Appendix – II

INDO – SRI LANKAN AGREEMENT – JULY 29, 1987

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 fulfill this objective.

1. 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 multi-lingual plural society consisting, 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 prosperity and fulfill their aspirations.
2. Resolve 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 outlines below:

2.2 During the period which shall be considered an interim period, i.e., from the date of the elections to the Provincial Council as specified in paragraph 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 paragraph 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.

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. India
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 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 utilize for the purpose of law enforcement and maintenance of security in the Northern and Eastern provinces the same organisations 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/or 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 likewise.

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

2.14 The Government of India will under write 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 19.1.1986. 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 the Government of India co-operating directly with the Government of Sri Lanka in their implementations.
2.16 These proposals are also conditional to the Government of India taking the following actions if any militant groups operating in Sri Lanka do not accept this frame work of proposals for a settlement, namely,
(a) India will take all necessary steps 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 with the Sri Lankan Navy in preventing Tamil militant activity form 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 there concurrently with the repatriation of Sri Lankan refugees from Tamil Nadu.
(e) The Governments of India and Sri Lanka will co-operate in ensuring the physical security and safety of all communities inhabiting the Northern and Eastern province.

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 Sri Lanka in this regard.

2.18 The Official Language of Sri Lanka shall be Sinhala, Tamil and English will 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.

Sd/-
Rajiv Gandhi
Prime Minister of the Republic of India

Sd/-
Junius Richard Jayewardene
President of the Democratic Socialist Republic of Sri Lanka
ANNEXURE OF 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 paramilitary 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 this discretion, shall absorb such paramilitary 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 Lankan Red Cross and the Indian Red Cross.


The Prime Minister of India and the President of Sri Lanka also agree that in terms of paragraphs 2.14 and paragraph 2.16 © 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.
Appendix – III

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEE
Sample Survey Questionnaire for Sri Lankan Tamil Refugees

OBJECTIVE: To collect data relating to the role of UNHCR, NGOs and GOs regarding the Sri Lankan Tamil Refugee.

QUESTIONNAIRE

1. NAME

2. SEX – Male/Female

3. AGE – (a) 15-30 (b) 31-50 (c) 51-65 (d) 66+

4. EDUCATIONAL QUALIFICATION – (a) Illiterate (b) upto V std. (c) upto X std. (d) upto XII std. (e) Graduate (f) Any other (specify)

5. ETHNICITY – (a) Tamil (b) Any other (specify) If Tamil specify whether from (1) Jaffna (2) Kilinochchi (3) Mullativu (4) Mannar (5) Vavuniya (6) Trincomalee (7) Batticaloa (8) Amparai (9) Colombo

6. RELIGION – (a) Hindu (b) Christian (c) Muslim (d) Buddhist (e) Any other (specify)

7. When did you come to India – within the last (a) 6 months (b) 1 year (c) 2 years (d) 5 years (e) 10 years (f) 15 years (g) 20 years?

8. How are you earning your livelihood now?

9. How are the facilities provided in the refugee camp? (a) very good (b) good (c) average (d) bad (e) very bad

10. Are the basic human rights met Yes/No

11. What improvements can be made?

12. Do you want to go back to Sri Lanka? Yes/No Why?
13. What kind of pressure do you face to go back?

14. What kind of pressure do you face to stay back in India?

15. Did you previously return to Sri Lanka? Yes/No
   If yes – (a) When did you go? (b) Why did you come back?

16. Do you know anybody else who went to Sri Lanka and has since returned to India? Yes/No
   If Yes - Why did the person return to India?

17. Do you know about UNHCR? Yes/No If Yes – What is their role in (a) India (b) Sri Lanka

18. Have all cases of repatriation known to you been voluntary? Yes/No
   If no-were these repatriations (a) forced (b) coerced (c) due to indirect pressure?

19. Did you or anybody you know got repatriated involuntarily? Yes/No
   If Yes – How did they get back inspite of verification by UNHCR regarding their willingness to go back?

20. Do you think UNHCR’s role in India should (a) be widened (b) remain as it is (c) be reduced? How should its role change?

21. What is the role of the Tamil Nadu Government?

22. What is the role of NGOs?
Appendix – IV

SAMPLE QUESTIONNAIRE FOR INTERVIEW CONDUCTED AT THE REFUGEE CAMPS IN TAMIL NADU

DATE & TIME: ______________________

CAMP __________________ AREA ____________________________

NAME: ________________________________________________

HEAD OF THE FAMILY: M / W _______________________

FATHER: ______________________________________________

MOTHER: ______________________________________________

VILLAGE IN SRI LANKA: ________________________________

WHEN STARTED FROM SRI LANKA AND WHY?: ________________

______________________________

DATE OF MIGRATION: _________________________________

EDUCATION QUALIFICATION: ____________________________

WIFE / HUSBAND : ____________________________________

CHILDREN: ____________________________

EDUCATION: ____________________________

JOB: ____________________________

ASSETS IN SL: ____________________________

ASSETS IN INDIA: ____________________________

LIVING WITH: - FAMILY

- SAME TOWN DIFFERENT PLACE

- DIFFERENT CAMP

- HOME TOWN

WHAT IS YOUR FUTURE PLAN ____________________________

PRESENT OCCUPATION __________________ MONTHLY INCOME ______________

SOCIAL CHANGE ____________________________

WHAT PROBLEM FACED ____________________________
PROBLEMS TO NEIGHBOUR:

SPECIFIC PROBLEMS:

BENEFITS

1. TO REFUGEES:

2. TO THE LOCAL PEOPLE:

PRESENCE OF REFUGEES:

1. PROBLEMS TO GOVERNMENT

2. PROBLEMS TO REFUGEES FROM GOVERNMENT

ECONOMIC PROBLEMS:

HANDLING OF HEAVY INFLUX:

POLITICAL PROBLEM:

SOCIAL PROBLEM:

CULTURAL PROBLEM: