

International Seminar: Envisioning New Trajectories for Peace in Sri Lanka

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Fact Sheet 4

Oslo Declaration - Statement by the Royal Norwegian Government at conclusion of third session of peace talks between Sri Lanka and LTTE in Oslo, 5 December 2002

VIDAR HELGESEN:

The third session of peace talks between the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) was held in Oslo, Norway 2nd to 5th December 2002. In a frank, open and constructive manner, the parties focused on three major areas:

First, Consolidation of the Ceasefire Agreement
Secondly, Humanitarian and rehabilitation action and
Thirdly, Political matters.

On the political matters, the parties agreed on a working outline defining the objective as well as a number of substantive political issues for negotiation. Responding to a proposal by the leadership of the LTTE, the parties have agreed to explore a political solution founded on the 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. The parties acknowledged that the solution has to be acceptable to all communities.

Guided by this objective, the parties agreed to initiate discussions on substantive political issues such as, but not limited to:

- Power-sharing between the centre and the region, as well as within the centre,
- Geographical region,
- Human Rights protection,
- Political and administrative mechanism,
- Public finance and
- Law and order

The parties recognised that progress on political issues must be supported by the continued consolidation of the Ceasefire Agreement. New concrete measures will be taken to facilitate further de-escalation and to improve normalcy:

- The GOSL will shortly return one of the hotels in Jaffna to its original use
- The LTTE will ensure that all future transportation of area commanders will take place under the supervision of the Sri Lanka Monitoring Mission (SLMM)
- The LTTE will accept the right of political groups to carry out political work, including in the Jaffna peninsula and the islands, provided that they are unarmed, as stipulated by the Ceasefire Agreement

- The GOSL will, in consultation with all relevant parties and groups, evolve a solution to the problems arising from recent developments in the Delft Island

- The parties will facilitate restoration and rehabilitation of places of worship in the north and the east belonging to all religious communities.

On the basis of their firm conviction that the maintenance of law and order in the North and East is of paramount importance, the parties agreed to request the Sub-Committee on De-escalation and Normalization to propose a common approach to settling cases involving the disputed use of private property, where such use has been impeded by the conflict.

Furthermore, the LTTE will ensure that the activities of their law and order mechanisms will not be extended beyond the areas dominated by the LTTE.

The parties strongly underlined the need to move rapidly on humanitarian and rehabilitation efforts in the North and East. For this purpose, the early establishment of the North-East Reconstruction Fund will be critical. The parties agreed that the custodian of the fund should be selected and modalities for its operation agreed at the next meeting of the Sub-Committee on Immediate Humanitarian and Rehabilitation Needs. The parties expressed their appreciation of the strong support extended to the peace process by several governments at the Sri Lanka Support Meeting held in Oslo on 25 November, and urged these governments to rapidly release funds needed for humanitarian and rehabilitation efforts.

The parties agreed that a committee of women will be instituted to explore the affects and conclusions of gender issues in the peace process. This committee will also on a regular basis, submit proposals relating to women's interests to the sessions of negotiations and to the sub-committees of the peace process. The committee will consist of four representatives of each party.

As a priority area identified by the parties for humanitarian action, the parties stressed the need to improve the situation for children affected by armed conflict. Inspired by the international norms protecting the rights of the child, the parties underlined that children belong with their families or other custodians and not in the workplace, whether civilian or military. The LTTE will engage in a partnership with the United Nations Children's Fund (UNICEF) to draw up an action plan for restoring normalcy to the lives of children, and the parties called on the international community to provide financial support for such an action plan.

The GOSL will, in order to arrive at the broadest possible consensus, establish an appropriate mechanism for consultation with all segments of opinion as part of the ongoing peace process.

And finally, the parties agreed to accept the kind invitation of the Royal Thai Government to host the two next sessions of talks at the Rose Garden in Thailand in January and February 2003.

Thank You.

ERIK SOLHIEM

Thank you Vidar. I now give the floor to Dr. Anton Balasingham chief negotiator of the LTTE to make some initial remarks on behalf of the LTTE and this important document.

ANTON BALASINGHAM

My dear friends, you would have observed in the statement read by Mr. Helgesen that both the parties have made an unprecedented historic decision to work out a political formula for the solution of the protracted ethnic conflict. The decision as far as the LTTE is concerned is in line with the policy that we have been advocating for the last two decades or more. That is, a regional autonomous model based on the right to internal self-determination of our people in the historical areas where the Tamil and the Muslim people live. So, with this autonomous model or model of self-government that we were referring to, has to be couched or properly conceptualised within an appropriate concrete constitutional form. That is what we decided, that we will opt for a federal model. This federal model will be within united Sri Lanka which will be appreciated by the Sinhalese people I suppose.

And I wish to reiterate that our struggle was based on the concept of self-determination as articulated in the UN Charter and other resolutions and instruments of the United Nations. I am surprised because ... what has happened is... I had a meeting in London where I clearly exemplified the concept of internal self-determination and also the external self-determination and argued that our leadership is prepared to work out a formula within the principle – internal self-determination. This speech has been totally distorted by the Sunday Island. I am surprised that they claim that Balasingham has said that the LTTE favours two independent states... or something like that. I haven't read the report fully but I can assure you that it is a total distortion of what I have announced at the London Martyrs' Day Conference. I have to read out for your clarification what Mr. Prabhakaran said in his Martyrs' Day message.

He has said, "We are prepared to consider favourably a political framework that offers substantial regional autonomy and self-government in our homeland on the basis of our right to internal self-determination". It is on this basis... it is on the basis of the proposals made by the LTTE leadership both the parties have formulated a framework that a federal structure would be the suitable model to realise the principle of internal self-determination. So I think this is, as Prof. Peiris always have said (sic), a paradigm shift. Its not only a paradigm shift on our part, it is also a paradigm shift on the part of the Sri Lankan Government to accommodate the Tamil and the Muslim people within a federal framework in a united country.

So, I don't want to give you a lecture here but I wanted to make these three comments before letting you raise questions.

I will now leave it to Prof. Peiris to make his comments.

G L PEIRIS

Well, I think Dr. Balasingham is exactly correct when he speaks of paradigm shift because that is neither more nor less than has occurred in Oslo during these last three days of intensive discussions. It is necessary to understand the sequence, how this has progressed and reached its present very positive position. There was the explicit statement by Mr. Velupillai Prabhakaran on the 27th of November in his Heroes' Day speech in which he said that the LTTE is no longer insisting on a separate state but the LTTE is looking at a different concept in earnest and that is internal self-determination. And he went on to explain what he meant. This was power sharing, extensive power sharing within the framework of one country. No question of cessation, no question of separation but power sharing within the framework of one country. It is fair to say that this statement was foreshadowed in many respects by

comments which were made at the conclusion of the Sattahip session in Thailand from the 16th to the 18th of September and also in the second session in Nakhon Pathom Thailand by Dr. Anton Balasingham. He foreshadowed much of what was said in his speech and it received the final authoritative articulation by the leader of the LTTE on the 27th of November.

So that was the point of departure. They are now talking about power sharing within one country. Now immediately that provided us with a coherent framework within which to evolve a negotiated political solution because the position of the Government of Sri Lanka is also that it stands for substantial power sharing within one country.

Now the break through yesterday the importance of which cannot be over-estimated, Erik Solhiem's so called "something unprecedented and historic", indeed it was. And the development was this - the explicit identification of a federal structure as the basis on which this political solution is going to be evolved. So we now have a very clear indication of the nature of the political solution that the parties are working towards in order to bring peace back to our troubled country, to put the war behind us and to put Sri Lanka on the path to peace and prosperity. So, we are talking of a federal solution. It is not separatism, it is not confederation... it is a federal model. Now, if we believe in a political solution, if we are renouncing war... if we believe in a political solution... there could not be any other rural tribal except power sharing – except the basis, the character of a federal solution. Now this means that we will be able to make substantial progress in the next two rounds of discussions in Thailand. We have identified on this occasion some of the specific matters which will need to be focused upon such as the power sharing between the centre and the region and also power sharing within the centre. Matters relating to law and order, matters relating to territory... we have enumerated the specific matters which will receive attention in the next two sessions all within the framework of the federal structure that we have referred to. So that is one part of it.

Then very briefly the other achievement was the solid consolidation of the Ceasefire Agreement. Because that is the source from which all these benefits flow. The parties discussed the problems which have arisen with regard to the Ceasefire Agreement. We identified the potential source of these tensions and we figured out ways and means of addressing these problems in order to prevent these tensions from escalating.

Then, we also talked about the money part of it – the need to engage in development oriented and humanitarian activity (that is going to be finalised in the next session). Then a women's committee that is to focus on problems which are particularly acute in the case of women and children in the war affected areas. And also a decision on the part of the... of both parties to work towards the restoration of the religious heritage of all religions in those parts of the country.

So all in all it was a very substantial achievement which straddled all the different areas that we are talking about. Three major areas – one is the political matter, the second is the Ceasefire consolidation and the third is the humanitarian and rehabilitation matters. So it was indeed a very satisfying occasion.

Thank You.