

Gentlemen!

The statement made by Dr.H.W.Jayawardene, Leader of the Sri Lankan Govt. Delegation on the 12th August 1985 calls for our response on a number of points. that The statement/has just been read sets out the reply of the six groups which compose the Tamil delegation here. Regarding the four basic principles we placed before this conference on the 13th July 1985, I do not want to amplify that statement further.

At the very beginning of the statement the Leader of the Sri Lankan delegation refers to our statement of 13th July 1985 as a statement "made on behalf of six groups representing the interests of certain Tamil groups in Sri Lanka". This statement amounts to challenging the credentials of the delegation with whom the government delegation is supposed to negotiate. If you do not accept our legitimacy or right to speak on behalf of the Tamilx people, what is the value of negotiating with us? As if to rub it in further, towards the end of the statement, in dealing with our fourth principle, namely, the right to full citizenship of all Tamils, he makes the following categorical statement: "We do not acknowledge the right or the status of any person present here to represent or negotiate on behalf of all Tamils living in Sri Lanka." He refers to the fact that there are certain other organisations representing the plantation Tamils whom he refers to as Indian-Tamils. The denial of citizenship rights to one million plantation Tamils in 1948 by passing the three citizenship laws is the first major blow struck against the Tamil nation. All the troubles that the Tamil people were subjected to subsequently stem from this first fatal blow. These citizenship laws affect all Tamil-speaking people irrespective of their origin. I am sure, the Leader of the Govt. delegation must be aware of the hardships underwent by Tamils and Muslims outside the Northern & Eastern Provinces, particularly in Colombo and surrounding areas under the Finance Act. They were called upon to prove their citizenship in order to register their deeds of transfer for property they had bought with their hard-earned money. People with Sinhalese names were not subjected to this hardship.

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Everyone with Tamil or Muslim name had either to establish his citizenship which was not always easy or to pay 100% stamp duty. Representations were made and an Officials' Committee was set up as early as in 1964 to remove this hardship under which all Tamil-speaking persons suffered. During the period 1965 to 1970 when we of the Federal Party and the Tamil Congress were members of Mr. Dudley Senanayake's National Government, we tried to get the report of that Officials' Committee implemented. But we could not succeed. It will thus be seen that the impact of the citizenship laws is on the total Tamil-speaking people and not on any one section of them. I am not seeking to challenge the position of the various trade unions functioning among the plantation workers particularly of the Ceylon Workers' Congress and its leader, Mr. Thondaman. I wish to remind the Govt. delegation that at the time the TULF contested the 1977 Parliamentary elections the President of the TULF was Mr. Thondaman, the leader of the plantation workers and the CWC. It was under his presidentship that the TULF got the mandate for the Tamil Eelam in the 1977 elections. Though he moved away from the TULF after 1978 the connection of the TULF has not thereby ceased with the plantation workers. The problem of statelessness and the hardship of doubtful citizenship are issues of intimate concern to the total Tamil-speaking population and our right to take up that question at this conference cannot be denied.

As for the first statement that "the six groups represent interests of certain Tamil groups in Sri Lanka," I wish to refute this statement most emphatically. The six groups represent at this conference, namely, TULF and the five militant groups are fully representative of the Tamil nation. The TULF has earned a right to represent the Tamil people by being the accredited representative duly elected by preponderant majority and the five groups of freedom fighters by their valiant struggle for the liberation of the Tamil people, their sacrifice and suffering have earned a right to represent the Tamil people. The statement of the leader of the Government delegation on this point calls for an explanation.

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Mr. Jayawardene referred to the fact that the Government of Sri Lanka has already announced at the All Party Conference its intention to grant Sri Lankan citizenship to the outstanding number of 94,000 persons who fall into the stateless category. As one who was a participant of All Party Conference I am fully aware how the Government got the Maha Sangha delegation to give its blessings to this proposal. But that was not the first occasion that this promise was made. The period of operation of the Sirimavo--Shastri Pact came to an end in October 1981. Shortly after that President Jayawardene made a statement in India and gave a promise to the Government of India that all those who were not registered as citizens of India upto that date will be granted Sri Lankan citizenship. It is now four years since this promise was made, not one stateless person has been registered as a Sri Lankan citizen in terms of this promise. The Government of Sri Lanka is lavishing its promises but it has been our bitter experience that very few of these promises are kept. The problem of statelessness that afflicts a section of the Tamil nation in Sri Lanka is a running sore in the body politic and therefore if the Tamil national problem is to be solved, this long standing problem must be finally solved. We make this demand and we state that we are entitled to make this demand at this conference.

Mr. Jayawardene in the final paragraph of his statement has delivered a homily to us that "the use of violence to achieve political goals is totally against the ideals preached by the great sons of India, particularly Gautama, the Buddha and Mahatma Gandhi and must be renounced." Ironically he proceeds to say, "We in Sri Lanka had tried to follow these ideals." It is absurd for the representative of a Government of a country whose reputation stinks to high Heaven for the atrocities perpetrated against the Tamil people, for the murders & rapes committed against the innocent Tamil civilians, should make the claim that they have tried to follow the ideals of Mahatma Gandhi. He has in his statement advised us "whatever form of agitation is used to continue any programme to attain political goals must be non-violent and follow the Buddhist and Gandhian method of 'satya kiriya' or 'Satyagrah'"

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If there is anyone in this whole conference who is qualified to speak on the use of non-violent means, on following the path of 'satyagraha' for achieving political goals, I can humbly make that claim. I have participated in all the non-violent struggles that were carried on during the last ~~two~~ decades for winning the rights of the Tamils. I have been jailed five times and I have been beaten by the Police & army eight times. On the very first occasion on the 5th June 1956, on the day the 'Sinhala ~~only~~' Act was introduced in Parliament, we performed satyagraha outside parliament. We exposed ourselves to the sun and rain and sat there on the Galle Face Green. Government set up hoodlums to attack us. We were beaten up with sticks, pelted with stones, stripped and trampled. I still carry two scars on my head caused by the 'non-violent' stones which the Sinhala patriots threw at the Tamil Satyagrahis. When I walked into parliament with my clothes drenched in blood and a handkerchief tied round the gaping wound on my forehead, the then Prime Minister Mr. Bandaranaike remarked 'honourable wounds of war'. To him, it was a joke. Non-violent satyagraha was treated as a joke by the Prime Minister of the country. But the satyagrahis were ^{not} only the victims of non-violence on that occasion. Tamils on the roads in Colombo were pulled out out of their cars & buses and beaten up. Mr. Sivasithamparam reminds me that one of those beaten up on the roads of Colombo on that occasion was no less ^a person than the present Chief Justice of Sri Lanka, Mr. Shervananda. He was not one of the satyagrahis. Then why was he beaten up? Because he was a Tamil. This is the reply that the Tamil people got for the first attempt at non-violent satyagraha against an inequality perpetrated on them. Tamil villagers in distant Amparai were attacked and killed by the Sinhala colonists the same night and the Chairman of the Galoya Development Board and all the Tamil officers under that project had to be evacuated to the circuit house as refugees when they were attacked by the Sinhala colonists in that area.

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In spite of our being treated with violence in return for our non-violent campaign, we continued in the path of non-violence. In 1961 against the move to make ~~the~~ Sinhala the language of administration in government offices even in the Northern and Eastern provinces, we started a mass satyagraha movement. We carried on that movement from 20th February 1961 to the 17th of April 1961 when the Government declared an emergency, brought out the army, arrested the leaders and took them to the army camp at Panagoda and unleashed violence on the poor satyagrahis. Even women satyagrahis were taken to remote uninhabited areas and left there in the dead of night. The males there were beaten up. Even Mr. Sivasithamparan who was then there was a victim of the assault. I along with my wife were taken and locked up with 74 of my colleagues for six months. But throughout this massive campaign we carried on in spite of grave provocations by the police and the army not even one incident of violence on the part of the Tamil people could be reported. We paralysed the entire administration in the five capitals in the Tamil area for 57 days and the veteran Gandhian, Sri Rajagopalachari wrote in 'Swatantra' that not even during Gandhiji's movement was there such perfect observance of precept of non-violence. I would tell the Leader of the Government delegation that it does not lie in the mouth of the Government to preach to us on the virtues of a non-violent struggle.

In response to these non-violent struggles and agitations, pacts were signed by Governments with Tamil leaders, promises were made but hardly ever kept. Solemn pacts were lightly broken. Tamil people were treated to mob violence, police violence and violence by the armed forces. On innumerable occasions when Tamils agitated in a non-violent way, innocent Tamils all over the country were treated with brutal violence in 1956, 1958, 1961, 1977, 1979, 1981, 1983 and almost continuously thereafter. It was this continued violence that the Tamils were subjected to, coupled with the failures of the governments to honour promises given in response to non-violent agitations, that led to the emergence of violence among the Tamil youths. It will thus be seen that violence on the part of the

Tamil youths is the effect of Sinhala violence over a long period of nearly three decades. You are trying to make the cause, namely, violence by Government and Sinhala mobs into the effect and the effect, namely, the violence by the Tamil freedom fighters into the cause. ⁹ I would tell the leader of the Government delegation that this homily on non-violence to us is misplaced.

Mr. Jayawardene referred to the various meanings of the word 'nation' and 'nationality'. In the statement made on behalf of the six groups today we have given our definition and the meaning we attach to the word 'nation.' The claim that the Tamils are a nation is not something that is being made for the first time now. Immediately after the independence in the wake of the passing of the citizenship laws and launching of the major attack on the existence of Tamil people as a political entity, our late ^{Leader} Mr. S. J. V. Chelvanayakam formed the Federal Party to safeguard the rights of the Tamil people. At the inaugural meeting of that Party on the 18th of December 1949 he categorically stated that the Tamils are a separate nation and are entitled to the right of self-determination. At the first national convention of the Federal Party held in Trincomalee on 14th April 1951 the following resolution was adopted:

"Inasmuch as it is the inalienable right of every nation to enjoy full political freedom without which its spiritual cultural and moral stature must degenerate, and inasmuch as the Tamil-speaking people in Ceylon constitute a nation distinct from that of the Sinhalese by every fundamental test of nationhood, firstly that of a separate historical past in this Island at least as ancient and as glorious as that of the Sinhalese, secondly by the fact of their being a linguistic entity entirely different from that of the Sinhalese, with an unsurpassed classical heritage and a modern development of language which makes Tamil fully adequate for all present day needs, and finally by reason of their territorial habitation of definite areas which constitute over one-third of this Island, this first National Convention of the I.T.A.K. demands for the Tamil-speaking nation in Ceylon their inalienable right to political autonomy and calls for a plebiscite to determine the boundaries of the linguistic states in consonance with the fundamental and unchallengeable principle of self-determination."

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and when we speak of the Tamil nation we refer~~ed~~ to the entirety of the people in this country to whom the mothertongue is ~~the~~ Tamil. There may be differences of religion, there may be Hindus, Muslims, or Christians, there may be differences of origin but the concept of Tamil nation overrides these petty differences. Thus it will be seen that the idea that the Tamils are a nation has been accepted by the Tamil people since independence. When we claim to be a separate nation, it does not necessarily mean that we claim to be a separate state. Even at the time when we wanted the establishment of an autonomous state with a Federal Union, we made the demand on behalf of the Tamil nation. People who are familiar with political institutions in the world over where multi-national states, confederations, federations & Unions of republics and states abound ^{will} ~~are not there to~~ equate the claim of nationhood with a claim for a separate statehood.

The Leader of the Government delegation states: "The Government recognises the whole of Sri Lanka as the homeland of every member of every community" and he goes further and says that "the constitution of Sri Lanka guarantees to all communities throughout Sri Lanka however small their numbers may be in any part of the Island their rights in respect of culture etc." I wish to ask him in the face of the situation that has arisen several times in Sri Lanka when tens of thousands of Tamils in Colombo and various other places had to be huddled into refugee camps and transported by cargo boats to the Northern and Eastern parts, ^{how} ~~he can~~ ^{he} seriously urge that the whole Island is the homeland of every member of every community. In 1983 Government admitted that 135,000 Tamils were in refugee camps and had to be transported. The Government could not enable them to live in their homes. They had to be transported to the North and East which is their homeland. If the whole Island is their homeland, why they had to be transported to the North and East? Like driving animals into sanctuaries, you had to drive the Tamils into certain parts of the country but we do not want to be herded like animals. We want to ^{live like} ~~live with~~ human beings with dignity and with the right to rule ourselves in our homeland. The Government delegation has rejected the idea of a

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homeland for the Tamil people. Mr. Jayawardene has given certain figures of the distribution of population in the various districts. They are seeking to claim that in the Trincomalee and Amparai districts the Sinhalese form the single largest community. This is where our demand that the integrity of our homeland must be preserved becomes vital. Let us for a moment consider what the position in the eastern province was at the time independence was granted to Sri Lanka. In round figures the Sinhalese were about 30 thousand in the whole province that is in the Trincomalee and Batticaloa districts which included the present Amparai district. The Tamils were 135 thousand and the Tamil-speaking Muslims were 110 thousand. What is the position today? According to the 1981 census the Sinhalese in the three districts of the Eastern Province totalled to 243 thousand. The Tamils are a little more than 400 thousand and the Muslims are 315 thousand. Whereas the increase in the Tamil and Muslim population is less than three-fold the increase in the Sinhala population is eight-fold. This is the result of the systematic planned colonisation carried out by successive Governments after independence. On the same pattern as Israeli settlements in the occupied Palestine, calculated to make the Tamils and Muslims minorities in their own homeland. Mr. Sambandam who will follow me will deal with this whole problem of colonisation in the Eastern Province. The Tamil people had protested against it from the very beginning. As early as April 1951 at the first national convention of the Federal Party the following resolution was adopted:

" Inasmuch as the Tamil-speaking people have an inalienable right to the territories which they have been traditionally occupying this first national convention of the I.T.A.K. condemns the deliberately planned policy and action of the Government in colonising the land under the Galoya Reservoir and other such areas with purely Sinhala people as an infringement of this fundamental right and as a calculated blow aimed at the very existence of the Tamil-speaking nation in Ceylon."

In the teeth of opposition by the Tamil people and their representatives this planned policy of colonisation was carried out and it was one of the main issues of conflict between the Sinhala and the Tamil peoples over the last three decades. Dr. Jayawardene had said that "The Tamil's homeland demand involves special reservation for Tamils in respect of land settlements schemes in the Northern and the Eastern Provinces of Sri Lanka." He goes further and says: "that these areas happened to be the areas in which major settlement schemes are foreshadowed in future." In other words, he has given us notice that the Government will pursue this ruthless policy even in the future. This colonisation which has been carried out in the Eastern Province over the last thirty years is in violation of solemn agreements and pacts entered into with the

Tamil leaders by successive Sinhala Governments. Prime Minister Bandaranayake entered into a pact with Mr.Chelvanayakam in 1957. The SLFP led by Mr.C.P. de Silva entered into an understanding with the Federal Party in 1960 and the UNP under Prime Minister Dudley Senanayake entered into a pact with Mr.Chelvanayakam on 24-3-1965. I will only deal with the agreement in respect of the lands in the Northern and Eastern Provinces that the UNP signed with the Tamil leader. President Jayawardene himself was a party to it and at the time this agreement was signed at Dr.M.V.P.Peterson's house he was the person who suggested that the document be typed and signed by the two leaders. This is what that pact says:

" The Land Development Ordinance will be amended to provide that citizens of Ceylon be entitled to the allotment of land under the Ordinance. Mr.Senanayake further agreed that in the granting of land under colonisation schemes the following priorities be observed in the Northern and Eastern Provinces.

- (a) Land in the Northern and Eastern Provinces should in the first instance be granted to landless persons in the District.
- (b) Secondly--to Tamil-speaking persons resident in the Northern and Eastern Provinces, and
- (c) Thirdly- to other citizens in Ceylon. Preference being given to Tamil citizens in the rest of the Island.

(sd) Dudley Senanayake
24.3.1965

(sd) S.J.V.Chelvanayakam
24.3.1965 "

I want to ask the Government delegation here 'Is the UNP disowning the pact and the promise contained in the pact with regard to colonisation schemes in the Northern and Eastern Provinces?' Your present statement is a total reversal of the policy accepted there. If that is the case, how do you expect us to trust you and enter into any agreements with you now? The question of the integrity of our homeland is one on which there can be no compromise. It is not as if there is no land ~~in~~ for the Sinhalese people. Under the Mahaweli Development Scheme, the President himself when he was Prime Minister announced in Parliament in 1973 that 900 thousand

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acres will become irrigable. Of this 900 thousand acres, 300 thousand acres are said to be land already under cultivation. 600 thousand acres of virgin land is to be brought under cultivation under Mahaweli Scheme and to be distributed among colonists. Of this 600 thousand acres, not more than 100 thousand acres fall in the Tamil areas. Dr. Jayawardene had said that we are trying to corner 30% of the land for 12.6% of the population. As already said in the Election Manifesto of the TULF, we have categorically stated ⁱⁿ ~~the~~ ^{entirety} ~~territory~~ of the people in this country whose mother tongue is Tamil. The Tamil-speaking people are over 25% of the population. It would be admitted by all fair minded persons that it will not be possible for Tamil colonists to hold land in the Sinhala areas. He will be turned out or killed, his house will be burnt and his crops destroyed or looted. In this climate, are we unfair in asking that the entire land that becomes irrigable under Mahaweli scheme in the Northern and Eastern Provinces which, as I have pointed out, is only one-sixth of the land to be alienated, be granted to the Tamil people. The position of the Tamil people on this matter has been fully placed before the Government. For the Leader of the Government delegation to come before this conference and ask 'what are your grievances?' as if they are unaware of it, is not a frank attitude to take. A full memorandum on the land policy has been submitted by Mr. Thondaman of the Ceylon Workers' Congress who is a Minister in their own Government along with his proposals at the All Party Conference. In that memorandum he has stated 'if the Tamils of the plantation districts are to be allotted lands under colonisation schemes, it should be done in the Northern and Eastern Provinces. He fully agrees that they will not be able to hold it in the other seven Provinces. So, when we ask the land in the Northern and Eastern Provinces be given to us, it is for the entire Tamil-speaking people who are nearly 26% of the population. Our demand that 16 or 17% of the land be given to the 26% of the population cannot be considered unjust or unfair by anyone with a sense of justice. The integrity of the homeland is vital for the very existence, for the survival of the Tamil nation and there can be no solution except on the basis of an acceptance of this demand. I come finally to the reference Dr. Jayawardene has made to the ~~Federal Party~~ ^{T. U. L. F.} and the mandate it got in the 1977 General Elections. In July 1979 President Jayawardene ^{தமிழ்த் தேசிய அவணச் சுவடிகள்} wrote a letter to me on the same line.

quoting certain figures. It would be relevant for me to read out the reply I sent to him. "When one calculates the percentage of votes obtained by a party in a country one cannot take it district by district and say that the party did not get a mandate in a particular district. If that is done, one may justifiably say that the UNP did not get a mandate to draft a new constitution not only from the Jaffna, Vavunniya, Mannar, Trincomalee, Batticaloa and Amparai districts (i.e. all the districts in the Northern and eastern provinces) but even in certain other districts, for instance, Nuwara Eliya district where the UNP polled only 43.54% of the votes. I think the correct thing to do will be to take the entire area from which the mandate is sought as one unit as was done in the case of Scotland and that of Wales in Great Britain. Therefore, the entire Northern and Eastern provinces should be taken as one unit in calculating the percentage of voters that voted for Tamil Eelam.

In this connection one has to take into account not merely the votes cast for the TULF but also the votes cast in favour of other candidates who had openly declared and campaigned on the basis of Tamil Eelam as their objective. The votes polled by (1) Mr. Kasi Anandan at Batticaloa who was also TULF candidate but contested on the FP ticket because Mr. G. Rajadurai had been given the TULF ticket, (2) Mr. V. Navaratnam at Kayts whose plank was that his party was the first to demand a separate state, (3) Mr. P. Veeravagu in Pt. Pedro (4) Mr. V. Kumaraswamy in Chavakachchi and (5) Mr. V. Chandrasegari in Mullaitivu should undoubtedly be counted as votes for Tamil Eelam. It will be found that the votes in favour of a separate state in the entirety of the Northern and Eastern Provinces total 445,395 while the votes against total 389,190. Thus 53.53 per cent of the total votes polled had been in favour of freedom for Tamil Eelam, which is significantly higher than the 50.84 percent mandate obtained by the UNP in 1977 or the 49% mandate obtained by the UF in 1970, both of which parties drafted and adopted altogether new constitutions on the strength of these mandates. It should also be remembered that the votes cast against the TULF include over 75,000 Sinhalese votes, the vast majority of whom were settled in these areas after independence. It is thus patent that well over 60% of the Tamil-speaking voters of Tamil Eelam have opted for freedom.

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The completely democratic character of the TULF demand will be seen from the fact the party is pledged to establish "an autonomous province with the right to secede on the basis of the right of self-determination" in the areas of Tamil Eelam where the Muslims are in a majority. If there is any doubt with regard to the mandate the surest way to settle it will be to have a referendum in the area concerned, as was done in Scotland and as is to be done in Quebec. Your Excellency will recall interrupting my speech during a debate in Parliament in 1977 with the remark "Why do you think I will not give you self-determination?" (Hansard Vol.24 No.10(II) Col.2254 of 1.12.77). The right of self-determination is exercised by the vote and that is what the Tamil nation did in July 1977."

In the 1970 Elections, the united Front under Mrs. Bandaranaike got 49% of the votes but they claimed it as a mandate to declare Sri Lanka a Republic and to draft and adopt a new constitution. In the 1977 elections the UNP got 50.84% of the total votes cast. In fact, in the seven districts of the Northern and Eastern Provinces and in the Nuwara Eliya district they failed to get a majority. But they claimed this 50.84% as a sufficient mandate to draft and adopt a new constitution jettisoning the old constitution. If 49% and 50.84% are regarded as sufficient to be considered a mandate from the people is not 53.55% obtained by the TULF and the candidates supporting the demand for an independent state of Tamil Eelam sufficient to be regarded as a mandate and adequate indication of the will of the Tamil people to liberate themselves from the oppressive rule under which they were suffering?

If the Government and the Sinhala people are genuine about solving the Tamil national problem, they should understand the aspirations of the Tamil people. There should be a change of heart among them. And it is only on the basis of recognition of the right of Tamil people to rule themselves ~~xxxxx~~ in their homeland that a solution can be worked out.