APPENDIX IV

INDO-SRI LANKA AGREEMENT

Following is the text of the Indo-Sri Lanka Agreement to Establish Peace and Normalcy in Sri Lanka:

The Prime Minister of the Republic of India His Excellency Mr. Rajiv Gandhi and the President of the Democratic Socialist Republic of Sri Lanka, His Excellency Mr. J. R. Jayewardene, having met at Colombo on July 29, 1987:

Attaching utmost importance to nurturing, intensifying and strengthening the traditional friendship of India and Sri Lanka, and acknowledging the imperative need of resolving the ethnic problem of Sri Lanka, and the consequent violence, and for the safety, well-being and prosperity of people belonging to all communities in Sri Lanka.

Have this day entered into the following Agreement to fulfil this objective.

In this context,

1.1 desiring to preserve the unity, sovereignty and territorial integrity of Sri Lanka;

1.2 acknowledging that Sri Lanka is a multi-ethnic and a multi-lingual plural society consisting inter alia, of Sinhalese, Tamils, Muslims (Moors), and Burghers;
1.3 recognising that each ethnic group has a distinct cultural and linguistic identity which has to be carefully nurtured;

1.4 also recognising that the Northern and the Eastern Provinces have been areas of historical habitation of Sri Lankan Tamil speaking peoples, who have at all times hitherto lived together in this territory with other ethnic groups;

1.5 conscious of the necessity of strengthening the forces contributing to the unity, sovereignty and territorial integrity of Sri Lanka, and preserving its character as a multi-ethnic, multi-lingual and multi-religious plural society, in which all citizens can live in equality, safety and harmony, and prosper and fulfill their aspirations;

2. Resolved that:

2.1 Since the Government of Sri Lanka proposes to permit adjoining Provinces to join to form one administrative unit and also by a Referendum to separate as may be permitted to the Northern and Eastern Provinces as outlined below:

2.2 During the period, which shall be considered and interim period, (i.e. from the date of the elections to the Provincial Council, as specified in para 2.8 to the date of the referendum as specified in para 2.3) the Northern and Eastern Provinces as now constituted, will form one administrative
unit, having one elected Provincial Council. Such a unit will have one Governor, one Chief Minister and one Board of Ministers.

2.3 There will be a referendum on or before 31st December, 1988 to enable the people of the Eastern Province to decide whether:

(a) The Eastern Province should remain linked with the Northern Province as one administrative unit, and continue to be governed together with the Northern Province as specified in para 2.2, or

(b) The Eastern Province should constitute a separate administrative unit having its own distinct Provincial Council with a separate Governor, Chief Minister and Board of Ministers.

The President may, at his discretion, decide to postpone such a referendum.

2.4 All persons who have been displaced due to ethnic violence, or other reasons, will have the right to vote in such a referendum. Necessary conditions to enable them to return to areas from where they were displaced will be created.

2.5 The referendum, when held, will be monitored by a committee headed by the Chief Justice; a member appointed by the President, nominated by the Government
of Sri Lanka; and a member appointed by the President, nominated by the representatives of the Tamil speaking people of the Eastern Province.

2.6 A simple majority will be sufficient to determine the result of the referendum.

2.7 Meetings and other forms of propaganda, permissible within the laws of the country, will be allowed before the referendum.

2.8 Elections to Provincial Councils will be held within the next three months, in any event before 31st December, 1987, Indian observers will be invited for elections to the Provincial Council of the North and East.

2.9 The emergency will be lifted in the Eastern and Northern Provinces by August 15, 1987. A cessation of hostilities will come into effect all over the island within 48 hours of the signing of this Agreement. All arms presently held by militant groups will be surrendered in accordance with an agreed procedure to authorities to be designated by the Government of Sri Lanka.

Consequent to the cessation of hostilities and the surrender of arms by militant groups, the Army and other security personnel will be confined to barracks in camps as on 25th May 1987. The process of surrendering of arms and the confining
of security personnel moving back to barracks shall be completed within 72 hours of the cessation of hostilities coming into effect.

2.10 The Government of Sri Lanka will utilise for the purpose of law enforcement and maintenance of security in the Northern and Eastern Provinces the same organisation and mechanisms of Government as are used in the rest of the country.

2.11 The President of Sri Lanka will grant a general amnesty to political and other prisoners now held in custody under the Prevention of Terrorism Act and other Emergency laws, and to combatants, as well as to those persons accused, charged and for convicted under these laws. The Government of Sri Lanka will make special efforts to rehabilitate militant youth with a view to bringing them back into the mainstream of national life, India will co-operate in the process.

2.12 The Government of Sri Lanka will accept and abide by the above provisions and expect all others to do like-wise.

2.13 If the framework of the resolutions is accepted, the Government of Sri Lanka will implement the relevant proposals forthwith.

2.14 The Government of India will underwrite and guarantee the resolutions, and co-operate in the implementation of these proposals.
2.15 These proposals are conditional to an acceptance of the proposals negotiated from 4-5-1986 to 19-12-1986. Residual matters not finalised during the above negotiations shall be resolved between India and Sri Lanka within a period of six weeks of signing this Agreement. These proposals are also conditional to be Government of India co-operating directly with the Government of Sri Lanka in their implementation.

2.16 These proposals are also conditional to the Government of India taking the following actions if any militant group operating in Sri Lanka do not accept this framework of proposals for a settlement namely,

(a) India will take all necessary step to ensure that Indian territory is not used for activities prejudicial to the unity, integrity and security of Sri Lanka.

(b) The Indian Navy / Coast Guard will co-operate the Sri Lankan Navy in preventing Tamil militant activities from affecting Sri Lanka.

(c) In the event that the Government of Sri Lanka requests the Government of India to afford military assistance to implement these proposals the Government of India will co-operate by giving to the Government of Sri Lanka such military assistance as and when requested.
(d) The Government of India will expedite repatriation from Sri Lanka of Indian citizens to India who are resident here, concurrently with the repatriation of Sri Lankan refugees from Tamil Nadu.

(e) The Government of India and Sri Lanka will cooperate in ensuring the physical security and safety of all communities inhabiting the Northern and Eastern Provinces.

2.17 The Government of Sri Lanka shall ensure free, full and fair participation of voters from all communities in the Northern and Eastern Provinces in electoral processes envisaged in this Agreement. The Government of India will extend full co-operation to the Government of Sri Lanka in this regard.

2.18 The official language of Sri Lanka shall be Sinhala. Tamil and English will also be official languages.

3. This Agreement and the annexure thereto shall come into force upon signature.

IN WITNESS WHEREOF we have set our hands and seals hereunto.

DONE in COLOMBO, SRI LANKA, on this the Twenty Ninth day of July of the year One Thousand Nine Hundred and Eighty Seven, in duplicate, both texts being equally authentic.
ANNEXURE TO THE AGREEMENT

1. His Excellency the Prime Minister of India and His Excellency the President of Sri Lanka agree that the referendum mentioned in paragraph 2 and its sub-paragraphs of the Agreement will be observed by a representative of the Election Commission of India to be invited by His Excellency the President of Sri Lanka.

2. Similarly both Heads of Government agree that the elections to the Provincial Council mentioned in paragraph 2.8 of the Agreement will be observed by a representative of the Government of India to be invited by the President of Sri Lanka.

3. His Excellency the President of Sri Lanka agrees that the Home Guards would be disbanded and all para-military personnel will be withdrawn from the Eastern and Northern Provinces with a view to creating conditions conducive to fair elections to the Council.

The President, in his discretion, shall absorb such para-military forces, which came into being due to ethnic violence, into the regular security
forces of Sri Lanka.

4. The Prime Minister of India and the President of Sri Lanka agree that the Tamil militants shall surrender their arms to authorities agreed upon to be designated by the President of Sri Lanka. The surrender shall take place in the presence of one senior representative each of the Sri Lanka Red Cross and the Indian Red Cross.


6. The Prime Minister of India and the President of Sri Lanka also agree that in terms of paragraph 2.14 and paragraph 2.16 (c) of the Agreement, an Indian Peace Keeping Contingent may be invited by the President of Sri Lanka to guarantee and enforce the cessation of hostilities, if so required.
THE EXCHANGE OF LETTERS

Following is the text of Sri Lankan President J. R. Jayewardene's reply to Prime Minister Rajiv Gandhi’s letter of July 29, 1987:

Excellency,

Please refer to your letter dated the 29th July, 1987 which reads as follows:

Excellency,

Conscious of the friendship between our two countries stretching over two millennia and more, and recognising the importance of nurturing this traditional friendship, it is imperative that both Sri Lanka and India reaffirm the decision not to allow our respective territories to be used for activities prejudicial to each other's unity, territorial integrity and security.

2. In this spirit, you had, during the course of our discussions, agreed to meet some of India's concerns as follows:

(i) Your Excellency and myself will reach an early understanding about the relevance and employment of foreign military and intelligence personnel with a view to ensuring that such presence will not prejudice Indo-Sri Lankan relations.
(ii) Trincomalee or any other ports in Sri Lanka will not be made available for military use by any country in a manner prejudicial to India's interests.

(iii) The work of restoring and operating the Trincomalee Oil Tank Farm will be undertaken as a joint venture between India and Sri Lanka.

(iv) Sri Lanka's agreements with foreign broadcasting organisations will be reviewed to ensure that any facilities set up by them in Sri Lanka are used solely as public broadcasting facilities and not for any military or intelligence purposes.

3. In the same spirit, India will:

(i) Deport all Sri Lankan citizens who are found to be engaging in terrorist activities or advocating separatism or secessionism.

(ii) Provide training facilities and military supplies for Sri Lankan security forces.

4. India and Sri Lanka have agreed to set up a joint consultative mechanism to continuously review matters of common concern in the light of the objectives stated in para 1 and specifically to monitor the implementation of other matters contained in this letter.
5. Kindly, confirm, Excellency, that the above correctly sets out the agreement reached between us.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Sd/-

(Rajiv Gandhi)

His Excellency
Mr. J. R. Jayewardene,
President of the Democratic Socialist Republic of Sri Lanka,
Colombo.

This is to confirm that the above correctly sets out the understanding reached between us.

Please accept, Excellency, the assurances of my highest consideration.

(J. R. Jayewardene)

His Excellency
Mr. Rajiv Gandhi,
Prime Minister of the Republic of India,
New Delhi.