

**The Tamil National Alliance – Ilankai Tamil Arasu Kadchi  
Parliamentary Election – 2020  
Manifesto**

## **1. HISTORICAL BACKGROUND**

In 1948 at the time of independence from colonial rule, Ceylon was foisted with a unitary type constitution with simple majoritarian rule. In 1949 a sizeable number of Tamils of recent Indian origin were disenfranchised. State aided colonization of the preponderantly Tamil Speaking territory, particularly the Eastern Province, with the majority community intensified. The Ilankai Tamil Arasu Kadchi(ITAK) was formed in December 1949 as a consequence. In April 1951, the ITAK articulated its claim that the Tamil People in Ceylon were a Nation distinct from that of the Sinhalese by every test of nationhood and were therefore entitled to the right to self-determination. As a necessary corollary to the exercise of this right, we demanded a federal arrangement in the North and the East, where the Tamil Speaking Peoples are a predominant majority.

The first and second Republican constitutions, enacted without the consent of the Tamil people, having entrenched a Unitary State, continued with Sinhala as the only official language and gave Buddhism the foremost place. Systematic State-sponsored colonization was carried out since independence in 1948 in order to change the demographic pattern of the North-East, which are the areas of historical habitation of the Tamil Speaking Peoples. This continued with full vigour in the North and the East after the end of the war in 2009. Organized violence was periodically unleashed against the Tamil People in the country in 1956, 1958, 1961, 1977, 1981 and 1983 and no protection was provided by the State to the Tamil victims. On these occasions, affected Tamil People from other parts of the country were transported by the State by land, sea and air to the North and East, thereby recognizing that these two provinces were their homeland. Presently though, there seems to be no protection for the Tamil people even in the North-East.

## **2. POLITICAL SOLUTION**

Historically, the Tamil political leadership made numerous attempts to find a solution to the grievances of the Tamil-speaking people that granted them greater autonomy. Despite several attempts with successive governments, the issue still remains unresolved. The Oslo Communique of December 2002 following the Ceasefire Agreement between the Government of Sri Lanka and the LTTE was based on the acceptance:

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

We reiterate that the Tamil People of Sri Lanka are a distinct People in terms of relevant International Conventions and Covenants. We as a People want to continue to live in our country in peaceful co-existence with others, with dignity and self-respect, with freedom and liberty and without fear, as equal citizens free from majoritarian hegemony.

We as a People are thus concerned about our historical habitats, our Collective Rights that accrue to us as a People and as a Nation and our entitlement to exercise our right to

determine our destiny to ensure self-government in the Tamil Speaking North-East of the country within a united and undivided Sri Lanka.

In this regard, the present constitutional arrangements are inadequate, unsatisfactory and impose majoritarian hegemony on the Tamil People. Democracy in a plural society cannot function effectively without a constitutional framework that provides for equity, equality, justice, peace and security.

During the Mahinda Rajapaksa Presidency, the Sri Lankan government repeatedly assured the Indian government that it would “implement the 13th amendment in full and build upon it so as to achieve meaningful devolution”. Consequent to these promises, Indian Prime Minister, Shree Narendra Modi, while addressing the Sri Lankan Parliament on 13th March 2015, stated thus:

*“When we accommodate the aspirations of all sections of our society, the nation gets the strength of every individual. And, when we empower states, districts and villages, we make our country stronger and stronger...”*

*I am a firm believer in cooperative federalism.”*

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

It is in this context that we face the forthcoming Parliamentary Election.

## **2.1. Our Stand on a Political Solution**

In a democracy, the government is a “government by the people and the government of the people and a government for the people”. It is only on this basis that a participatory democracy could be established and sustained. Regrettably, there are no provisions in the constitution providing avenues for partnership in the exercise of sovereignty for the Tamil speaking people. Because of this deficiency they have been reduced to a position of political subjection, economic depression and cultural marginalization. It shall be our endeavor to transform this situation into one of partnership that would put an end to exploitation and repression by the agencies of the state.

It is through a constitutional arrangement on the model of federalism within a united Sri Lanka that the legitimate aspirations of the Sri Lankan Tamils and other Tamil speaking inhabitants of the northern and eastern parts of the island could be met. In fact, such an arrangement has become indispensable for their survival. Successive governments during the last thirty years have moved towards that position as illustrated by the recommendations of parliamentary Select committees and constitutional proposals based on them and accepted by the governments. Negotiations were conducted with governments on the basis of such proposals and we shall continue to do so in the future too, undeterred by any challenges on the way. Whenever genuine efforts are made

to bring about national reconciliation we are obliged to reciprocate in an adequate measure.

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

- The Tamils are a distinct People with their own culture, civilization, language and heritage and from time immemorial have inhabited this island together with the Sinhalese People and others.
- The contiguous preponderantly Tamil Speaking Northern and Eastern provinces are the historical habitation areas of the Tamil People and the Tamil Speaking Peoples.
- The Tamil People are entitled to the right to self-determination in keeping with United Nations International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, both of which Sri Lanka has accepted and acceded to.
- Power sharing arrangements must continue to be established as they existed earlier in a unit of a merged Northern and Eastern Provinces based on a Federal structure, in a manner that does not inflict any disadvantage on any People.
- Devolution of power on the basis of shared sovereignty shall be over land, law and order, enforcement of the law so as to ensure the safety and security of the Tamil People, socio-economic development including inter-alia health, education, higher and vocational education, agriculture, fisheries, industries, livestock development, cultural affairs, mustering of resources, both domestic and foreign and fiscal powers.

All that has been stated above shall be enacted and implemented within the framework of a united and undivided Sri Lanka through a process of non-violent and peaceful negotiations.

The Tamil speaking Muslim historical inhabitants shall be entitled to be beneficiaries of all power-sharing arrangements in the North-East.

### **3. MILITARIZATION OF THE NORTH AND EAST**

The militarization of the North and East, which began in earnest following the end of the war in 2009 has had severe impact on all aspects of the lives of the Tamil speaking people as it placed informal, extra-legal and arbitrary curbs on the freedoms and rights of the people. Military involvement in civil administration in the areas eroded democratic institutions, while military engagement in economic activity subsidized by the state, adversely impacted the small and medium enterprises, and agricultural sector in the North and East. Moreover, surveillance, intimidation and harassment of civic activists and organisations, journalists and anyone perceived to be a dissenter created an environment of fear and suspicion, subjected a traumatised people to further trauma and stress, and prevented them from rebuilding their lives.

The TNA firmly believes that in a democracy the military's role is one that is clearly delineated and should be subject to civilian authority and oversight. The TNA condemns the involvement of the military in civil administration, economic activities and law

enforcement, or the military being used to exercise extra-legal powers to curb civic rights. In this context, we view with concern the present actions of the government in appointing Task Forces for various purposes comprising of retired military officials.

The TNA will continue to challenge the rapid re-militarization of democratic space and institutions and call for de-militarization by using multiple means, including through parliamentary processes, international advocacy and supporting those whose civic rights are being curbed or violated due to militarization.

#### **4. DEALING WITH THE PAST**

On 19th May 2009 when the thirty-year-old war ended it left behind a ravaged North-East and a people who suffered immeasurable loss and trauma. Over half a million Tamils were displaced within the country and over one hundred and fifty thousand Tamils have been killed over the years of the conflict. Credible estimates point to over seventy thousand civilians being killed during the last stages of the military onslaught. Many more have been maimed and grievously injured and many others have been disappeared. The socio-economic impact of the war on the communities in the North and East has been devastating with a large number in the region still struggling to earn a living wage and re-build their lives.

Enforced disappearances still remains unresolved. Although an Office of Missing Persons and an Office of Reparations were created by statute, the relatives of the disappeared have not received any answers yet. The question as to what happened to scores of people who surrendered to the army and have gone missing still remains. The TNA insists that the truth with regard to these matters must be ascertained and justice done and reparations made.

Throughout the history of the conflict, Tamils were subject to targeted violence, harassment and intimidation solely because of their identity. This fundamental factor and the historical and systemic nature of the discrimination and violence suffered by the Tamil community have to be acknowledged in any transitional justice process. Any transitional justice process has to be empathetic, inclusive, transparent and victim-sensitive.

##### **4.1. Justice and Accountability**

Justice for the human rights and humanitarian law violations suffered by the Tamil people throughout the history of the conflict is non-negotiable, and constitutes an integral element in re-building their lives.

Though the TNA functioned in good faith to seek justice within Sri Lanka, its efforts have not borne success. In this context, the TNA will continue to advocate for an independent international mechanism, while also holding mechanisms in Sri Lanka to account when they do not deliver justice, such as in on-going habeas corpus cases, and demand that they fulfill their mandate.

As part of holding existing institutions and mechanisms to account, the TNA will test their objectivity and independence by using every opportunity to utilize these mechanisms,

such as filing a fundamental rights petition to challenge the presidential pardon given to Sunil Rathnayake convicted for the Mirusuvil massacre.

#### **4.2. Truth**

Meeting the demands of those who have suffered human rights violations, such as the families of the disappeared to know the truth, is intrinsically linked, and is integral to the success of any justice mechanism. These demands must be met.

The TNA will continue to advocate for a truth-seeking mechanism, and does so on the understanding that in order for a truth-seeking mechanism to function effectively in the country, there has to be a climate that is free of fear, intimidation and harassment of, and violence against minorities, civil society and dissenters.

#### **4.3. Reparations**

A comprehensive and holistic reparation plan that takes into account historical losses, as well as the needs of groups that have been severely affected, such as women, those who are differently abled due to the war and the elderly, has to be formulated. The process of formulating the plan should be inclusive and involve wide consultation with the affected communities and civil society.

#### **4.4. Memorialization**

All those who have lost family members and loved ones in the war have the right to memorialize them. Since the end of the war, the State has prevented people in the North and East from engaging in commemoration activities freely, thereby adding to the emotional pain and trauma which they have been experiencing for years.

The TNA demands that the right to memorialization of the Tamil people be respected and they should not be subjected to intimidation, harassment and threats when they engage in, or prevented from engaging in memorialization activities, as they have been since the end of the war.

### **5. FREEDOM OF EXPRESSION AND ASSOCIATION**

The TNA notes the attempts to curb civil liberties and the surveillance, harassment and intimidation to which civil society organisations, activists and journalists in the region have been subjected. The TNA will challenge these repressive measures, through parliamentary processes, legal interventions and international advocacy.

### **6. THE PREVENTION OF TERRORISM ACT AND POLITICAL PRISONERS**

Even more than a decade since the end of the war, there are nearly ninety persons still in prison under the Prevention of Terrorism Act (PTA). The TNA has been pressing for their release and for the repeal of the PTA and will continue to strenuously pursue this objective.

## 7. SOCIO-ECONOMIC SECURITY

The people of the North and East have suffered devastating losses to their livelihoods and economic security, with groups such as women headed households, families of the disappeared, the elderly, orphaned children and former combatants suffering untold hardships, being pushed further into poverty and as a result becoming vulnerable to exploitation. Where children are concerned, this destroys their life chances and prevents upward social mobility as well. The TNA will work towards the following aspects that are integral to enabling the people of the North and East re-build their lives.

- An alternate economic order will be created in the North and East that will increase economic activity and availability of jobs for the youth.
- A cooperative movement was a very successful model with the North and East several decades ago. We will actively encourage the rejuvenation of regional and rural economies by strengthening cooperative societies and cooperative rural banks.
- While demanding that the government fulfill the economic needs of the people in the North and the East the TNA will work towards increasing investment by both the diaspora and the international community in the economic development of the North and East. Direct foreign investment in the North-East should be facilitated with a focus on employment creation, particularly for youth as part of a comprehensive programme for the development of the North and the East.
- Access to India through Palaly International Airport and passenger services through Kankesanthurai Port will be facilitated in order to open up new economic, cultural and literary opportunities.
- Support should be provided to small and medium enterprises, including through the provision of loans at favourable interest rates, and subsidies.
- The agricultural and fisheries sectors in the North and East have to be supported, including through the rebuilding of harbours and ensuring there is no depletion of marine life and resources by those transgressing Sri Lanka's maritime borders. In addition, distribution, marketing and transportation for the agricultural and fisheries sectors should be established, and existing mechanisms and processes should be strengthened.
- Attention will be paid to the development of agro-based industries with potential for export. The cultivation of items that have a wider market in the country shall be encouraged. Steps may be taken to establish plants for the presentation and canning of fruits and production of grapes.
- We will make every endeavour to support the production and distribution of organic agricultural products.
- Efforts will be made to set up plants for preservation and canning of fish in Mannar, Jaffna, Mullativu, Trincomalee, Batticaloa and Ampara regions.
- Cattle and dairy farming will also be encouraged.
- Water shortage issues will be reduced through a diverse set of proposals and activities. A programme to rehabilitate all minor tanks in the North-East so as to increase the water resources for our agricultural needs has to be done along with measures to resolve the drinking water problem in the North.

- Increased opportunities should be created for both tertiary education as well as vocational training through the establishment of new institutions so that those who cannot enter universities can pursue higher education in relevant fields.
- Interventions should always take note of the gender inequality and inequity in the economic sector, and ensure that the particular needs and concerns of women are addressed.
- A principle source of income from government employment. All vacancies in schools and administration should be filled with suitably qualified persons. Shall endeavor to remove impediments against promotions of officers who are entitled to them on their merits.
- Shall make endeavours to establish cultural measures in all districts of the northern and eastern provinces outside the Jaffna district.
- Alcohol and drug abuse should be dealt with strongly and effectively.
- There should be an end to all forms of violence and in particular, abuses against women and children should cease.
- All issues affecting the pre-school and primary teachers in the Northern Province will be immediately addressed and satisfactorily resolved.
- All archaeological sites in the Northern and Eastern provinces will be sought to be brought under the purview of the respective provincial councils.

## **8. THE RIGHTS OF THE DISPLACED AND LAND RIGHTS**

### **8.1. The rights of the displaced**

Due to the armed conflict, over 500,000 Tamil people were rendered homeless. After the defeat of the former regime in January 2015, due to the persistent and indefatigable efforts of the TNA over the past several years, decisions were taken by the new regime for the return of lands to, and the resettlement of the displaced Tamil People in Valikamam in the North and Sampur in the East. Further, 1,000 acres of farm land has also been released in Keppapulavu. Despite this, the right of return and resettlement of many these people in their original places, though promised to the international community and to the United Nations, has not been fully honoured and the displaced have not yet achieved durable solutions.

People who have been displaced in the North and the East due to the conflict must be resettled in their original places without further delay and housing provided and livelihoods restored in a manner that respects their dignity. Private land that is being occupied should be released and compensation paid to the rightful owners for the period of occupation. Land that has been legally acquired through duress should be returned to its rightful owners. The TNA will also support the untiring efforts of communities, such as the campaign of those in Keppapulavu, that has aided the release of lands.

The TNA will stress that resettlement programmes should be implemented in an equitable manner, with particular attention paid to marginalized and vulnerable groups, such as women headed households and the elderly. Most importantly, the implementation of such programmes should be transparent.

Persons who fled the country must be permitted to return to their homes and a conducive atmosphere created for their return. In particular, expeditious steps must be taken for the return of about 100,000 refugees in South India with measures in place to enable to resettlement and successful re-integration post-return

## **8.2. Land**

The TNA strongly believes the land rights of the people of the North and East have to be protected, particularly in light of efforts to colonize and Sinhalize the region, in the continuation of such historical attempts. Laws relating to Mahaweli, Forests, Wildlife and Archeology have been surreptitiously used in this endeavour. The appointment of the Task Force on Archeological sites in the Eastern Province is a naked attempt in this direction.

As part of this, the TNA recognizes the need to ensure that the land rights of those whose land documents were lost, or persons whose land is undocumented because they were denied or were unable to access documentation processes, are not denied their right to land.

The TNA will challenge attempts to Sinhalize the region in the guise of protection of archeological sites, as well as the destruction of places of religious worship of communities of the region. The TNA will be vigilant of initiatives that use development as a pretext to acquire state or in particular private land to further majoritarian policies, as well as the potential adverse ecological impact of such initiatives.

The TNA again demands that a separate Tamil Divisional Secretariat be set up in Kalmunai by implementing a decision taken almost three decades ago.

## **9. REBUILDING THE LIVES OF FORMER COMBATANTS**

Persons who were identified as former members of the LTTE by the state were arbitrarily detained and suffered several rights violations as part of a state rehabilitation programme. Following their release, they were not provided the required support to re-build their lives. To the contrary, they were subjected to surveillance and harassment by the security forces and intelligence services, which resulted in their stigmatization and marginalization. This in turn prevented them from accessing employment opportunities and re-building their lives. Further, many continued to be summoned by the Terrorism Investigation Department (TID) for questioning, which appeared to be focused only on their position and role within the LTTE pre-dating 2009 and was not connected to any on-going offence or investigation.

More than a decade following the end of the war, those who were sent to state rehabilitation programmes continue to face several obstacles in re-building their lives. Their needs hence have to be addressed, including through the provision of programmes to ensure they earn a living wage and most importantly ensuring that they are not subjected to harassment, threats or intimidation by the state.

The issues faced by the Women headed households are accentuated by various other factors. The TNA requests that special measures of assistance be made available to this sector.

## **10. Gender equality and equity**

The TNA is aware that when addressing the needs and concerns of the people of the North and East, and working to protect their rights, the gender inequality and equity have to be taken into account. Since war affects women differently than it affects men, and women have been subject to historical, systemic and structural discrimination, every initiative, from the political solution to development efforts to rebuild the North and East, have to be mindful of how it would affect women and ensure that the particular needs and concerns of women are addressed.

## **11. THE ROLE OF THE INTERNATIONAL COMMUNITY**

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

At present, there are efforts to undo even the minimum progress achieved through international involvement. The TNA is firmly of the view that the international community continues to have a role to play, if at all more than ever, to ensure that the Tamil speaking people achieve permanent peace through genuine reconciliation thereby enabling all Peoples living in Sri Lanka to live as equal citizens. Towards this end, the TNA will actively advocate with the international community as well as focus its energies on using international mechanisms, such as the UN Special Procedures, to advocate for the rights of the Tamil speaking people.

We insist that HRC Resolutions 30/1, 34/1 and 40/1 resolved with the co-sponsorship of Sri Lanka be fully implemented.

We stand with the progressive forces in the country to prevent a totalitarian regime emerging and to preserve and foster democratic ideals. Independent institutions set up by the 19th amendment must be preserved and further strengthened. Powers of the Executive Presidency must be further reduced and the Parliament strengthened.

## **12. THE FUTURE**

The TNA calls upon the voters in the electoral districts of Jaffna, Vanni, Trincomalee, Batticaloa and Ampara to unitedly and overwhelmingly exercise their right to franchise to enable the TNA, contesting under the name of the Ilankai Tamil Arasu Kadchi and the “House” symbol, to continue to raise its voice for the rights and aspirations of the people of the North and East.

Through this we call upon the people of the North and East to democratically endorse, to the fullest degree, the policies of the TNA on vital issues of fundamental concern to the Tamil and Tamil speaking Peoples as set out in this Manifesto.

This Manifesto is issued by the TNA comprising of ITAK, TELO and PLOTE.