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- [Original Version Home Page](#)

Pirapaharan, Chapter 35, Part 2

by T. Sabaratnam

(Volume 2)

Thimpu Talks- the First Round (Continued)

As indicated in the previous chapter, the first day of the Thimpu Talks was devoted to the inauguration. Talks commenced on the second day, 9 July 1985.

The entire morning of the second day was spent on two preliminary matters: the Tamil side questioning the seriousness of the government side and the government delegation challenging the representative character of the Tamil delegation and both sides blaming each other for ceasefire violations.

In the evening, the meeting took up the substantive question of a political solution. Hector Jayewardene presented the government proposals which he termed 'new.' He prefaced his presentation stating the government position that any solution to the ethnic problem should be within the existing 1978 unitary constitution and the political framework - an executive presidency- it had created.

Jayewardene also said the proposals he was submitting had emerged during the All Party Conference (APC) held the previous year (1984) and provided a mechanism "for the sharing of power." He said the two documents he was presenting were drafted on the basis of the consensus that had surfaced during that conference. He requested the Tamil side to study it carefully and decide to cooperate with the government to implement it.

Amirthalingam pointed out that the 'new' proposal the government delegate had presented was nothing but the 'old' draft legislations presented by President Jayewardene on 14 December: President Jayewardene presented to the plenary of the All Party Conference that day the draft of the Tenth Amendment to the Constitution and the draft District and Provincial Councils Bill. Amirthalingam said the TULF had rejected those proposals at that time as not satisfying the aspirations of the Tamil people.

The conference decided to take up the Sri Lankan proposals on the third day, 10 July. But before adjournment, the meeting decided to issue a joint communiqué on the day's proceedings. A committee of eight participants, five from the government side and three from the Tamil side, was nominated. The meeting resolved that the joint communiqué should be released through the Bhutanese government.

The coverage given by the Colombo media to the conference created a furor when the delegations met on the third day. The Tamil side took objection to the pro-government slant given in the reports published and broadcast by the Colombo media. They specifically objected to the state-run Sri Lanka Broadcasting Corporation (SLBC) calling the Tamil delegations "terrorists." The government side undertook to get that corrected.

Most of the third day was taken up by the Tamil delegations, which rejected the government proposals as inadequate. In Chapter 19 of this series, I gave a detailed account of the 14 December proposals. The draft District and Provincial Councils Bill provided for a 5-tier scheme going up from the village level Gramodaya Mandalayas to the Council of State, a Second Chamber. The Gramodaya Mandalayas were the basic, village level units of government. The government wanted to set up 4,500 of them in the country. Their members would be nominees of the people's voluntary organizations in the villages. They were to be non-political and would be responsible for development activities at the village level.

Pradeshya Sabhas would be the second level governmental structure. They would be elected bodies performing local government functions. There would be one each for the 250 Divisional Secretariat divisions.

District Councils would form the third tier. There would be one for each of the 25 Districts in the country. Their members would be elected by the voters of the district. The Chairmen and Vice Chairmen of the District Councils also would be elected directly by the voters. The Chairman would have a Board of Ministers to assist him. However, these ministers would be appointed by the President. The District Councils would have limited legislative powers and executive powers which would be delegated to the district ministers by the ministers in Colombo.



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Provincial Councils would form the fourth layer. They would be created by the District Councils. They come into existence when two or more District Councils within a province resolve to join and if that decision was approved by the majority of the registered voters in each of the districts that decided to join at a referendum. When created in this manner, members of the District Councils that decide to join become members of the Provincial Councils. Powers and functions of the Provincial Councils are the same as that of the District Councils.

A Council of States would form the top layer. This Council would be the Second Chamber, the first being the existing Parliament. The Council would consist of 75 members, 50 of whom would be the chairmen and vice-chairmen of the district councils and the balance nominated by the president. In nominating the 25 members, the president would pick two each from the nine provinces to represent unrepresented communities and interests. The president would have the freedom to choose anyone for the balance seven places. Crucially, the Council of States would only be an advisory body. It would not have power to initiate legislation and would not have power to block those originated by Parliament.

The legislative powers devolved to the District Councils were few and the powers and functions which the Colombo ministers were authorized to delegate to their line ministers in the districts were also not substantial.

The draft District and Provincial Council Bill contained the list of the subjects allocated to them. These subjects included education, health, agriculture, agrarian services, industries, fisheries, social services, local government, employment, electricity, roads, irrigation and some others. The legislative powers the bill conferred on the District Councils were of a subordinate nature. The Councils were not entitled enact laws. They were only entitled to pass ordinances which would need to be ratified by Parliament. Parliament had the power to reject them.

Hector Jayewardene also distributed a bulky document that enumerated the powers and functions Colombo ministers were entitled to delegate to their line ministers in the District Councils. Siddarthan, one of the PLOTE delegates at the meeting, told me that a quick look at that document revealed that the powers listed for delegation were of marginal importance. Colombo could withdraw those powers whenever it wanted.

"When we went through the list, we did not know whether to laugh or cry. The District Councils were only glorified town councils," Siddarthan told me. "You had better go through that document and tell me your reaction," he told me.

I managed to go through that document at Dr. Neelan Tiruchelvam's library. Executive and legislative powers for the District Councils were listed under two heads: the powers that could be delegated by the Ministers to the District Ministers dealing with the relevant subjects and the subjects in respect of which ordinances may be made by the District Councils.

Following are examples of the executive and legislative powers given to the District Councils. In the important field of education, the Minister of Education could delegate to the District Education Minister the power to implement the Education Development Programme. The District Councils were given the power to enact ordinances in the following matters: preparation of Educational Development Programme for the provision of facilities for educational development such as -(1) Provision of buildings, (ii) Provision of furniture, (iii) Construction of playgrounds, (v) Provision of sports material (vi) Provision of library facilities. Making recommendations as regards the educational needs of the grassroots organisation areas such as -(i) Opening of new schools, (ii) Closure of schools, (iii) Reorganisation/amalgamation of schools, (iv) Naming of schools (v) Upgrading of schools (vi) Opening of new classes.

In the other important area of health, the following powers could be delegated and the power to enact ordinances concerning these subjects were given to the District Councils: Private nursing homes, medical charitable institutions, Grants-in-aid to private medical institutions providing services to Public Legislation - Medical Wants Ordinance (Cap. 226) Mental Disease Ordinance (Cap. 227) medical records, public health services, food sanitation, railway sanitation, advice to local authorities on housing and town improvements, estate health work, health legislation, public health personnel, international quarantine and sanitary regulations, free milk distribution schemes, school dental services, burial grounds and cemeteries, food and drugs, central public health veterinary service.

In the important field of agriculture, the Minister of Agriculture was empowered to delegate to the District Minister of Agriculture the following subjects: Preparation and implementation of the grassroots Development Plan; Supervision of activities of the Agricultural Development Authority; animal husbandry; running of stud centres; distribution of feed material; distribution of breeding material; establishment of milk collecting centres in consultation with the National Milk Board; assisting in and arranging for the organisation and running of collecting points as well as chilling centres; assisting in the transport of milk from producers; organisation of sales outlets for Milk Board products.

The District Council could enact ordinances on the subjects of preparation and implementation of the grassroots development plan and the supervision of activities of the Agricultural Development Authority.

In the Ministry of Regional Development, created to deal with the development of the northeast and the fostering of the Hindu religion, the Minister could delegate only matters relating to the palmyrah industry. The District Council could pass ordinances only in this matter.

In a scathing response, Amirthalingam told the government delegation not to try to deceive the Tamils any more. He said the problems of language, education and employment had been dealt with in great detail at the All Party Conference. It was now time to concentrate on the devolution of powers. He asked the government to improve on the proposals as the Tamils had rejected the proposals submitted to the All Party Conference as insufficient. He said Tamils would respond to the government if it came up with tangible improvements.



Amirthalingam and Sivasithamparam

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Hector Jayewardene asked the TULF to come up with alternate proposals. The Tamil side rejected the request. They pointed out that it was the responsibility of the government to place for their consideration an acceptable alternative to their demand for a separate state. They reiterated their position that they are for a separate state for which Tamil people had given them a mandate in the 1977 parliamentary election. But they were prepared to consider an alternative which would allow the Tamil people to live with dignity within a united Sri Lanka.

The Tamil delegations indicated their dissatisfaction to Chandrasekaran who was staying with them and told him that they were considering a walkout. Amirthalingam told Chandrasekaran that they had come to Thimpu hoping that the government would come up with a better proposal. The TULF was totally disappointed. Chandrasekaran, after consultation with Delhi, told the Tamil side that India also was not satisfied with the proposals, but advised them to continue the talks.

Assassination goonda

The talks were in trouble on the fourth day. Jayewardene came out with another 'plot' *gundu* (bomb). The story was planted through the police, which said it had arrested two EROS operatives in Colombo. The police said the two men were found near the President's House in Colombo and they had confessed that they were sent by the EROS high command to assassinate President Jayewardene.

The Colombo media was told to play up the story. I still remember the excitement at the *Daily News* editorial office the previous day. Special play was given to the 'story' about the foiled assassination plot. EROS denied the 'story' as pure fabrication. It said the police had picked up two Tamil youths who were on their way to the General Post Office and tortured them and foisted the assassination story on them.

EROS and other delegations in the Tamil side protested against the story as the proceedings commenced for the fourth day, calling it "the JR canard."

Most of the day was spent trading charges about plots and ceasefire violations. When the heat subsided, Hector Jayewardene suggested that his proposal could be taken as a "working basis" and the powers of the devolved units discussed across the table. The Tamil side said powers, the unit of devolution and the structure of government should be straightened out. They indicated that the official proposal was far, far short of the expectations of the Tamil people.

The Indian government sent Romesh Bhandari to Thimpu to prevent the collapse of the talks. Bhandari held a series of separate meetings with both delegations. He managed to save the talks from collapse by persuading the Tamil side to issue a statement rejecting the government proposals and asking the government to come up with another proposal worthy of consideration if the Tamils are to work within the framework of a united Sri Lanka.

The Tamil side issued the joint statement rejecting the government proposal on the fifth day, 12 July. Before the issue of the statement, the Tamil side said the government proposals amounted to "humiliating the Tamil people." Amirthalingam demonstrated the unacceptable nature of the offer.

The statement presented by Charles of TELO on behalf of the Joint Front of Tamil Liberation Organizations reads:

We are a liberation movement which was compelled to resort to the force of arms because all force of reason had failed to convince the successive Sri Lankan Governments in the past. Further, under conditions of national oppression and the intensification of state terrorism and genocide against our people, the demand for a separate state of Eelam became the only logical expression of the oppressed Tamil people. Our armed struggle is the manifestation of that logical expression. However, if the Sri Lankan Government gives any indication of a return to sanity and reason, then, our people would only be too willing to consider any proposal for a peaceful solution; this is because they are a peace-loving people.

The proposals of the Sri Lankan Government placed before us at this table by its delegation unfortunately give absolutely no indication of a return to sanity and reason. Firstly, the leader of the Sri Lankan delegation has very clearly stated that the proposals placed before us are based on the position taken by the Sri Lankan Government in the final stages of the All Party Conference. We wish to state categorically that we do not recognise the All Party Conference for the following reasons.

Firstly, as the TULF had already stated immediately after the collapse of the APC, the APC proposals do not come anywhere close to the regional autonomy that would be acceptable to the Tamil people. Secondly, we the liberation movement, charge the Sri Lankan neo-fascist state of having used the APC as a smoke-screen to pursue a military solution to the Tamil national question.

Further, the proposals placed before us at this table do not in any way give an indication that the Sri Lankan Government has understood the genesis of the 'Eelam' national question. The reasons are as follows:

(1) The proposal does not recognise the notion of a homeland of the Tamil peoples. Instead, it takes the District as a basic unit for any devolution of power, which is totally unacceptable.

(2) The proposal does not recognise the right of self-determination of either the Tamil people or the Sinhala people by seeking to avoid a referendum or a plebiscite on the proposals. The

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Government seeks to ignore the will of the people by insisting on a simple amendment to the Constitution which would require a two-thirds majority in Parliament. In this process, the Sri Lankan Government seeks to impose its constitutional dictatorship on the people of Sri Lanka.

We do not wish to go any further, but merely wish to emphasise the point that the burden of presenting a rational and a just solution to the problem lies entirely with the Sri Lankan State, since we hold it responsible for the present state of affairs.

In the name of peace, we wish to make an earnest request to the Sri Lankan Government delegation to come back with the proposals worthy of our consideration.

EROS made a written protest against the government charge of attempted assassination of President Jayewardene. Bhandari hosted a banquet.

On the final day of the first round of the talks, 13 July, the Tamil side asked the government delegation to come back with a fresh set of proposals that would satisfy the aspirations of the Tamil people. The Tamil delegation then presented the basic principles which were required to underlie a political settlement.

The text of the historic joint statement - now referred to as the Thimpu Declaration - reads:

It is our considered view that any meaningful solution to the Tamil national question must be based on the following four cardinal principles:

- *recognition of the Tamils of Ceylon as a nation*
- *recognition of the existence of an identified homeland for the Tamils in Ceylon*
- *recognition of the right of self determination of the Tamil nation*
- *recognition of the right to citizenship and the fundamental rights of all Tamils in Ceylon*

Different countries have fashioned different systems of governments to ensure these principles. We have demanded and struggled for an independent Tamil state as the answer to this problem arising out of the denial of these basic rights of our people. The proposals put forward by the Sri Lankan government delegation, as their solution to this problem is totally unacceptable. Therefore we have rejected them as stated by us in our statement of the 12th of July 1985. However, in view of our earnest desire for peace, we are prepared to give consideration to any set of proposals, in keeping with the above mentioned principles, that the Sri Lankan Government may place before us.

Before the joint statement was read out, both sides traded charges over ceasefire violations. The Tamil side charged that, despite their protests and the pious undertaking given by the government delegation that curfew would be lifted and detainees released, nothing had happened. The government side said the militants also were violating the ceasefire agreement and submitted a list of 73 instances of violations.

Hector Jayewardene asked the Tamil organisations to study his proposal further and promised to come back to Thimpu with a good outcome. The second round of the talks was fixed for 12 August.

India was satisfied with the outcome of the talks. So was Colombo. But Tamil liberation groups were not pleased. Pirapaharan, especially, was not happy. His conviction that India had fallen into Jayewardene's trap grew. He was determined to resume the armed struggle for which he intensely trained his fighters.

India was happy because it had, for the first time played the role of a regional power. It was happy because it had brought together a group of militant organizations and made them talk to the government. India was satisfied that it had upgraded its role from the position of a mediator to that of a direct participant. And India, especially Rajiv Gandhi, had won international acclaim. The US and Britain welcomed India's contribution to South Asian peace.

Colombo was happy that the ceasefire would continue and it had won more time to build its military machine and set up a buffer zone from Mannar to Mullaitivu to contain the Tamil militants to the north.

On his return, Hector Jayewardene reported to the cabinet on the outcome of the talks. He told the ministers that the fact that the militants had agreed to continue the talks was a positive factor. He also told them that the fact that the militants had agreed to consider a solution within a united Sri Lanka was a major outcome. But his brother, President Jayewardene, was not in a mood to grasp that positive outcome. He was determined to crush the Tamil freedom movement. And he launched a vicious media campaign to paint his government as a reasonable and peace-loving one and the Tamil side as unreasonable and intransigent. He also instructed his campaign managers at Sri Kotha, the UNP headquarters, to discredit India as inefficient and ineffective in reining in the Tamil armed groups.

President Jayewardene and his coterie of advisers also decided to capitalize on Romesh Bhandari's ignorance of the intricacies of the Tamil problem and his undue haste to win for himself and his prime minister, Rajiv Gandhi, global plaudits for working out a peaceful solution to the knotty Sri Lankan problem. They decided to buy peace by yielding as little as possible to the Tamils. But they failed to take into account one man. That man was Pirapaharan.

One thing must be recorded, however. Lalith Athulathmudali had correctly spotted the main man who would ruin

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Jayewardene's plans to militarily suppress the Tamil struggle. I have already recorded what Athulathmudali told me on 26 November 1984 when I went to his Kollupitya home to wish him well on his birthday. "You know today is Pirapaharan's birthday. We are pitted against each other. I don't know who will win," he said.

I want to record two more events in which Lalith Athulathmudali was involved. By the end of 1984, Athulathmudali launched a psychological operation to distance the Jaffna people from Pirapaharan. He first announced that the people of Jaffna peninsula should leave the area for a short period to facilitate the security forces rounding up the 'terrorists.' He also said that by leaving Jaffna and staying with their friends or relations for a short time they could prove to the government that they are not with the 'terrorists.' I was worried. My father lived there in our ancestral home. My sister and her four small children lived with him. My mother-in-law and sister-in-law and her family also lived there.

Athulathmudali

I met Athulathmudali and told him of the difficulties his announcement would cause ordinary people like my father and mother-in-law. He told me that his intention was to cause disaffection among the public against "Pirapaharan and crowd." I telephoned my father. He told me that they had decided to stay in their house "come what may." Athulathmudali's announcement had had the opposite effect. It created a bond of affection between the people and "Pirapaharan and his crowd."



"Whom are the boys fighting for? They are fighting for our rights. We will not desert them," was my father's firm reply.

Athulathmudali then imposed the 1000 meter no-go zone from 1 January 1985. He ordered the people in the northeast who lived within a radius of 1000 meters from military camps to leave or live there at their own risk. People disregarded the order, which was announced over the radio. He then got the airforce to drop leaflets written in Tamil about the order. People ignored it. A week later, he arranged for another set of leaflets to be dropped. He sent a copy of the leaflet to *Daily News* editor Manik de Silva requesting publicity. Manik de Silva gave the leaflet to me and told me, "Lalith sent it. What is it?"

It was in Tamil. I read it and smiled.

"Why are you smiling?" Manik asked.

"The mistake is showing!" I replied.

"What mistake?"

"The leaflet is supposed to have been signed by Pirapaharan. But he has spelt his name wrong," I said.

Pirapaharan had spelt his name Pirapaharam!

I told Manik that only a Sinhalese would make such a mistake. A Tamil or Muslim will not write 'm' in Tamil for 'n.'

To the credit of Manik de Silva, I must record that he did not use that story.

This is the translation of the text of the two-paragraph Tamil leaflet:

The government has declared a 1000 meter no-go zone around the military camps and had asked the people living within that area to leave their houses.

I warn all of you not to leave your homes. If you do so, you will have to face severe consequences.

It was signed Pirapaharam

I record these events to show that Lalith Athulathmudali, regarded Pirapaharan as his main enemy from the time he was sworn in as the Minister of National Security in March 1984. And Lalith Athulathmudali's assessment of Pirapaharan was correct.

Pirapaharan was not happy about the ceasefire and the talks because it interfered with his military plan to contain the army to its camps and liberate the areas in the northeast from government control. He knew that Jayewardene was going in for a military solution and he was preparing to meet him militarily. He had assessed President Jayewardene's intentions correctly. He expressed his assessment of Jayewardene's intentions in the interviews he gave to Indian news magazines.

Pirapaharan told the Calcutta-based *Sunday* of 5 September:

The cease-fire is a drama. Under its guise, the Sri Lankan armed forces are continuing to perpetrate atrocities against our people, massacres are still going on, Tamils are still being driven out of their homes. If it is a true cease-fire, our lieutenants will be happy. We followed the cease fire in letter and spirit and stopped all our guerrilla operations. But the Sri Lankan armed forces continued to attack civilians, forcing us to retaliate. I find I have to handle the present situation very carefully. The cease-fire itself is a farce and I also have to handle my lieutenants, who know only too well that it is a drama where the Sri Lanka government is covertly going ahead with its genocide of the Tamils!

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Again, in March 1986 he told *The Week*:

Under the guise of the cease-fire agreement, the Jayewardene Government embarked on a massive militarization programme. The Government is spending a huge amount of its national budget on building its military machinery. Lethal weapons of all sorts are being purchased on a large scale. The Government has introduced legislation for conscription. The whole Sinhala nation is being mobilised on a war footing. New Army camps have been constructed in the Tamil areas. Foreign mercenaries as well as Pakistan provide training to Sinhalese soldiers in counter-insurgency warfare. The massive military mobilisation clearly shows that Jayewardene is bent on a military solution rather than being committed to the peace process of a negotiated settlement.

Though Pirapaharan was unhappy with the ceasefire and the talks, he reaped the biggest benefit from the Thimpu talks. He emerged the main player on the Tamil side and India was forced to give him that place.

I was at home on 13 July 1985, the day the first round of the Thimpu talks failed. My News Editor, N. R. J. Aaron, telephoned me and asked me to cover the next day's press conference at the Indian High Commission, which was then at Colombo Fort.

[Index to previous chapters](#)

Next

Chapter 36-1 Thimpu Talks – Second Round

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