in the process.

2.12 The Government of Sri Lanka will accept and abide by the above provisions and expect all others to do likewise.

2.13 If the framework for the resolutions is accepted, the Government of Sri Lanka will implement the relevant proposals forthwith.

2.14 The Government of India will underwrite and guarantee the resolutions, and cooperate in the implementation of these proposals.

2.15 These proposals are conditional to an acceptance of proposals negotiated from 4.5.1986 to 19.12.1986. 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 cooperating directly with the Government of Sri Lanka in their implementation.

2.16 These proposals are also conditional to the Government of India taking the following actions if any militant groups operating in Sri Lanka do not accept this framework of proposals for a settlement, namely:

- (a) India will take all necessary steps to ensure that Indian territory is not used for activities

prejudicial to the unity, integrity and security of Sri Lanka

(b) The Indian Navy/Coast Guard will cooperate with the Sri Lankan navy in preventing Tamil militant activities from affecting Sri Lanka.

(c) In the event that the Government of Sri Lanka requests the Government of India to afford military assistance to implement these proposals the Government of India will cooperate by giving to the Government of Sri Lanka such military assistance as and when requested.

(d) The Government of India will expedite repatriation from Sri Lanka of Indian citizens to India who are resident there concurrently with the repatriation of Sri Lankan refugees from Tamil Nadu.

(e) The Governments of Sri Lanka and India will cooperate in ensuring the physical security and safety of all communities inhabiting the Northern and Eastern Provinces.

2.17 The Governments of India and Sri Lanka shall 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 cooperation to the Government of Sri Lanka in this regard.

2.18 The official language of Sri Lanka shall be Sinhala. Tamil and English will also be official languages.

3. This agreement and the annexure thereto shall come into force upon signature.

IN WITNESS WHEREOF we have set our hands and seals hereunto.

DONE IN COLOMBO, SRI LANKA, on this the Twenty Ninth day of July of the year One thousand Nine hundred and Eighty Seven, in duplicate, both texts being equally authentic.

RAJIV GANDHI
*Prime Minister of
the Republic of India*

JUNIUS RICHARD JAYEWARDENE
*President of the Democratic
Socialist Republic of Sri Lanka*

ANNEXURE TO THE AGREEMENT

1. His Excellency the President of Sri Lanka and the Prime Minister of India agree that the Referendum mentioned in paragraph 2 and its sub-paragraphs of the Agreement will be observed by a representative of the Election Commission of India to be invited by His Excellency the President of Sri Lanka.

2. Similarly, both Heads of Government agree that the elections to the Provincial Council mentioned in paragraph 2.8 of the Agreement will be observed by a representative of the Government of India to be invited by His Excellency the President of Sri Lanka.

3. His Excellency the President of Sri Lanka agrees that the Home guards would be disbanded and all para-military personnel will be withdrawn from the Eastern and Northern Provinces with a view to creating conditions conducive to fair elections to the Council. The President, in his discretion, shall absorb such paramilitary forces, which came into being due to ethnic violence, into the regular security forces of Sri Lanka.

4. The Prime Minister of India and the President of Sri Lanka agree that the Tamil militants shall surrender their arms to authorities agreed upon to be designated by the President of Sri Lanka. The surrender shall take place in the presence of one senior representative each of the Sri Lankan Red Cross and the Indian Red Cross.

5. The Prime Minister of India and the President of Sri Lanka agree that a joint Indo-Sri Lankan observer group consisting of qualified representatives of the Government of India and the Government of Sri Lanka would monitor the cessation of hostilities from 31 July, 1987.

6. The Prime Minister of India and the President of Sri Lanka also agree that in the terms of paragraph 2.14 and paragraph 2.16 (c) of the Agreement, an Indian Peace Keeping contingent may be invited by the President of Sri Lanka to guarantee and enforce the cessation of hostilities, if so required.

ANNEXURE II

Proposals for Devolution of Powers Known as Annexure C

In terms of paragraph six of the President's statement of December 1st, 1983, the following proposals which have emerged as a result of discussions in Colombo and New Delhi are appended for consideration by the All Party Conference. These proposals are in the context of the unity and integrity of Sri Lanka and will form the basis for formulating the Agenda of the All Party Conference.

- (1) The District Development Councils in a Province be permitted to combine into one or more Regional Councils if they so agree by decisions of the Councils and approved by Referendum in that district.
- (2) In the case of the District Councils in the Northern and Eastern Provinces respectively, as they are not functioning due to the resignation of the majority of Members, their union within each province to be accepted.
- (3) Each Region will have a Regional Council if so decided. The convention will be established that the leader of the party which commands a majority in the Regional Council would be formally appointed by the President as the Chief Minister of the Region. The Chief Minister will constitute a Committee of Ministers of the Region.
- (4) The President and the Parliament will continue to have overall responsibility over all subjects not transferred to the regions and generally for all other

matters relating to the maintenance of the sovereignty, integrity, unity and security and progress and development of the Republic as a whole.

(5) The legislative power of the Region would be vested in the Regional Councils which would be empowered to enact laws and exercise executive powers in relation thereto on certain specified listed subjects including the maintenance of internal Law and Order in the Region, the Administration of Justice, Social and Economic Development, Cultural matters and Land Policy. The list of subjects which will be allocated to the Regions will be worked out in detail.

(6) The 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 a Consolidated Fund set up for that 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.

(7) Provision will be made for constituting High Courts in each Region. The Supreme Court of Sri Lanka will exercise appellate and constitutional jurisdiction.

(8) Each Region will have a Regional Service consisting of (a) officers and other public servants of the Region and (b) such other officers and public servants who may be seconded to the Region. Each Region will have a Regional Public Service Commission for recruitment and for exercising disciplinary powers relating to the members of the Regional Service.

(9) The armed forces of Sri Lanka will adequately reflect the national ethnic position. In the Northern and Eastern Regions, the Police forces for internal security will also reflect the ethnic composition of

these Regions.

(10) A Port authority under the Central Government will be set up for administering the Trincomalee Port and Harbour. The area which will come under the administration of the Port Authority as well as the powers to be assigned to it will be further discussed.

(11) A national policy on land development and the basis on which the Government will undertake land colonisation will have to be worked out. All settlement schemes should be based on ethnic proportions so as not to alter the demographic balance subject to agreement being reached on major projects.

(12) The Constitution and other laws dealing with the official language Sinhala and the national language, Tamil, be accepted and implemented as well as similar laws dealing with the National Flag and Anthem.

(13) The Conference should appoint a committee to work out constitutional and legal changes that may be necessary to implement these decisions. The Government would provide its Secretariat and necessary legal offices.

(14) The consensus of opinion of the All Party Conference will itself be considered by the United National Party Executive Committee and presumably by the executive bodies of the other parties as well, before being placed before Parliament for legislative action.

ANNEXURE III

Text of Letters Exchanged Between Lankan President Mr. Premadasa and the Indian Prime Minister Mr. Rajiv Gandhi

Letter dated 2nd June 1989

*Written by President Premadasa to the Indian Prime
Minister Mr. Rajiv Gandhi*

My dear Prime Minister,

I am writing to you on some matters of urgent importance. The most important matter relates to the presence of Indian forces in Sri Lanka. After I assumed the Presidency of Sri Lanka, the Government of India initiated the withdrawal of troops. We are grateful for your prompt action in this regard.

One of the important campaign pledges made by me at both the Presidential and Parliamentary elections was the withdrawal of the IPKF on being elected to office. I assumed the office of President of Sri Lanka on the 2nd of January, 1989. Five months have elapsed since then. The complete withdrawal of the IPKF will hopefully contribute to stabilising the situation in Sri Lanka, where the presence of the IPKF has become a deeply divisive and resentful issue. It is also in keeping with your often expressed sentiments that the IPKF will be withdrawn when requested by the President of Sri Lanka. I am thankful for the efforts of the IPKF during the time it has been in our country. I have often paid tribute to the bravery of the many officers and men who lost life and limb in the discharge of their duties. The tragedy of violence has not only affected your soldiers, it has also destroyed many Sri Lankans as well as our Armed Forces and large numbers of civilians, innocent and uninvolved, have suffered beyond description. Their sacrifices must not be in vain. I am confident that a complete withdrawal of the IPKF

will enable me to secure the trust and confidence of my people. Therefore, I would like all IPKF personnel to be withdrawn by July 31st, 1989.

The withdrawal of the IPKF will also enable Sri Lanka to host the SAARC Summit in November this year in a climate of tranquillity. As you are aware, we could not undertake our obligation to do this in 1988. You will appreciate how difficult it is to a regional gathering of this nature with foreign forces on our soil. Our people are most enthusiastic about welcoming leaders of our own region, particularly our closest neighbours. However, their anxieties must also be satisfied especially in relation to their deep patriotic and nationalist sensitivities.

In this context, we have submitted several proposals regarding an Indo-Sri Lanka Friendship Treaty. I believe that, in the long term, such an agreement will further strengthen relations between India and Sri Lanka. I await your response to our proposals in this regard.

We have always appreciated your sincere interest in the unity and the territorial integrity of our country. Our own efforts to this end need the understanding and goodwill of our neighbours. I believe, that your people and you yourself share these objectives and will contribute to their realisation.

I have just seen the Aide Memoire which was handed over by your High Commissioner this evening. As the Aide Memoire refers to the need for consultations between the Governments, I am designating my Foreign Secretary to personally clarify our position on these matters. With the assurance of my highest consideration and esteem.

Letter dated 20th June 1989

Written by Mr. Rajiv Gandhi to Mr. Premadasa

Dear Mr. President,

I have your letter of the 2nd June, which was handed over to me by your Special Envoy, Foreign Secretary Tilakaratne.

India is committed to preserving the unity and integrity of Sri Lanka, under the terms of the Indo-Sri Lanka Agreement. It was a result of this commitment and our responsibility as a guarantor for the implementation of the Indo-Sri Lanka Agreement that we responded to the request of the Government of Sri Lanka, to send

the IPKF. This was at a time when the situation seemed headed inexorably towards the break-up of Sri Lanka. During its presence, the IPKF has striven with considerable success but at heavy cost to itself, to prevent such an outcome and safeguard the unity and integrity of Sri Lanka. Three successive elections have been held peacefully despite threats of terrorist violence in the North-East and all Tamil groups barring one, had given up the demand for Eelarn. If the process of devolution of powers to the Provincial Council had been implemented in time and had the deliberate attempt by the Sri Lankan Government to alter the population balance in the Tamil areas by the continued state sponsored colonisation of Tamil areas been stopped, the extremists would have been further isolated and marginalised, and the violence ended.

You have yourself stated that we had started the withdrawal of the IPKF even before you requested for it. A broad time-frame for the IPKF withdrawal was also discussed at our initiative, based on which your Foreign Minister had made a statement in your Parliament on the 31st March, 1989. All this was being done on the basis of assurances given by the Sri Lankan Government and on assumption that the implementation of the Indo-Sri Lanka Agreement-especially the devolution of powers to the Provincial Councils-would proceed simultaneously, so that the legitimate aspirations of the Tamils could be met within the framework of the unity and integrity of Sri Lanka. It is pertinent to recall that it was precisely because these aspirations were not being met that a situation was created which threatened the unity and integrity of Sri Lanka.

I have always maintained that the IPKF will not stay in Sri Lanka a day longer than necessary. But we cannot be unmindful of the responsibilities and obligations of the two countries under the Indo-Sri Lanka Agreement and to join the democratic process within the framework of a united Sri Lanka only on the basis of assurances that the Tamil majority in North-Eastern Province will be given substantial devolution of powers. Our two Governments are therefore morally and legally bound to ensure that the Tamils are given the autonomy they were promised, both in the 13th Amendment to the Sri Lankan Constitution, as also in the additional areas promised in the Agreement signed between the former President Jayewardene and myself on the 7th November, 1987.

Failure to do so will only lend credence to the claims made by Tamil groups that Tamils cannot expect justice within a united Sri Lanka. We have to be fully conscious of the dangers of a return to a situation which may be worse than prevailing prior to the Indo-Sri Lanka Agreement. We believe that, in the spirit of traditional friendship between our two countries, we must jointly draw up a mutually agreed schedule for the full implementation of the Indo-Sri Lanka Agreement and the complete withdrawal of the IPKF. The two have to be joint, parallel exercises.

We have no objection to your proposal for a friendship treaty. I had told your Special Envoy that we could set dates for commencing discussions with a view of finalising the text of the proposed treaty.

Letter dated 29th June 1989

Written by Mr. Premadasa to Mr. Rajiv Gandhi.

Excellency,

I am glad to inform you that the LTTE has announced a complete cessation of hostilities against the Sri Lanka Government with immediate effect.

The LTTE which is no longer a proscribed group has in the course of recent discussions with the Government of Sri Lanka agreed to settle whatever problems they have through the process of negotiation. Under the circumstances it will be appreciated if Your Excellency will ensure that the IPKF does not take any offensive action against the LTTE which will tend to prejudice the negotiations that are currently in progress. Accept Excellency, the assurances of my highest consideration.

Letter dated 30th June 1989

Written by Mr. Premadasa to Mr. Rajiv Gandhi in response to Mr. Gandhi's letter of 20th June 1989.

Dear Prime Minister,

I am in receipt of your letter of 20th June in reply to my letter of 2nd June, 1989. I thank you for reiterating India's commitment to preserve the unity, sovereignty and territorial integrity of Sri Lanka as was stated in the Indo-Sri Lanka Agreement.

We appreciate the assurance given by the Indian Government in providing the personnel to assist in the acceptance of arms surrendered by the militants as envisaged by Article 2.9 of the Agreement. We are also thankful for the assistance provided at our request, in terms of Article 2.16 (c) of the Agreement and paragraph 6 of the Annexure in affording military assistance to ensure the cessation of hostilities.

I am unable however to accept the contention that the implementation of the Indo-Sri Lanka Agreement, including the devolution of powers to the Provincial Councils, is in any way linked with the withdrawal of the Indian Armed Forces. They had been invited to Sri Lanka for the specific purpose of guaranteeing and enforcing the cessation of hostilities. The Indo-Sri Lanka Agreement does not provide for continued military activities by the Indian armed forces in Sri Lanka after a request has been made by me to have them withdrawn. Continuation of such military activities would also be a violation of peremptory norms of international law.

The Indian Peace Keeping Force came to Sri Lanka at the request of the President of Sri Lanka. Due to the circumstances that arose thereafter the IPKF was requested by the President to afford military assistance to ensure the cessation of hostilities. The only condition that should be satisfied for the withdrawal of the Indian armed forces is a decision by the President of Sri Lanka that they should be withdrawn. The request made by me to withdraw the Indian armed forces has satisfied this condition. It is therefore incumbent on the Government of India to withdraw the Indian armed forces from Sri Lanka. The proposals for the political settlement of the ethnic problem negotiated from 4.5.1986 to 19.12.1986 as well as the residual matters to be finalised between the government of Sri Lanka, and the government of India have all been accepted and incorporated in the relevant amendments to our Constitution and the Provincial Councils Act. The delay in giving effect to certain proposals within the time-frame envisaged by the agreement had been occasioned by the inability of the Indian armed forces to ensure cessation of hostilities and violence in the North and the East.

The actual functioning of the Provincial Councils in the new system of administration is applicable not only to the North and the East but to all the Provinces of Sri Lanka. This is entirely a

political process in which the military has no role whatsoever. You will no doubt agree that it has been an experience common in many other jurisdictions that the establishment of an entirely new structure of administration based on devolution, is essentially a long-term process. There is neither a legal nor any other rational basis for the presence of any military force to ensure that the administrative structure is fully in place in any Province of Sri Lanka. I have, in consultation with the Ministers of the Cabinet and the Chief Ministers of the Provincial Councils, taken all steps to ensure that the administrative structure necessary for the effective exercise of devolved powers is in place as expeditiously as possible.

As I have already intimated to you in my letter of 2 June, 1989 one of the important pledges made by me both at the Presidential and at the Parliamentary elections was to ensure the withdrawal of the Indian forces. To quote the manifesto:

“We will seek a Friendship Treaty with India on the lines of the Indo-Soviet Friendship Treaty. If by the time our candidate is elected President, the Indian forces have not left, we will ensure that they are withdrawn.”

The main Opposition Party, the Sri Lanka Freedom Party, in their election manifesto had stated that the Indo-Sri Lanka Agreement would be abrogated and the Indian forces asked to leave. Thus, it will be seen that over 95 per cent of the voters clearly mandated the withdrawal of the Indian forces. The majority approved the UNP proposals for the conclusion of a Friendship Treaty with India.

I would like to mention a most significant development, which may not have been brought to your notice, namely that the majority of people of all three communities in North and the East demand the immediate withdrawal of the Indian forces.

In your letter you have mentioned that there has been a deliberate attempt by the Government of Sri Lanka to alter the population balance in the Tamil areas by continuing state-sponsored colonisation. I must emphatically refute this. There has been no colonisation whatsoever in these areas since the signing of the Indo-Sri Lanka Agreement.

The ground is now set for the Government to resolve any outstanding issues relating to the ethnic problem on the basis of

consultation, compromise and consensus with all communities and groups concerned. As I have already informed you, the LTTE has announced the cessation of hostilities against the Government of Sri Lanka. They have also resolved to settle any issues outstanding through negotiations and discussions. It is in this context that I have requested you to issue the necessary instructions to the Indian armed forces to refrain from any offensive operations against the LTTE. The LTTE has already expressed its willingness to put an end to such activities against the Indian armed forces on a reciprocal basis. The withdrawal of the Indian armed forces within the time-frame visualised by me is an essential pre-condition for the Government to proceed with the consolidation of a political settlement.

Far from being of any assistance in the complete resolution of the ethnic problem, the presence of the Indian forces are now a serious impediment. In this connection, I must bring to your notice an alarming development that has been taking place in the Northern and Eastern Provinces. There are complaints that youths mostly of tender age are being forcibly conscripted by certain political groups and are being trained at the hands of the Indian forces. I need not elaborate on the possible consequences that will follow if this is not checked forthwith.

Therefore, in consideration of all these circumstances, I again earnestly request the immediate recommencement of the withdrawal of the Indian armed forces and an acceleration of this process.

I am glad at your favourable response to my proposal for a Friendship Treaty with India. We have already given our draft to the Ministry of External Affairs in New Delhi. I would request that discussion should commence without delay, so that this Treaty could give concrete and expeditious expression to the traditional bonds of friendship between our two countries.

Letter dated 30th June 1989

Written by Mr. Rajiv Gandhi to Mr. Premadasa in response to Mr. Premadasa's letter of 29th June 1989.

Dear Mr. President,

I have your message of 29th June sent through your High Commissioner.

The Indo-Sri Lanka Agreement provides for a cessation of

hostilities between the Tamil militant groups and the Sri Lankan forces, and also for the Sri Lankan Forces to stay in barracks in the North-East Province. Both these were achieved on 30th July, 1987. Thus, there has already been an effective cessation of hostilities between the Sri Lankan forces and the LTTE. I am glad that the LTTE has now formally conceded this reality.

We hope that the formal agreement of the LTTE to cease hostilities clearly implies their commitment to the unity and integrity of Sri Lanka and to renounce violence and to respect democratic processes. We trust that, consequent to giving up violence, LTTE will resume surrender of arms through the Sri Lankan Government—a process which had started on the 5th August, 1987 and is not yet complete. Unless the LTTE have undertaken to hand over their arms and to renounce violence not only

towards the Sri Lankan Government but towards the other citizens of the North-Eastern Province, their announcement of cessation of hostilities would be meaningless.

Since IPKF has a mandate in terms of India's role as a guarantor, for ensuring the physical safety and security of all communities of the North-Eastern Province, I would appreciate clarifications on the points I have mentioned above. These clarifications will facilitate an immediate decision on the IPKF's cessation of offensive action to disarm the LTTE. The earlier we receive your response, the quicker will be the process of initiating suitable action.

Letter dated 4th July 1989

Written by Mr. Premadasa to Mr. Rajiv Gandhi

Dear Prime Minister,

I have your message of 30th June sent through your High Commissioner, in response to my message requesting you to ensure that the Indian armed forces in Sri Lanka do not take any offensive action against the LTTE. Such action or any intensification of operations is liable to prejudice the negotiations currently in progress and prolong the armed conflict.

Your statement that the cessation of hostilities took place on 30th July, 1987 does not accord with facts. The LTTE ceased hostilities against the Sri Lankan security forces only for a few days but resumed violence on 2nd August, 1987 and continued until they announced a cessation of hostilities in June, 1989. During the

interim 148 service and police personnel were killed and 80 were wounded: 481 civilians were killed and 115 injured.

The LTTE announced a cessation of hostilities only in June this year after the commencement of the dialogue with the Government. This cessation covers not only the Government but also the people in the North and the East and in fact the people in the whole of Sri Lanka. At the same time, the LTTE reiterated its commitment to resolve all outstanding problems through negotiations and discussion and indicated their readiness to enter the democratic process.

As stated in your message, you have been seeking to disarm the LTTE for the past two years and this process is not yet complete, nor have you been able to bring them to the negotiating table. I am confident that I will be able to ensure that the LTTE will give up their arms after the Indian armed forces have been withdrawn.

The political solution which I seek to provide will not only be within the framework of our Constitution but must also preserve the sovereignty of our people, the unitary character and the territorial integrity of our country.

The responsibility of providing safety and security for all citizens within Sri Lanka is solely the responsibility of the Government of Sri Lanka. The Indo-Sri Lanka Agreement does not and indeed cannot in international law provide a mandate for the Government of India or its armed forces to assume any responsibility for this function otherwise than at the express request of the Sri Lankan Government. In any event, during the past two years when the Indian armed forces were operating in the Northern and Eastern Provinces they were unable to prevent the killings of a number of civilians and the displacement of even a larger number from their homes besides the casualties referred to above.

Any interpretation of the agreement which seeks to provide a mandatory role for the Government of India or its armed forces within Sri Lanka otherwise than the express request of the Government of Sri Lanka would constitute a serious interference in the internal affairs of a friendly sovereign country and a gross violation of the peremptory norms of International Law. I am sure such is not your intention.

I trust these clarifications will enable you to ensure that the Indian armed forces do not continue any offensive operations against the LTTE.

Letter dated 11th July 1989

Written by Mr. Rajiv Gandhi to Mr. Premadasa

Dear Mr. President,

I have your letter of 30th June and 5th July. I do not want to enter into a debate on various interpretations of mutual obligations assumed by our sovereign nations. These are quite clear. I also do not wish to go into the validity of assertions like the LTTE having resumed violence on 2nd August, 1987 whereas the arms surrender started and the amnesty letter was handed over by the Sri Lankan Government to the LTTE three days later. We should let facts speak for themselves.

There is an agreement between the two countries. The Agreement is meant to preserve the unity and integrity of Sri Lanka and to ensure the safety, security and legitimate interests of the Tamils. Nearly a thousand Indian soldiers have made the supreme sacrifice in fulfilment of India's obligations as a guarantor to this Agreement. Since the signing of the Agreement, not only have the Provincial Council elections been held, but also the Parliamentary and Presidential elections. The situation in the North-Eastern Province is far more settled and peaceful than elsewhere in Sri Lanka. Despite all this, the devolution package promised to the Tamils has not been implemented. These are incontrovertible facts.

Both of us agree that the IPKF should be withdrawn. Both of us agree that we had commenced the withdrawal even before you asked for it. A broad time-frame for IPKF withdrawal had in fact been discussed. Discussions on finalising details were proposed by your Foreign Minister at Harare only a few days prior to your unilateral announcement of 1st June. I have repeatedly said that the IPKF's withdrawal schedule should be worked out through joint consultations along with a simultaneous schedule for the implementation of the Indo-Sri Lanka Agreement. We are willing to resume discussions on this subject at any time and place of your convenience. Your colleague the Honourable Mr. Thondaman, who met me here, would have conveyed to you our desire for friendly relations and our willingness to resolve any misunderstanding through mutual consultations. If, however, discussions for this purpose are not acceptable to you, we will have to decide the details of IPKF's withdrawal unilaterally consistent with our responsibilities

and obligations under the Indo-Sri Lanka Agreement.

While I reiterate Government of India's willingness to cooperate with your government to resolve pending issues, I must emphasise to Your Excellency that India has traditionally been mindful of the sanctity of the agreements it signs with other countries and of commitments solemnly undertaken under such agreements. India will under no circumstances deviate from the policy of affecting our concerns.

It has been our practice to maintain the confidentiality of official correspondence particularly between Heads of State or Government, unless otherwise agreed upon. However, the gist of your messages to me was more often than not made available to the media before they reached me. Now I find that all our recent correspondence has been officially made public by the Sri Lankan Government. I may thus be constrained to depart from tradition by authorising this communication being made public, after you receive it.

ANNEXURE IV

Ceasefire Agreement

Agreement on a ceasefire between the Government of the Democratic Socialist Republic of Sri Lanka and the Liberation Tigers of Tamil Eelam

Preamble

The overall objective of the Government of the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as the GOSL) and the Liberation Tigers of Tamil Eelam (hereinafter referred to as the LTTE) is to find a negotiated solution to the ongoing ethnic conflict in Sri Lanka.

The GOSL and the LTTE (hereinafter referred to as the Parties) recognize the importance of bringing an end to the hostilities and improving the living conditions for all inhabitants affected by the conflict. Bringing an end to the hostilities is also seen by the Parties as a means of establishing a positive atmosphere in which further steps towards negotiations on a lasting solution can be taken.

The Parties further recognize that groups that are not directly party to the conflict are also suffering the consequences of it. This is particularly the case as regards the Muslim population. Therefore, the provisions of this Agreement regarding the security of civilians and their property apply to all inhabitants.

With reference to the above, the Parties have agreed to enter into a ceasefire, refrain from conduct that could undermine the good intentions or violate the spirit of this Agreement and implement confidence-building measures as indicated in the articles below.

Article 1: Modalities of a ceasefire :

The Parties have agreed to implement a ceasefire between their armed forces as follows:

1.1 A jointly agreed ceasefire between the GOSL and the LTTE shall enter into force on such date as is notified by the Norwegian Minister of Foreign Affairs in accordance with Article 4.2 hereinafter referred to as D-day.

Military operations :

1.2 Neither Party shall engage in any offensive military operation. This requires the total cessation of all military action and includes, but is not limited to, such acts as:

- a) The firing of direct and indirect weapons, armed raids, ambushes, assassinations, abductions, destruction of civilian or military property, sabotage, suicide missions and activities by deep penetration units;
- b) Aerial bombardment;
- c) Offensive naval operations

1.3 The Sri Lankan armed forces shall continue to perform their legitimate task of safeguarding the sovereignty and territorial integrity of Sri Lanka without engaging in offensive operations against the LTTE.

Separation of forces :

1.4 Where forward defence localities have been established, the GOSL's armed forces and the LTTE's fighting formations shall hold their ground positions, maintaining a zone of separation of a minimum of six hundred (600) metres. However, each Party reserves the right of movement within one hundred (100) metres of its own defence localities, keeping an absolute minimum distance of four hundred (400) metres between them. Where existing positions are closer than four hundred (400) metres, no such right

of movement applies and the Parties agree to ensure the maximum possible distance between their personnel.

1.5 In areas where localities have not been clearly established, the status quo as regards the areas controlled by the GOSL and the LTTE, respectively, on 24 December 2001 shall continue to apply pending such demarcation as is provided in article 1.6.

1.6 The Parties shall provide information to the Sri Lanka Monitoring Mission (SLMM) regarding defence localities in all areas of contention, of Article 3. The monitoring mission shall assist the Parties in drawing up demarcation lines at the latest by D-day +30.

1.7 The Parties shall not move munitions, explosives or military equipment into the area controlled by the other Party.

1.8 Tamil paramilitary groups shall be disarmed by the GOSL by D-day +30 at the latest. The GOSL shall offer to integrate individuals in these units under the command and disciplinary structure of the GOSL armed forces for service away from the Northern and Eastern Province.

Freedom of Movement

1.9 The Parties' forces shall initially stay in the areas under their respective control, as provided in Article 1.4 and Article 1.5.

1.10 Unarmed GOSL troops, shall as of D-day + 60, be permitted unlimited passage between Jaffna and Vavuniya using the Jaffna-Kandy road (A9). The modalities are to be worked out by the parties with the assistance of the SLMM.

1.11 The Parties agree that as of D-day individual combatants shall, on the recommendation of their area commander, be permitted, unarmed and in plain clothes, to visit family and friends residing in areas

under the control of the other Party. Such visits shall be limited to six days every second month, not including the time of travel by the shortest applicable route. The LTTE shall facilitate the use of the Jaffna-Kandy road for this purpose. The Parties reserve the right to deny entry to specified military areas.

1.12 The Parties agree that as of D-day individual combatants shall, notwithstanding the two-month restriction, be permitted, unarmed and in plain clothes, to visit immediate family (i.e. spouses, children, grandparents, parents and siblings) in connection with weddings or funerals. The right to deny entry to specified military areas applies.

1.13 Fifty (50) unarmed LTTE members shall as of D-day + 30, for the purpose of political work, be permitted freedom of movement in the areas of the North and the East dominated by the GOSL. Additional 100 unarmed LTTE members shall be permitted freedom of movement as of D-day + 60. As of D-day + 90, all unarmed LTTE members shall be permitted freedom of movement in the North and the East. The LTTE members shall carry identity papers. The right of the GOSL to deny entry to specified military areas applies.

Article 2: Measures to restore normalcy

The Parties shall undertake the following confidence-building measures with the aim of restoring normalcy for all inhabitants of Sri Lanka:

2.1 The Parties shall in accordance with international law abstain from hostile acts against the civilian population, including such as acts as torture, intimidation, abduction, extortion and harassment.

2.2 The Parties shall refrain from engaging in activities or propagating ideas that could offend cultural or religious sensitivities. Places of worship (temples, churches, mosques and other holy sites, etc.)

currently held by either of the parties shall be vacated by D-day + 30 and made accessible to the public. Places of worship which are situated in "high security zones" shall be vacated by all armed personnel and maintained in good order by civilian workers, even when they are not made accessible to the public.

2.3 Beginning on the date on which this Agreements enters into force, school buildings occupied by either party shall be vacated and returned to their intended use. This activity shall be completed by D-day +160 at the latest.

2.4 A schedule indicating the return of all other public buildings to their intended use shall be drawn up by the Parties and published at the latest by D-day + 30.

2.5 The Parties shall review the security measures and the set-up of checkpoints, particularly in densely populated cities and towns, in order to introduce systems that will prevent harassment of the civilian population. Such systems shall be in place from D-day + 60.

2.6 The Parties agree to ensure the unimpeded flow of non-military goods to and from the LTTE-dominated areas with the exception of certain items as shown in Annex A. Quantities shall be determined by market demand. The GOSL shall regularly review the matter with the aim of gradually removing any remaining restrictions on non-military goods.

2.7 In order to facilitate the flow of goods and the movement of civilians, the Parties agree to establish checkpoints on their line of control at such locations as are specified in Annex B.

2.8 The Parties shall take steps to ensure that the Trincomalee-Habarana road remains open on a 24-hour basis for passenger traffic with effect from D-day + 10.

2.9 The Parties shall facilitate the extension of the rail

service on the Batticaloa-line to Welikanda. Repairs and maintenance shall be carried out by the GOSL in order to extend the service up to Batticaloa.

2.10 The Parties shall open the Kandy-Jaffna road (A9) to non-military traffic of goods and passengers. Specific modalities shall be worked out by the Parties with the assistance of the Royal Norwegian Government by D-day + 30 at the latest.

2.11 A gradual easing of the fishing restrictions shall take place starting from D-day. As of D-day + 90, all restrictions on day and night fishing shall be removed, subject to the following exceptions:

- (i) fishing will not be permitted, within an area of 1 nautical mile on either side along the coast and 2 nautical miles seawards from all security forces camps on the coast;
- (ii) fishing will not be permitted in harbours or approaches to harbours, bays and estuaries along the coast.

2.12 The Parties agree that search operations and arrests under the Prevention of Terrorism Act shall not take place. Arrests shall be conducted under due process of law in accordance with the Criminal Procedure Code.

2.13 The Parties agree to provide family members of detainees access to the detainees within D-day +30.

Article 3: The Sri Lanka Monitoring Mission :

The Parties have agreed to set up an international monitoring mission to enquire into any instance of violation of the terms and conditions of this Agreement. Both Parties shall fully cooperate to rectify any matter of conflict caused by their respective sides. The mission shall conduct international verification through on-site monitoring of the fulfilment of the commitments entered into in this Agreement as follows:

3.1 The name of the monitoring mission shall be the Sri Lanka Monitoring Mission (hereinafter referred to

as the SLMM).

3.2 Subject to acceptance by the Parties, the Royal Norwegian Government (hereinafter referred to as the RNG) shall appoint the Head of the SLMM (hereinafter referred to as the HoM), who shall be the final authority regarding interpretation of this Agreement.

3.3 The SLMM shall liaise with the Parties and report to the RNG.

3.4 The HoM shall decide the date for the commencement of the SLMM's operations.

3.5 The SLMM shall be composed of representatives from Nordic countries.

3.6 The SLMM shall establish a headquarters in such place as the HoM finds appropriate. An office shall be established in Colombo and in Vanni in order to liaise with the GOSL and the LTTE, respectively. The SLMM will maintain a presence in the districts of Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Amparai.

3.7 A local monitoring committee shall be established in Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Amparai. Each committee shall consist of five members, two appointed by the GOSL, two by the LTTE and one international monitor appointed by the HoM. The international monitor shall chair the committee. The GOSL and the LTTE appointees may be selected from among retired judges, public servants, religious leaders or similar leading citizens.

3.8 The committees shall serve the SLMM in an advisory capacity and discuss issues relating to the implementation of this Agreement in their respective districts, with a view to establishing a common understanding of such issues. In particular, they will seek to resolve any dispute concerning the implementation of this Agreement at the lowest possible level.

3.9 The Parties shall be responsible for the

appropriate protection of and security arrangements for all SLMM members.

3.10 The Parties agree to ensure the freedom of movement of the SLMM members in performing their tasks. The members of the SLMM shall be given immediate access to areas where violations of the Agreement are alleged to have taken place. The Parties also agree to facilitate the widest possible access to such areas for the local members of the six above-mentioned committees, of. Article 3.7.

3.11 It shall be the responsibility of the SLMM to take immediate action on any complaints made by either Party to the Agreement, and to enquire into and assist the Parties in the settlement of any dispute that might arise in connection with such complaints.

3.12 With the aim of resolving disputes at the lowest possible level, communication shall be established between commanders of the GOSL armed forces and the LTTE area leaders to enable them to resolve problems in the conflict zones.

3.13 Guidelines for the operations of the SLMM shall be established in a separate document.

Article 4: Entry into force, amendments and termination of the Agreement :

4.1 Each Party shall notify its consent to be bound by this Agreement through a letter to the Norwegian Minister of Foreign Affairs signed by Prime Minister Ranil Wickremesinghe on behalf of the GOSL and by leader Velupillai Pirabakaran on behalf of the LTTE, respectively. The Agreement shall be initialled by each Party and enclosed in the above-mentioned letter.

4.2 The Agreement shall enter into force on such date as is notified by the Norwegian Minister of Foreign Affairs.

4.3 This Agreement may be amended and modified

by mutual agreement of both Parties. Such amendments shall be notified in writing to the RNG.

4.4 This Agreement shall remain in force until notice of termination is given by either Party to the RNG. Such notice shall be given fourteen (14) days in advance of the effective date of termination.

Annexes :

Annex A: List of goods

Annex B: Checkpoints

Annex A :

The Parties agree to ensure the flow of non-military goods, to and from LTTE dominated areas of the Northern and Eastern Province as well as unimpeded flow of such goods to the civilian population in these areas. Non military goods not covered by article 2.6 in the Agreement are listed below:

Non military arms/ammunition

Explosives

Remote control devices

Barbed wire

Binoculars/Telescopes

Compasses

Penlight batteries

Diesel, petrol, cement and iron rods will be restricted in accordance with the following procedures and quantities.

Diesel and petrol :

The Government Agents (GA) will register available vehicles; tractors and motorcycles in the LTTE controlled areas. The GA will calculate the required weekly amount of diesel and petrol based on the following estimate:

Trucks/Buses 250 litre/week

4 wheel tractor 310 litre/week

2 wheel tractor 40 litre/week

Petrol vehicle 30 litre/week

Motorcycles 7 litre/week

Fishing vessels 400 litre/week

Cement :

Cement required for rehabilitation and reconstruction of Government property; registered co-operatives; or approved housing projects implemented by the GOSL and international NGOs and more affluent members of the society; will be brought in directly by relevant institutions under licences issued by Government Agents. The GA shall stipulate the monthly quantities permitted for such project based upon planned and reported progress.

Cement required for individual shops/constructions/house owners/rehabilitation - initiatives will be made available through the co-operations on a commercial basis. The monthly import for this purpose will be limited to 5000 bags during the first month and thereafter 10,000 bags/month. Individual sales by the co-operatives will be registered and limited to 25 bags per household.

Iron rods:

Iron rods for building constructions will be brought in to the LTTE controlled areas under licences issued by the GA.

A monthly reassessment will be made to assess the possibilities of removal of the above restrictions.

Annex B :

Checkpoints agreed in section 2.7 are as follows:

- Mandur,
- Paddirupur,
- Kaludaveli Ferry Point,
- Anbalantivu Ferry Point,
- Mamunai Ferry Point,
- Vanvunateevu,
- Santhiveli Boat Point,
- Black Bridge,
- Sitandy Boat Point,
- Kiran bridge,
- Kinniyadi Boat Point,

- Valachenai,
- Makerni,
- Mahindapura,
- Muttur,
- Ugilankulam,
- Omanthai.

ANNEXURE V

ISGA

THE PROPOSAL BY THE LIBERATION TIGERS OF TAMIL EELAM ON BEHALF OF THE TAMIL PEOPLE FOR AN AGREEMENT TO ESTABLISH AN INTERIM SELF-GOVERNING AUTHORITY FOR THE NORTHEAST OF THE ISLAND OF SRI LANKA

Consistent with the principles of the rule of law, the human rights and equality of all persons, and the right to self-determination of Peoples,

Determined to bring lasting peace to all persons of the island of Sri Lanka,

Acknowledging with appreciation the services of the Royal Norwegian Government, the Norwegian People, and the international community in attempting to bring peace to the island,

Recognizing that a peaceful resolution is a real possibility, despite the challenging history of the peace process between the Tamil people and the Sinhala people.

Determined to establish an interim self-governing authority for the NorthEast region and to provide for the urgent needs of the people of the NorthEast by formulating laws and policies and, effectively and expeditiously executing all resettlement, rehabilitation, reconstruction, and development in the NorthEast, while the process for reaching a final settlement remains ongoing.

Being aware that the history of the relations between the Tamil People and the Sinhala People has been a process of broken

promises and unilateral abrogation, by successive governments of Sri Lanka, of pacts and agreements solemnly entered into between the government of Sri Lanka (GOSL) and the elected representatives of the Tamil People,

Bearing in mind that successive Governments of Sri Lanka have perpetrated persecution, discrimination, State violence and State-orchestrated violence against the Tamil People,

Noting that the Tamil people mandated their elected representatives to establish an independent sovereign, secular State for the Tamil people in the elections subsequent to the Vaddukoddi Resolution of 1976,

Bearing in mind that the Tamil armed struggle as a measure of self-defense and as a means for the realisation of the Tamil right to self-determination arose only after more than four decades of non-violent and peaceful constitutional struggle proved to be futile and due to the absence of means to resolve the conflict peacefully,

Recalling that the Liberation Tigers of Tamil Eelam (LTTE) first took measures towards peace by unilaterally declaring the cease-fire in December, 2000 and again in December, 2001, opening highways, facilitating trade and the free movement of people, and entering into peace negotiations in good faith in the hope of creating an environment conducive to the return of normalcy and a just resolution of the conflict,

Taking Note of the political courage of the present GOSL in reciprocating to the 2001 cease-fire,

Realizing that the war in the island of Sri Lanka was principally confined to the NorthEast, resulting in the destruction of the social, economic, administrative, and physical infrastructure of that area, and that the NorthEast still remains the region in the island of Sri Lanka affected by war,

Recognising that the majority of the Tamil People in the NorthEast, by their actions in the general elections held in the year 2000, gave their mandate acknowledging the LTTE as their authentic representative,

Knowing that the LTTE exercises effective control and jurisdiction over the majority of the NorthEast area of the island of Sri Lanka,

Realising that reaching a final negotiated settlement and the implementation thereof is expected to be a long process,

Affirming the necessity for the safe and free return of all refugees and displaced persons and their urgent need for unimpeded access to their homes and secure livelihoods at land and sea in the NorthEast,

Mindful that institutions and services provided by the GOSL have proved to be inadequate to meet the urgent needs of the people of the NorthEast,

Recognising the failure of the Sub-committee on Immediate Humanitarian and Rehabilitation Needs (SIHRN) and other Sub-Committees formed during the peace negotiations, which failure was due to the composition of such Sub-Committees, which repeatedly led to inaction,

Acknowledging the recognition by the GOSL of the necessity for an Interim Authority, as mentioned in its 2000 election manifesto,

Realising that maintenance of law and order is an essential prerequisite for a just and free society,

Recognising the need for raising revenue to meet the urgent needs for the Resettlement, Rehabilitation, Reconstruction and Development of the NorthEast region, which has been devastated by war, and for the carrying out of any function of Government,

Recognising the importance of control over land in resettlement, rehabilitation, reconstruction and development,

Mindful that the Tamils did not participate in the making of the 1972 and 1978 constitutions, which institutionalized discrimination and denied them an effective role in the decision-making process,

Noting the practice in international relations over the last decade of solving conflicts between Peoples through agreement between the parties to the conflict on terms of equality and through innovative and imaginative measures,

Relying on international precedents for establishing interim governing arrangements in war-torn countries having the force of law based solely on pacts or agreements between the warring parties recognized by the international community,

Noting that measures such as the Ceasefire Agreement, including

the role of the Sri Lanka Monitoring Mission (SLMM), and, the establishment of the SIHRN and the NorthEast Reconstruction Fund (NERF) constitute valid precedents for making such arrangements,

Wherefore, the Parties, namely the Liberation Tigers of Tamil Eelam and the Government of Sri Lanka, hereby agree to the following provisions:

1. Interim Self-Governing Authority

An Interim Self-Governing Authority (ISGA) shall be established comprised of the eight districts namely: Amparai, Batticaloa, Jaffna, Kilinochchi, Mannar, Mullaitivu, Trincomalee and Vavuniya in the NorthEast, until a final negotiated settlement is reached and implemented.

Representatives of the Muslim community have the right to participate in formulation of their role in the ISGA.

2. Composition of the ISGA

2.1. The ISGA shall consist of such number of members as may be determined by the Parties to this Agreement.

2.2. The composition of the ISGA shall be:

2.2.a. Members appointed by the LTTE,

2.2.b. Members appointed by the GOSL, and

2.2.c. Members appointed by the Muslim community in the NorthEast.

2.3. The number of members will be determined to ensure:

2.3.a. An absolute majority of the LTTE appointees in the ISGA.

2.3.b. Subject to (a) above, the Muslim and Sinhala Communities in the NorthEast shall have representation in the ISGA.

2.4. The Chairperson shall be elected by a majority vote of the ISGA and shall serve as the Chief

Executive of the ISGA.

2.5. The Chairperson shall appoint the Chief Administrator for the NorthEast and such other officers as may be required to assist in the performance of his/her duties. The Chairperson shall have the powers to suspend or terminate any such appointment.

3. Elections

The provisions of Clauses 2.2 and 2.3 shall continue until elections for the ISGA are held. Such elections shall be held at the expiry of five years of the coming into force of this Agreement, if no final settlement has been reached and implemented by the end of the said period of five years. An independent Election Commission, appointed by the ISGA, shall conduct free and fair elections in accordance with international democratic principles and standards under international observation.

4. Human Rights

The people of the NorthEast shall be accorded all rights as are provided under international human rights law. Every law, regulation, rule, order or decision of the ISGA shall conform to internationally accepted standards of human rights protection. There shall be an independent Human Rights Commission, appointed by the ISGA, which shall ensure the compliance with all such human rights obligations. The Commission will seek the assistance of international human rights bodies to facilitate the rapid establishment of an effective regime for protecting human rights. The Commission shall be entitled to receive petitions from any individual person, award compensation to any such affected person, and ensure that such person's rights are restored.

5. Secularism

No religion shall be given the foremost place in the NorthEast.

6. Prohibition against Discrimination

The ISGA shall ensure that there is no discrimination on grounds of religion, race, caste, national or regional origin, age or gender in the NorthEast.

7. Prevention of Bribery and Corruption.

The ISGA shall ensure that no bribery or corruption is permitted in or under its administration.

8. Protection of All Communities

No law, regulation, rule, order or decision that confers a privilege or imposes a disability on any community, which is not conferred or imposed on any other community, shall be made concerning culture or religion.

9. Jurisdiction of the ISGA.

9.1. The ISGA shall have plenary power for the governance of the NorthEast including powers in relation to resettlement, rehabilitation, reconstruction, and development, including improvement and upgrading of existing services and facilities (hereinafter referred to as RRRD), raising revenue including imposition of taxes, revenue, levies and duties, law and order, and over land.

These powers shall include all powers and functions in relation to regional administration exercised by the GOSL in and for the NorthEast.

9.2. The detailed modalities for the exercise of such powers and the performance of such functions shall be subject to further discussion by the parties to this agreement.

10. Separation of Powers

Separate institutions for the administration of justice shall be established for the NorthEast, and judicial powers shall be vested in such institutions. The ISGA shall take appropriate measures to ensure the independence of the judges.

Subject to Clauses 4 (Human Rights) and 22 (Settlement of Disputes), of this Agreement, the institutions created under this clause shall have sole and exclusive jurisdiction to resolve all disputes concerning the interpretation and implementation of this agreement and any other disputes arising in or under this agreement or any provision thereof.

11. Finance

The ISGA shall prepare an annual budget.

There shall be a Financial Commission consisting of members appointed by the ISGA. The members should have distinguished themselves or held high office in the fields of finance, administration or business. This Commission shall make recommendations as to the amount out of the Consolidated Fund to be allocated to the NorthEast. The GOSL shall make its good faith efforts to implement the recommendation.

The ISGA will, giving due consideration to an equitable distribution, determine the use of funds placed at its disposal. These funds shall include the NorthEast General Fund, the NorthEast Reconstruction Fund (NERF) and the Special Fund.

The GOSL agrees that any and all of its expenditures in or for the NorthEast shall be subject to the control of the ISGA.

11.1. NorthEast General Fund

The NorthEast General Fund shall be under the control of ISGA and shall consist of:

11.1.a. The proceeds of all grants and loans made by the GOSL to the ISGA and the proceeds of all other loans made to the ISGA.

11.1.b. All allocations by the GOSL from agreements with states, institutions and/or other organizations earmarked in any such agreements for the NorthEast.

11.1.c. All other receipts of the ISGA, other than the funds specified below.

11.2. NorthEast Reconstruction Fund

The NERF shall continue to exist in its present form except that control over it will be transferred to the ISGA.

All grants given for the reconstruction of the NorthEast, will be received through the NERF. Utilization of resources from NERF will be directly determined and supervised by the ISGA.

11.3. Special Fund

All loans and any grants which cannot be channeled through the NERF for the specific purpose of RRRD will be received into the Special Fund. As in the case of other Funds, the ISGA shall control the Special Fund.

12. Powers to Borrow, Receive Aid and Trade.

The ISGA shall have powers to borrow internally and externally, provide guarantees and indemnities, receive aid directly, and engage in or regulate internal and external trade.

13. Accounting and Auditing of Funds.

13.1. The ISGA shall appoint an Auditor General.

13.2. All Funds referred to in this Agreement shall be operated, maintained and audited in accordance with internationally accepted accounting and auditing standards. The accounts will be audited by the Auditor General. The auditing of all moneys received from international sources shall be subjected to approval by an internationally-reputed firm appointed by the ISGA.

14. District Committees.

14.1. In the effective exercise of its legislative and executive powers, the ISGA may create District Committees to carry out administration in the districts and delegate to such Committees, such powers as the ISGA may determine. The Chairpersons of such committees shall be appointed by the ISGA from amongst its members in order to serve as a liaison between the

ISGA and the Committees.

14.2. The other members of the Committees shall also be appointed by the ISGA, which shall have the powers to suspend or terminate any such appointment. In appointing such members, due consideration shall be given to ensure representation of all communities.

14.3. The Committees will function directly under the ISGA.

14.4. The Chief Administrator of the ISGA shall appoint Principal Executive Officers in the districts, who shall also function as the Secretaries to the Committees. The Chief Administrator shall have the powers to suspend or terminate any such appointment.

14.5. All activities and functions of the Committees shall be coordinated through the respective Secretaries to the Committees.

14.6. Sub-committees may also be appointed to facilitate administration.

15. Administration

As part of the exercise of its executive powers the ISGA shall have direction and control over any and all administrative structures and personnel in the NorthEast pertaining to the powers set out in Clause 9 of this Agreement.

The ISGA may, at its discretion, create expert advisory committees in necessary areas. These areas will include but are not limited to Economic Affairs, Financial Affairs, Judicial Affairs, Resettlement and Rehabilitation Affairs, Development of Infrastructure, and Essential Services.

16. Administration of Land

Since land is vital to the exercise of the powers set out in Clause 9 (jurisdiction of the ISGA), the ISGA shall have the power to alienate and determine the appropriate use of all land in the NorthEast that is not

privately owned.

The ISGA shall appoint a Special Commission on Administration of Land to inquire into and report on the rights of dispossessed people over land and land subject to encroachment, notwithstanding the lapse of any time relating to prescription.

The ISGA shall determine the term of competencies of the Special Commission.

17. Resettlement of Occupied Lands

The occupation of land by the armed forces of the GOSL, and the denial to the rightful civilian owners of unfettered access to such land, is a violation of the norms of international law. Such land must be immediately vacated and restored to the possession of the previous owners. The GOSL must also compensate the owners for the past dispossession of their land.

The ISGA shall be responsible for the resettlement and rehabilitation of displaced civilians and refugees in such lands.

18. Marine and off-shore resources

The ISGA shall have control over the marine and offshore resources of the adjacent seas and the power to regulate access thereto.

19. Natural Resources

The ISGA will have control over the natural resources in the NorthEast region. Existing agreements relating to any such natural resources will continue in force. The GOSL shall ensure that all monies due under such agreements are paid to the ISGA. Any future changes to such existing agreements should be made with the concurrence of the ISGA. Future agreements shall be entered into with the ISGA.

20. Water Use

Upper riparian users of river systems have a duty to ensure that there is a fair, equitable and reasonable use of water resources by lower riparian users. The

GOSL and the ISGA shall ensure that this internationally recognized principle is followed in the use of water resources.

21. Agreements and contracts

All future agreements concerning matters under the jurisdiction of the ISGA shall be made with the ISGA. Existing agreements will continue, but the GOSL shall ensure that all proceeds under such agreements are paid to the ISGA. Any changes to such existing agreements should be made with the concurrence of the ISGA.

22. Settlement of Disputes

Where a dispute arises between the Parties to this Agreement as to its interpretation or implementation, and it cannot be resolved by any other means acceptable to the Parties including conciliation by the Royal Norwegian Government, there shall be an arbitration before a tribunal consisting of three members, two of whom shall be appointed by each Party. The third member, who shall be the Chairperson of the tribunal, shall be appointed jointly by the Parties concerned. In the event of any disagreement over the appointment of the Chairperson, the Parties shall ask the President of the International Court of Justice to appoint the Chairperson.

In the determination of any dispute the arbitrators shall ensure the parity of status of the LTTE and the GOSL and shall resolve disputes by reference only to the provisions of this Agreement.

The decision of the arbitrators shall be final and conclusive and it shall be binding on the Parties to the dispute.

23. Operational Period

This Agreement shall continue until a new Government for the NorthEast, pursuant to a permanent negotiated settlement, is established. The Parties

will negotiate in good faith to reach such a settlement as early as possible.

Provided, however, that at the end of four years if no final agreement has been reached between the Parties to this agreement, both Parties shall engage in negotiations in good faith for the purpose of adding, clarifying, and strengthening the terms of this Agreement.

The author of this book, Anton Balasingham, is the political advisor, theoretician and the chief negotiator of the Liberation Tigers of Tamil Eelam (LTTE), the national liberation organisation spearheading the struggle for self-determination of the Tamil nation in the island of Sri Lanka. Mr Balasingham has been actively involved in the politics of the LTTE for twenty-six years and is widely regarded as the authoritative commentator on the politico-military struggle of the organisation.



In this work, *WAR AND PEACE: Armed Struggle and Peace Efforts of Liberation Tigers*, Mr Balasingham provides a penetrating study of the complex evolutionary history of the organisation. Analysing the objective conditions that gave rise to the armed struggle, the author offers fascinating insights into the crucial role the LTTE played during the turbulent period of Indian intervention in Sri Lanka from 1983-90. Based on his personal experience, Mr Balasingham graphically surveys all peace efforts the LTTE participated in, from Thimpu talks to the recent Norwegian facilitated negotiations, providing a critical examination of their shortcomings. This study offers an illuminating account of the Tamils struggle, on the war front and the peace arena, for their political rights. The book will be of interest to students of history and those who are concerned about the Tamil struggle for self-determination.

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