



# General Assembly

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## Human Rights Council

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Agenda item 2

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

**Joint written statement\* submitted by ABC Tamil Oli,  
Association Bharathi Centre Culturel Franco-Tamoul,  
ASSOCIATION CULTURELLE DES TAMOULS EN  
FRANCE, Association des étudiants tamouls de France,  
Association Thendral, Jeunesse Etudiante Tamoule, Le Pont,  
Tamil Uzhagam, Tourner La Page, non-governmental  
organizations in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[7 February 2022]

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\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



## **Political Solution For Tamils And the Quest For A Referendum**

On the principle of self-determination is prominently embodied in Article I of the Charter of the United Nations. Earlier it was explicitly embraced by the United States of America President Woodrow Wilson, by Lenin and others, and became the guiding principle for the reconstruction of Europe following World War I. The principle was incorporated into the 1941 Atlantic Charter and the Dumbarton Oaks proposals which evolved into the United Nations Charter. Its inclusion in the UN Charter marks the universal recognition of the principle as fundamental to the maintenance of friendly relations and peace among states. It is recognized as a right of all peoples in the first article common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which both entered into force in 1976.

The inclusion of the right to self-determination in the International Covenants on Human Rights and in the Vienna Declaration and Program of Action which emphasize that self-determination is an integral part of human rights law which has a universal application. Meanwhile, it is recognized that compliance with the right of self-determination is a fundamental condition for the enjoyment of other human rights and fundamental freedoms, be the civil, political, economic, social or cultural.

Recognizing The Declaration on the Granted of Independence to Colonial Countries and Peoples was adopted by the United Nations General Assembly on 14 December 1960. And all its subsequent resolutions concerning the implementation of the Declaration, the most recent of which was resolution 73/123 of 7 December 2018, as well as the relevant resolutions of the Security Council,

Recalling There were separate Tamil kingdoms and Sinhala kingdoms in the island of Ceylon before the arrival of colonial powers in the 15th century.

Recalling The colonial powers -- the Portuguese, the Dutch and the British -- administered the Sinhala kingdoms and the Tamil kingdoms separately during the initial period of their ruling 300 years

Recalling On the recommendation of the Colebrooke Commission in 1833, sinhala and tamil kingdoms were amalgamated by the british for the purpose of administrative convenience

Recalling The Ilankai Tamil Arasu Kadchi (ITAK – Federal Party) was formed in December 1949 claimed that the Tamil People in Ceylon are a National distinct from the Sinhalese and demanded for a federal arrangement in the North and the East, where the Tamil-Speaking Peoples are predominant majority in April 1951.

Noting when independence was granted to Ceylon in 1948 through the Soulbury Constitution that the British included section 29(2), which was perceived as “unalterable” since it “entrenched religious and racial matters” by the Judicial Committee of the Privy Council in 1964. but was unilaterally abolished by the Sri Lankan Government in 1971.

Recalling the citizenship act of 1948 which made more than 700,000 upcountry Tamils who constituted eleven percent of the population stateless.

Cognizant of the subsequent expulsion of Upcountry Tamils pursuant to the 1964 Sirimavo-Shastri Pact between India and Sri Lanka was comparable to the expulsion of Asians by Idi Amin from Uganda.

Recalling the speech made by Mr. S.J.V. Chelvanayagam in Sri Lanka’s Parliament on December 5, 1976, "We have completely abandoned the Federal concept; We have decided to separate. If we don't separate, we can never win back our lost rights. We will try in every way to set up a separate state. This is certain. As the voice of my people, I tell this to Sri Lanka and the world from this house. We know this is not an easy task. We know it is a difficult path. But either we must get out of the rule of the Sinhalese or perish. This is our ideal”.

Noting that the Vaddukoddai Resolution was adopted on 14 May 1976 by the Tamil United Liberation Front seeking to work for the creation of an independent State of Tamil Eelam, which received an overwhelming mandate at the subsequent 1977 Parliamentary Elections.

Emphasising that the Tamil People did not grant their consent to the enactment of the 1972 (Republican Constitution) and 1978 Constitutions of Sri Lanka that were enacted on the basis of the unitary character of the State without the participation of and with opposition from the elected Tamil representatives of the major Tamil political parties.

The Sri Lankan government's refusal to negotiate seriously with Tamil leaders. The Occupied Sri Lankan administration, led by the Sri Lanka Freedom Party of Rajapaksa's, has refused to honour agreements with the Tamil National Alliance (TNA), broken promises to world leaders and not implemented constitutional provisions for minimal devolution of power to Eelam Tamils, on Occupation, Militarisation and discriminatory economic development in Tamil areas.

International actors should press the government more effectively for speedy establishment of an referendum for North and East of the Island occupied by Sinhala security forces and full restoration of Tamil Eelam government in the North and East of Sri Lanka.

Instead, it has adopted a policy of promising negotiations and expanded devolution in discussions with India, the United States of America., and the UN Secretary-General, while denying these same things when addressing its Sinhala voting base. It has refused to negotiate seriously with TNA representatives, repeatedly failing to honour promises and ultimately breaking off talks in January 2012, 2015 and current days.

The de facto military occupation of the Tamil Eelam and biased economic development policies appear designed to undermine Tamils' ability to claim the north and east as their homeland.

The situation is likely to remain difficult, with major negotiating breakthroughs unlikely in the near term. Nonetheless, the international community – especially India, the United Kingdom of Great Britain and Northern Ireland and the United States of America – should increase pressure on President Rajapaksa to demilitarize the occupied Tamil Eelam and reduce influence of the military in the north and hold credible referendum.

It is to be noted that the two “Main Sinhala Parties (a)” in the first column are the two majoritarian Sinhala-Buddhist parties, though with changing names, which interchangeably formed successive governments since independence. The range from a low of 2.4% to a mere high of 13.8% of the ratio of (b) to (a) shows clearly that there is no possibility of the Tamils of the North-East achieving any semblance of self-determination and federation for themselves under the “representative democracy” parliamentary election system currently in place in a unitary Sri Lanka.

On the other hand, we see that there were no parties in the North-East against self-determination and federation for the first 9 elections from 1947 to 1989. Thereafter, the main opposition was from approximately 1.0 percent to 19.9 percent of the North-East electorate from 1994 to 2020. This aberration from almost a zero opposition to some slight opposition is clearly attributable to the war years and their aftermath. Also, it must be noted that in these years, over one million Tamils, mainly from the North-East fled the country and are now in exile all over the world. There are other similar conclusions which may be drawn from this data to indicate that, by and large, the Tamil people of the North-East have overwhelmingly voted for the right to self-determination and federation for the entire period of 74 years since independence.

Clearly, a “referendum” conducted among both the Homeland and Diaspora Tamils under a system of “direct democracy” is the only means by which the Tamils could achieve self-determination and federation in their traditional lands of the North-East of Sri Lanka.

### **Recommendations :**

We call upon the UNHRC members, other affiliated UN agencies and member of states to adopt, as a matter of utmost urgency, following measures:

- conducting an internationally monitored Referendum that could allow people living in the north-eastern region of the island of Sri Lanka (Northern and Eastern province) prior to 1948 and their descendants to find a democratic, peaceful, permanent, and political solution that could meet Tamils' aspirations.
- The north-eastern region of the island need to have an interim International Protection Mechanism.
- The Repeal of the Sixth Amendment to the Sri Lankan Constitution.
- Recognize the genocide resolution passed unanimously in the Northern Provincial Council of Sri Lanka on 10th February in 2015.
- Direct appropriate measures at the International Criminal Court outlining that the affected Tamil Nation have no faith in any domestic commission or inquiry.

### **To the 4th committee members of General Assembly**

- To recognize that Tamil Territories are not Governing by Tamils
- We strongly recommend you to bring the resolution to the Right to Self-determination of Eelam Tamils through hearing of statements from Tamil elected representatives, petitioners and dispatches visiting missions.
- And organize to monitoring the political, social, economic and educative situation in the Territories under Sri Lankan military occupation.

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ILankai Tamil Manram Florida, NGO(s) without consultative status, also share the views expressed in this statement.