

THE CHENNAI CALL TO ACTION: CHALLENGING THE OBSTACLES TO THE RETURN OF CEYLON TAMIL REFUGEES

Preamble

1) Representatives of the over a hundred thousand Ceylon Tamil refugee community in Tamil Nadu, India marked the second anniversary of the Sri Lankan peace process on 23 February 2004 by inaugurating a series of wide-ranging consultations on the future of their communities and the future of their country.

2) Many of these meetings were held in the 102 refugee camps and regional centres across Tamil Nadu state that has been their home for two decades. These were a follow up of the process that resulted in the articulation of concerns by the refugees in the Nallayan Declaration of February 2003. (Annexed)

3) Drawing on the concerns expressed by the refugees, the convening body, the Organisation for Eelam Refugees Rehabilitation (OfERR) and Ceylon Tamil refugees have drafted this memorandum in the light of the prevailing circumstances, namely:

- in the last 24 months little or no progress has been made in the talks between the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE), facilitated by the Government of Norway.
- Conditions in North East Ceylon remain deeply uncertain. Few of the 800,000 people displaced by the war have been able to return home. Many of their homes are in "High Security Zones" controlled by the Sri Lankan military. Others are in areas controlled by the LTTE who are accused of the forcible recruitment of child soldiers and the extra-judicial killing of more than 45 political opponents in the last two years of ceasefire.

- Over a million landmines in war-affected areas, fishing restrictions in coastal areas, the absence of jobs, schools, hospitals and development are all factors that discourage people from going home. The GOSL also demands that displaced persons return to their district of origin as a condition of aid, thus discouraging any relocation or local integration of displaced persons.
- The absence of a consensus among Sri Lanka's major political parties in the south towards the peace process and a growing rift in the LTTE between factions has increased uncertainty as a general election looms on 2nd April.

4) In spite of these obstacles, Ceylon Tamil refugees reaffirm their resolve and their right to return to their country as part of a peace process that is democratic, transparent and inclusive with a visible commitment to protecting the rights of all Ceylon's citizens and to the restoration of their social and material well-being.

5) Creating such conditions is an arduous but indispensable obligation. It can only be achieved through strengthening the partnerships and increasing the dialogue between a variety of actors and stakeholders which include not only the current negotiating parties but key representatives of Ceylon civil society as well as the international community as custodians of international peace and security.

6) Ceylon Tamil refugees wish to express their heartfelt thanks to the government and to the people of India for their unstinting hospitality and support. We urge India to continue to watch over us and our future as a custodian of the social, cultural, and political traditions that all Tamils share.

Preparing for return

7) As a consequence, Ceylon Tamil refugees wish to highlight the following concerns which we believe are essential prerequisites to create a lasting peace and the necessary conditions for the return of refugees and displaced people to their homes. In doing so

we express our concern for, and our identity with all our fellow citizens from every background who have suffered during this tragic conflict.

8) After two years of delaying tactics, the peace process must be democratised. The talks must be broadened and deepened to include all political parties and ethnic groups. There must be transparency and national debate so that all Ceylon's citizens may genuinely participate in their own political destiny. The President, HE Chandrika Kumaratunga intends to reform Ceylon's Constitution. Tamil refugees propose the establishment of a National Convention to agree on such constitutional changes and to oversee the peace process.

9) The Constitution agreed by such a National Convention must guarantee the rights of all Ceylonese, including persons of recent Indian origin domiciled in Ceylon, to enjoy the full panoply of human rights, including the right to life, citizenship, property, universal suffrage, etc, as well as self-determination, as described by the Universal Declaration of Human Rights and upheld by international law and practice.

10) Such a Convention should make a clear commitment to restorative justice at both the material and social levels. Refugees and other Ceylonese who have lost relatives, property and livelihoods must be adequately compensated. Provision should be made for a Truth and Reconciliation Commission (TRC) that promotes a meaningful healing process in all segments of Ceylonese society.

11) The National Convention should make specific provision for the return of refugees and displaced people through written accords that guarantee the rights, safety and security of those returning and their social and material well-being.

12) Such returns can only take place on a voluntary basis, upholding international standards of safety and dignity and underwritten by a bilateral agreement between the

governments of India and Sri Lanka. Refugees must play an active and informed part in the National Convention and in validating the social and material conditions that will make possible their return.

13) The security of all other citizens in the north and east of Ceylon and the rule of law must be guaranteed before refugees and displaced people can return. Tamil refugees call for the withdrawal of Sri Lankan military forces and the voluntary disarmament of the LTTE with security provided by an international monitoring force in association with the United Nations and consonant with international law.

14) Over one million landmines ensure North East Ceylon continues to be a war zone with ensuing civilian casualties. All explosive remnants of war (ERW) must be cleared before refugees and displaced people can return home. Training in landmine awareness and victim support must be provided to those returning to affected areas.

15) The human security of Ceylon's North East citizens must be more effectively addressed. Tamil refugees call on the international community to urgently assist all parties including international NGOs to provide food, shelter, schools, nutrition and public health that meet international quality standards of humanitarian assistance and rehabilitation. We welcome the 2003 Tokyo Donor Conference's call for the agreement of effective benchmarks that link progress in the peace talks to funding for rehabilitation.

16) Noting, however, the relative indifference and intransigence of both parties on these issues for the last two years, we urge the international community to be both resolute and flexible. The health and well-being of three million people must not become a bargaining chip in the war of words that has dominated the last year of peace talks. Tamil refugees urge the international community to find new ways to empower civil society so that affected populations in the North East have access to food, shelter,

education and healthcare. Affected communities must also be empowered to achieve forms of self-sufficiency.

17) There must be effective provision in the accords for the speedy reintegration of refugees and displaced people through the recognition of identity documents acquired in exile, such as refugee identity certificates and those documents certifying birth, marriage and death, as well as educational and professional qualifications acquired outside Ceylon.

18) Refugees or displaced people who cannot or do not wish to return to their home areas should not be disqualified from government assistance. After a bitter civil conflict of more than twenty years there must be flexibility and understanding in the resettling of communities. NGOs and civil society must examine options for peacebuilding work at the community level in areas where reintegration is complex.

19) Ceylon Tamil refugees are committed to managing and organising their own return and to rebuilding Ceylonese society on the principles of truth, justice and equality. We call on all stakeholders to join us in working to create the conditions that will allow us to live in our beloved country in peace, dignity and freedom.