

North-East Merger, De-merger and Peace Talks – A critique

By Sabesan - Australia

Well rehearsed acrobatic acts of the Sri Lankan government have unfolded one after the other in the last few months. The supreme court of Sri Lanka ruled against the existence of the merged North and East provinces. In its recent court ruling, the Supreme Court ruled that the merger of the N-E is unconstitutional. The union of the North and Eastern provinces of Sri Lanka, considered the traditional home lands of the Tamil speaking people, took place as a result of the Indo-Sri Lanka agreement of 1987. This was swept away by the judges after a short hearing.

On another front, the state communal government breached almost every clause of the 2002 peace agreement and engaged its army in a war of fire power against the Tamils. The peace agreement between the state government and the Tigers that was signed under international auspices was swept under the carpet the day Mahinda Rajapaksha was elected a year ago. Nearly 3000 people have died since then. Hard pressed for foreign aid, and to show off his inept peace skills, the president made a show of sending a half dozen figure heads to the Geneva peace talks.

At the time the 1987 peace accord was about to be signed between India and Sri Lanka, the Liberation Tigers of Tamil Eelam (LTTE) agitated India to heed some of their requests. They were concerned that the power vested upon the legislative assembly of the merged NE provinces was inadequate. The central government had the power to dissolve the NE legislature at any moment. It made it very easy for the central government to impose any changes it wished upon the Provincial Council legislations, without even having to obtain the consensus of the NE legislature. Naturally, the LTTE objected strongly to this power held by the central government. The Indian government made a verbal assurance to the LTTE that they would safeguard Tamil rights in the event of a constitutional crisis. They compared the situation with their Indian constitution and explained that no serious constitutional crises had ever occurred in India. In essence, that though the Sri Lankan government had these powers, they would not exercise them. Nevertheless, the LTTE demanded a constitutional guarantee, stating that the Sinhalese have a habit of reneging on any agreement. Unfortunately, India did not make any attempt to change the terms of the agreement.

It is appropriate at this point to reveal an event that has remained a secret up until now.

Ram, Editor of a prestigious newspaper, The Hindu, was sent to Sri Lanka by Rajeev Gandhi with an important message to the LTTE. Ram assured the LTTE hierarchy that the merger of the Northeast was permanent. Ram told the LTTE that Rajeev Gandhi and J.R Jeyawardana, then heads of their respective countries had made a ***“gentlemen agreement”*** that a referendum on the permanent merger of the NE, as mandated in the bill would never take place. Ram declared that it was a gentlemen agreement between two heads of two countries that would be strictly adhered to by both countries.

Tigers never had faith in such a gentlemen’s agreement between nations. They argued that the Sinhalese politicians had reneged on several such agreements in the past. Ram insisted that it was in the best interests of the Tamils that Rajeev Gandhi had made such an agreement with Jeyawardana, and urged the LTTE not to miss such a golden opportunity.

Well done, Hindu Ram! What do you say today? We would like to hear from you!!

The Indo-Sri Lanka agreement of 1987 was considered by Sri Lankan and Indian constitutional pundits as the best piece of agreement that could protect the minority Tamils from the hegemony of the Sinhalese and meet their aspirations in the merged North and East provinces. What would have been the repercussion if Tigers did not have any arms today? **What do those former militants who surrendered their arms in the naïve belief in the value of such a vague agreement and clung on to the government have to say now?** Some people also believed that this agreement is the ultimate solution & ridiculed the Tigers. Now it is they who deserve ridicule.



India expected that the agreement will be implemented in full by the Sri Lankan government and went to the extent of waging war against Tigers in order to enforce the accord. On the other hand, India hardly made any sincere attempt to assist Sri Lanka in making legislation in a formal manner. Even though the Jeyawardana government had a two thirds majority in the parliament at that time, no constitutional amendments were made. The merger of North East provinces was made through a gazette notification and India was hoodwinked.

The Supreme Court of Sri Lanka has now ruled that the merged North and Eastern provinces are against the constitution of Sri Lanka. There were many anomalies in the provincial council bill that were in favour of the chauvinistic elements that filed the case. It is not our concern how the case was decided or what was decided. What is important in the case is an important argument

that was put forward by the plaintiffs. Their lawyers argued that the North East merger made the Tamils a majority community in the combined provinces whereas they were a mere 40% in the Eastern province alone. The lawyers claimed that it was an injustice to the other communities in the Eastern province and therefore the provinces should be de-merged. Alright, then we would like to ask a question. Now, go back to 1948 and think of the situation then. The British merged two kingdoms into one. Tamils from one kingdom, which is the North and East, became minority to the Sinhalese from the day merger took place. Are they (Tamils) not entitled for a de-merger from the Sinhala state?

Whatever said and done the North and East provinces of Sri Lanka are the traditional homeland of the Tamils. Therefore, merging them or de-merging them is terms that have no significance. Indo-Sri Lanka agreement, Banda-Selva agreement, Dudley – Selva agreement are all based on the principles of traditional homeland of the Tamils. Out of all these agreements the latest, Indo-Sri Lanka agreement has now become worthless. Not only has it become null and void, but also it had little to do with the aspirations of the Tamils. That is why, when this agreement was signed the Tigers categorically and emphatically declined to accept it. Now the Tigers have proved they were right in taking this stance.

The president of Sri Lanka, Mahinda Rajapaksha, together with his supporting team, the JVP, has used their sham courts to transmit a few messages to the Indian government and the people of India. They are:

Messages to the Indian government by the Srilankan Government :

** Whatever deeds you carry out on our soil with good intentions, and as a brotherly neighbour, will be dismantled by us in due course.*

** Our violent and undemocratic actions, although against Tamil Freedom struggle also must be seen as a blow to Indian hegemony.*

** If the Tamil problem can be solved by Indian intervention then it is unavoidable that Sinhala Sri Lanka will revolt against India.*

Mahinda's actions are not arbitrary. He has a well planned time table. His actions are well coordinated, well planned and executed in a manner to tell the big neighbour that he doesn't care about regional power. **These types of messages from Mahinda will be transmitted to the western countries in the near future.**

There was an attack on Galle naval base in Sri Lanka. Now, there are unconfirmed reports that the munitions dump in Galle belonged to some other country. It is believed the munitions dump belonged to China's military wing Noringo and an agreement already exists to store Chinese military hardware at Galle naval base. Such are the sinister new developments India needs to take note of.

At a time the whole world is expecting a resolution on the ethnic issue of Sri Lanka, an agreement that was already signed between two countries was simply discarded. A court had ruled it is invalid. The Peace agreement of 2002 that lasted for four years under strenuous conditions, all of a sudden has become defunct. The state government is hell bent on undeclared war on Tamils. Stringent economic embargo on Tamils coupled with travel restrictions by closure of main roads do not indicate there is light at the end of the tunnel.

Earlier we stated that the Tigers keep their patience and avoided getting involved in a war with the government forces. They were attacked on several fronts and compelled to withdraw from areas. The Sri Lankan tactic was to stop the Tigers from attending peace talks but that did not materialise. The Tigers attended the peace talk, with strong misgivings, but trusting the foreign governments and to prove that Sri Lanka government had nothing to offer. Even before the start of peace talk donor countries to Sri Lanka had comprehended the cynical attitude of the Sri Lankan government. As far as the international community is concerned they have an action plan which does not fulfil the Tamil aspirations and this plan may be known to the Sri Lankan government. Will the Sri Lankan government agree? Will they implement such a plan? If a court decision can dump the agreement between two states in such a fashion what else cannot happen? The Tamil Leadership has categorically informed the Western World that even a plan that does not fulfil the Tamil Aspirations will not be agreed and/or implemented by any Sri Lanka Governments. Therefore, it is better to go in separate ways. This is one of the reasons why Tamil people believe that Tamil Eelam is the only solution for their freedom struggle.

India did not seriously consider what the Tigers told them. Ultimately they wanted to force Tigers into submission and thrust a solution upon them. Likewise, the international community was not listening to the experience of the Tamil community that has lost so much blood. Sri Lanka, being a small island with year round press censorship escaped the scrutinising eyes of the world for many years. Now it is known that it is a rogue country with a score of 80,000 innocent lives to its credit. **We have solid reasons to believe** that the international community that failed at the initial stages to understand the uprising of the Tamils are now convinced that Tamils are fighting for a real cause & will recognise the Tigers. Time has come that the international community to deviate from the norms of international diplomacy and treat both parties to the conflict as equal partners. In spite of the stubborn narrow minded approach of the Srilankan government there are indications that the peace talk will go to next stage if the international community takes the correct steps.

The Srilankan government could not even agree to the opening of A9 highway, thereby exhibiting its arrogance and animosity towards the Tamils & bombing & killings continues. Most importantly many countries, interested in the welfare of Sri Lankan people, have come to know that extreme Sinhalese nationalism can blind political leaders to the extent of committing genocide. However, useless peace talks are also can be useful. These talks will prove that any talks with the Srilankan governments will NOT achieve any good results. Thus peace talk in Geneva did NOT really fail. In this context that the Tigers attended this peace talk. It is our belief that the international community has understood the reality. The Supreme court decision in Sri Lanka and the arrogance exhibited by the state in Geneva and the atrocities of the army are all indications that the freedom struggle of the Tamils is clearly being understood by the western world at last. The western countries understanding of the reality will speed the freedom struggle of the Tamil People!

The above article is an English transcript of a Tamil broadcast made on the "Thamilkural" programme on 30-10-2006, Melbourne 3CR radio.
