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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 115 of the Rules of Procedure

by Frithjof Schmidt, Jean Lambert, Gérard Onesta and Raül Romeva i Rueda,

on behalf of the Verts/ALE Group

on the situation in Sri Lanka

European Parliament resolution on the situation in Sri Lanka

The European Parliament,

- having regard to the civil war which has torn Sri Lanka since 1973, taking well over 60 000 lives and causing the displacement of more than 800 000 people,
- having regard to the Oslo Declaration of December 2002, in which the Sri Lankan Government and the LTTE agreed to try to find a federal solution within a united Sri Lanka,
- having regard to the Tokyo Declaration on Reconstruction and Development of 10 June 2003, which linked donor support to progress in the peace process, insisting on compliance with the Ceasefire Agreement, participation of the Muslim minority in the talks, promotion and protection of human rights, gender equality and progress towards a final political settlement,
- having regard to the recent study 'Aid, Conflict, and Peace-building in Sri Lanka 2000-2005', sponsored by the Governments of the Netherlands, Sweden and the UK, in collaboration with the Asia Foundation and the World Bank,
- having regard to Rule 115(5) of its Rules of Procedure,

A. whereas the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) agreed to begin peace talks on 22 February 2006 in Geneva, facilitated by the Norwegian Government, after three years of stalemate,

B. whereas in 2002 a ceasefire agreement was signed between the government and LTTE but whereas there have been large numbers of reported ceasefire breaches, including armed ambushes, abductions, intimidation, killings, torture and recruitment of children as soldiers,

C. whereas in November 2001 Velupillai Prabhakaran, the leader of the LTTE, withdrew the longstanding demand for independence and supported the idea of establishing an autonomous Tamil dominated region, followed by the Oslo Agreement between the two parties that a federal system of government would be the best long-term solution to the political division in December 2002,

D. whereas six rounds of peace negotiations took place between the government and the LTTE until the LTTE unilaterally suspended peace talks in April 2003,

E. whereas the relative calm that followed the Ceasefire Agreement of 2002 was broken when the LTTE's eastern commander, known as Colonel Karina, split from the LTTE in April 2004 and fighting and tension increased not only between the LTTE and dissenting Tamil groups but also with the Sri Lankan Armed Forces, which the Tigers accuse of actively supporting LTTE opposition forces,

F. whereas, after that date, the number of abuses have continued to escalate and are now taking place on an unprecedented scale, with over 200 people killed in the months of

December 2005 and January 2006 alone, prompting fears that the country might lapse back into outright civil war,

G. whereas all communities in the north and east are being affected, the majority of the victims are Tamils and whereas due to the increasing violence, the numbers of refugees, particularly to Southern India, have increased steeply in recent weeks,

H. whereas the relief efforts after the tsunami that hit Sri Lanka's coastline on 26 December 2004 merely added fuel to the fire by reinforcing existing rifts and aid was held up because of political opposition in the south, the joint mechanism signed in May 2005, which had been designed to secure aid distribution to both the government and the Tamil Tigers (post-tsunami rehabilitation organisation for the North East (P-TOMS), was not implemented,

I. whereas longstanding conflicts over land, affecting the Tamil, Sinhalese as well as the Muslim population, have been exacerbated by the mass displacements of tens of thousands of flood victims, displaced people being particularly vulnerable to violence, and whereas independent civil society representatives and organisations are facing intimidation by the warring Tamil factions,

J. whereas the Muslim communities, many of whom are still internally displaced after the LTTE expelled over 40 000 from the north in the early 1990s, face violence from both the government and the LTTE and express frustration at their exclusion from the peace negotiations,

K. whereas the LTTE's decision to call a boycott of the 2005 presidential election, ensuring that the candidate whose position seemed most opposed to its own won, has raised suspicions that the group intends to use the government's hard-line stance as an excuse for taking up arms again,

L. whereas tensions in the north and east escalated still further following the killing of Foreign Minister Lakshman Kadirgamar on 12 August 2005 and a state of emergency was declared as a result with increased road blocks causing delays in transporting aid and hindering access to LTTE controlled areas,

M. whereas none of the established human rights mechanisms have been able to effectively investigate human rights abuses, let alone facilitate justice, the most important being the Sri Lankan Monitoring Mission (SLMM), established to monitor the CFA and composed of representatives from five Nordic countries, because it does not have the mandate to independently investigate these breaches,

N. whereas President Mahindra Rajapakse who was elected as the new president in November 2005 has agreed to take a hard-line approach when dealing with the LTTE,

1. Strongly welcomes the fact that the Government of Sri Lanka and the LTTE will return to the negotiating table and underlines how much the news of the planned peace negotiations alone has already helped substantially to reduce the level of violence in the east and the north;

2. Recalls that these negotiations will be the first direct talks on the truce agreement since April 2003 and attaches great importance to the progress that has to be achieved in order to prevent the country from sliding back into full blown civil war;

3. Calls on the Sri Lankan army, the LTTE and all other armed groups to end human rights abuses including killings of civilians, abductions, torture and ill treatment in accordance with their obligations under international humanitarian law;
4. Deplores the reported abduction of ten humanitarian aid workers employed by the Tamils Rehabilitation Organisation and calls for their immediate release;
5. Underlines the fact that the recruitment of child soldiers is a war crime and calls on all rebel groups and notably the LTTE to stop this practice, to release those it holds and to make a declaration of principle not to recruit any children in the future; urges the Government of Sri Lanka to put into place legal measures to prevent and criminalise this practice;
6. Urges the establishment of an effective international human rights monitoring presence with unhindered access to government and LTTE controlled areas and independent investigations into alleged killings by the security forces and armed groups in the north and east, including measures to bring perpetrators to justice and to prevent future abuses;
7. Deplores the fact that heavy defence costs have for many years diverted resources away from urgently needed investments in the economic and social infrastructure in Sri Lanka;
8. Underlines recommendations that, in the upcoming peace negotiations, all parties should subscribe to comprehensive human rights agreements as a key element;
9. Underlines in particular the following findings of the analysis "Aid, conflict, and Peacebuilding in Sri Lanka" and urges the parties in the upcoming negotiations to take them duly into account:
 - a) Diplomats have been too timid, underrating their political leverage and the donors too bullish, overrating their economic purchase, their influence on the key actors and political track should be pre-eminent - development may complement political negotiations but it cannot take the lead,
 - b) The ceasefire arrangement needs strengthening to cover the full range of military actors and strengthen its human rights component and the mandate of the Sri Lankan Monitoring Mission needs to be boosted in its investigative, diplomatic and operational capacities,
 - c) The third party role should change from one of facilitation to power mediation, either upgrading the role of the Norwegians or a regionalisation/multilateralisation; the role of India has to be re-visited,
 - d) A more inclusive approach to conflict resolution needs to be developed to include both mainstream parties in the South, Muslim representatives as well as "unlike minded" groups such as the JVP and JHU; a way has to be found to ensure representation on the district and regional level; underlying principles have to be applied to all actors alike and the latter must be held accountable to international norms;

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9. Instructs its President to forward this resolution to the Council, the Commission, the Governments of the other members of the Co-Chairs Group Norway, USA and Japan, as well as the governments of Switzerland, Sri Lanka and the other SAARC countries and the LTTE.