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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

Written statement* submitted by Le Pont, a non- governmental organization 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]

* 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.



Eelam Tamils Rights to Self-Determination

We submit this statement with support of World Tamil organisations, 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.

1947 Atlantic charter provides: Each ethnic races has the right to self-determination by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

The Helsinki Final Act adopted by the Conference on Security and Co-operation in Europe (CSCE) in 1975.

The African Charter of Human and Peoples' Rights of 1981.

The CSCE Charter of Paris for a New Europe adopted in 1990

The Vienna Declaration and Programme of Action of 1993.

It has been affirmed by the International Court of Justice in the Namibia case

The Western Sahara case and Timor-Leste case in which its erga omnes character were confirmed. Furthermore, the scope and content of the right to self-determination has been elaborated by the UN Human Rights Committee and the Committee on the Elimination of Racial Discrimination and numerous leading international jurists.

That the right to self-determination is part of so-called solidified law has been affirmed and also by the International Meeting of Experts for the Elucidation of the Concepts of Rights of ethnic groups brought together by UNESCO from 1985 to 1991.

Recognizing In 1948, the United Nations approved its Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG).

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,

Affirming that sovereignty lies with the individual.

Reaffirming that the will of the group of people shall be the foundation of democracy.

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.

Bearing in mind that the Eelam Tamils in the island of Sri Lanka, who have a distinct language and distinct culture and who have a historic relationship to the North-Eastern part of the island of Sri Lanka, a relationship which is recognized in various pacts including the 1987 Indo-Lanka Accord constitute Tamil people as “ethnic group” under international law, thus entitled to realise their inherent right to self-determination.

Recognizing that given the aforesaid reality and emphasising that any political solution to the Tamil National Question should recognize the Tamils as a distinct Nation.

Being aware if in between 1956 and 2008, Tamils have been subjected to 157 racial massacres on the island of Sri Lanka, including the 1958, 1977 and 1983 racial Genocides.

Taking note of the occupation of the de facto state of Tamil Eelam which is the result of destruction due to the genocidal war.

Noting that according to the 2012 UN internal review report headed by Charles Petrie, there are credible sources indicating “over 70,000 civilians are unaccounted ” during the final stages of the war.

According to the records of the Sri lankan government agents officers of mullaitivu and kilinochi district, the population of vanni was 429,059 in October 2008. The total number of people who got into sri lankan government control including internment camps after the war was 282,380 according to UN update as of 10th of july 2009 due clarification should be made regarding what happed to 146,679 tamil people which is the discrepancy between the number of people who came to government controlled area between October 2008 - May 2009 and the population reported to the vanni in early october 2008. said the catholic Bishop of Mannar Late Reverend Dr Rayappu Joseph, in his witness submission to the LLRC.

Taking note of the written statement under reference A/HRC/40/NGO/218 submitted by Association Bharathi Centre Culturel Franco Tamoul, and Global Tamil Movement, during the 40th Session of Human Rights Council with support of 118 ECOSOC accredited NGOs.

Taking note of the written statement under reference A/HRC/48/NGO/138 submitted by Association Bharathi Centre Culturel Franco Tamoul, and Global Tamil Movement, during the 48th Session of Human Rights Council with support of 192 ECOSOC accredited NGOs.

We call for:

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 Repeal of the Sixth Amendment to the Sri Lankan Constitution.

The referral of the situation in Sri Lanka to the International Criminal Court.

We call upon the UNHRC members, other affiliated UN agencies, following steps to protect the TAMIL NATION :

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.

Council Members to have a new Resolution under Agenda 4 to appoint a special Rapporteur to monitor and investigate ongoing human rights violations and repression against the Tamil Nation.

We need to have a special session at the Human Rights Council on Sri Lanka for refer Sri Lanka to the International Criminal Court by the security council.

To the 4th committee members of General Assembly

To recognize that Tamil Territories are not Governing by Tamils

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 organise to monitoring the political, social, economic and educative situation in the Territories under Sri Lankan military occupation.

CENTRE DE LA SORBONNE POUR LE DROIT INTERNATIONAL ET LES RELATIONS INTERNATIONALES, WORLD WOMEN SOLITARITY ASSOCIATION, NGO(s) without consultative status, also share the views expressed in this statement.