

MEMORANDUM OF UNDERSTANDING

Agreement on a ceasefire between the Government of the Democratic Socialist Republic of Sri Lanka and the Liberation Tigers of Tamil Eelam

With

Observations by the Sunday Times of 24 February 2002

Preamble

The overall objective of the Government of the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as the GOSL) and the Liberation Tigers of Tamil Eelam (hereinafter referred to as the LTTE) is to find a negotiated solution to the ongoing ethnic conflict in Sri Lanka.

The GOSL and the LTTE (hereinafter referred to as Parties) recognize the importance of bringing an end to the hostilities and improving the living conditions for all inhabitants affected by the conflict. Bringing an end to the hostilities is also sent by the Parties as a means of establishing a positive atmosphere in which further steps towards negotiations on a lasting solution can be taken.

The Parties further recognize that groups that are not directly party to the conflict are also suffering the consequences of it. This is particularly the case as regards the Muslim population. Therefore the provisions of this Agreement regarding the security of civilians and their property apply to all inhabitants.

With reference to the above the Parties have agreed to enter into a ceasefire, refrain from conduct that could undermine the good intention or violate the spirit of this Agreement and implement confidence-building measures as indicated in the articles below.

Article 1: Modalities of a Ceasefire

The Parties have agreed to implement a ceasefire between their armed forces as follows:

1.1 A jointly agreed ceasefire between the GOSL and the LTTE shall enter into force on such date as is notified by the Norwegian Minister of Foreign Affairs in accordance with Article 4.2, hereinafter referred to as D-day.

Military Operations

1.2 Neither Party shall engage in any offensive military operation. This requires the total cessation of all military action and includes, but is not limited to, such acts as:

a) The firing of direct and indirect weapons, armed raids, ambushes, assassinations, abductions, destruction of civilian or military

property, sabotage, suicide missions and activities by deep penetration units;

The *Sunday Times* observation to 1.2 (a)

The issue of child soldiers and forced conscription by the LTTE is covered in a more vague clause to include the banning of 'abductions.'

The banning of assassinations and suicide missions is aimed at the LTTE going after Government and opposition VIPs, and the banning of deep penetration units is aimed at the Army going after LTTE VIPS.

b) Aerial bombardment;
c) Offensive naval operations.

1.3 The Sri Lankan armed forces shall continue to perform their legitimate tasks of safeguarding the sovereignty and territorial integrity of Sri Lanka without engaging in offensive operations against the LTTE.

ST Observations to 1.3

This clause was primarily introduced to cover the unloading of arms by sea by the LTTE but does not permit the Sri Lankan Navy intercepting LTTE Sea Tiger boats, Read with 1.2(b) above it specifically prevents Air Force Bombings of many LTTE arms shipments within Sri Lanka's territorial waters. The Government intends issuing a separate statement saying it will have the powers to intercept LTTE boats bringing arms to Sri Lanka – but this statement will be 'dehors' (outside the law). It will not be a codicil (read with the text of the agreement) because it is not supplementary, but a contradiction of 1.3. It is interesting to note that the LTTE has not accepted the principle of Sri Lankan sovereignty and the right of armed forces of Sri Lanka exercising its rights to defend the Nation especially at sea.

Separation of Forces

1.4 Where forward defence localities have been established, the GOSL's armed forces and the LTTE's fighting formations shall hold their ground positions, maintaining a zone of separation of a minimum of six hundred (600) metres. However, each Party reserves the right

of movement within one hundred (100) metres of its own defence localities, keeping an absolute minimum distance of four hundred (400) metres between them. Where existing positions are closer than four hundred (400) metres, no such right of movement applies and the Parties agree to ensure the maximum possible distance between their personnel.

1.5 In areas where localities have not been clearly established, the status quo as regards the areas controlled by the GOSL and the LTTE, respectively, on 24 December 2001 shall continue to apply pending such demarcation as is provided in article 1.6.

1.6 The Parties shall provide information to the Sri Lanka Monitoring Mission (SLMM) regarding defence localities in all areas of contention, of Article 3. The monitoring mission shall assist the Parties in drawing up demarcation lines at the latest by D-day + 30.

ST observation to 1.5 & 1.6

The Monitoring Committee which will be headed by Norway will have the powers of "drawing up demarcation lines" where there is contention – Norway will draw lines as to which areas belong to the GOSL and which to the LTTE. The creation of 'LOC's (Line of Controls) like in Kashmir.

1.7 The Parties shall not move munitions, explosives or military equipment into the area controlled by the other Party.

1.8 Tamil paramilitary groups shall be disarmed by the GOSL by D-day + 30 at the latest. The GOSL shall offer to integrate individuals in these units under the command and disciplinary structure of the GOSL armed forces for service away from the Northern and Eastern Province.

ST observation to 1.8

EPDP, TELO, EPRLF and PLOTE will be disarmed within 30 days. They may join the Sri Lanka Armed Forces to serve outside the North and East. The LTTE will remain the only armed Tamil group in the North & East effectively eliminating their Tamil rivals with this agreement. Currently the islets of Delft and Kayts off Jaffna are controlled by EPDP.

Freedom of Movement

1.9 The Parties' forces shall initially stay in the areas under their respective control, as provided in Article 1.4 and Article 1.5.

1.10 Unarmed GOSL troops shall, as of D-day + 60, be permitted unlimited passage between Jaffna and Vavuniya using the Jaffna-Kandy road (A9). The modalities are to be worked out by the Parties with the assistance of the SLMM.

1.11 The Parties agree that as of D-day individual combatants shall, on the recommendation of their area commander, be permitted, unarmed and in plain clothes, to visit family and friends residing in areas under the control of the other Party. Such visits shall be limited to six days every second month, not including the time of travel by the shortest applicable route. The LTTE shall facilitate the use of the Jaffna-Kandy road for the purpose. The Parties reserve the right to deny entry to specified military areas.

1.12 The parties agree that as of D-day individual combatants shall,

notwithstanding the two-month restriction, be permitted, unarmed and in plain clothes, to visit immediate family (i.e. spouses, children, grandparents, parents and siblings) in connection with weddings or funerals. The right to deny entry to specified military areas applies.

1.13 Fifty (50) unarmed LTTE members shall as of D-day + 30, for the purpose of political work, be permitted freedom of movement in the areas of the North and the East dominated by the GOSL. Additional 100 unarmed LTTE members shall be permitted freedom of movement as of D-day + 60. As of D-day +90, all unarmed LTTE members shall be permitted freedom of movement in the North and East. The LTTE members shall carry identity papers. The right of the GOSL to deny entry to specified military areas applies.

ST observation to 1.11 & 1.12 & 1.13

References to "Specified military areas" are not specified.

Within three months all LTTE cadres will be permitted freedom of movement in the entire North & East provided they are unarmed. They will be permitted to engage in political work.

Article 2 : Measures to Restore Normalcy

The Parties shall undertake the following confidence-building measures with the aim of restoring normalcy for all inhabitants of Sri Lanka:

2.1 The Parties shall in accordance with international law abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment.

ST observation to 2.1

The LTTE will be debarred from extortion—a common complaint of the Muslims in the East.

2.2 The Parties shall refrain from engaging in activities or propagating ideas that could offend cultural or religious sensitivities. Places of worship (temples, churches, mosques and other holy sites, etc.) currently held by the forces of either the Parties shall be vacated by D-day + 30 and made accessible to the public. Places of worship which are situated in "High Security Zones" shall be vacated by all armed personnel and maintained in good order by civilian workers, even when they are not made accessible to the public.

2.3 Beginning on the date on which this Agreement enters into force, school buildings occupied by either Party shall be vacated and returned to their intended use. This activity shall be completed by D-day + 160 at the latest.

ST observations to 2.3

Government Forces will have to vacate school buildings etc. within the months – in effect, a de-militarisation of Jaffna Peninsula under government control. The LTTE will also have to vacate schools they occupy.

2.4 A schedule indicating the return of all other public buildings to their intended use shall be drawn up by the Parties and published at the latest by D-day + 30.

2.5 The Parties shall review the security measures and the set-up

of checkpoints, particularly in densely populated cities and towns, in order to introduce systems that will prevent harassment of the civilian population. Such systems shall be in place from D-day + 60.

2.6 The Parties agree to ensure the unimpeded flow of non-military goods to and from the LTTE-dominated areas with the exception of certain items as shown in Annex. A. Quantities shall be determined by market demand. The GOSL shall regularly review the matter with the aim of gradually removing any remaining restrictions on non-military goods.

ST observation to 2.6

LTTE will have ready availability (See Annex A for list)

2.7 In order to facilitate the flow of goods and the movement of civilians, the Parties agree to establish checkpoints on their line of control at such locations as are specified in Annex B.

2.8 The parties shall take steps to ensure that the Trincomalee-Habarana road remains open on a 24-hour basis for passenger traffic with effect from D-day + 10.

2.9 The Parties shall facilitate the extension of the rail service on the Batticaloa-line to Welikanda. Repairs and maintenance shall be carried out by the GOSL in order to extend the service up to Batticaloa.

2.10 The Parties shall open the Kandy-Jaffna road (A9) to non-military traffic of goods and passengers. Specific modalities shall be worked out by the Parties with the assistance of the Royal Norwegian Government by D-day + 30 at the latest.

ST observations to 2.10

LTTE will open the A9 highway to un-armed soldiers and to enable a free flow of economic goods to areas under their control.

2.11 A gradual easing of the fishing restrictions shall take place starting from D-day. As of D-day + 90, all restrictions on day and night fishing shall be removed, subject to the following exceptions:

ST observations to 2.11

All restrictions on fishing (day & night) to be removed in 90 days. The monitors will maintain a presence in the districts of Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Ampara ensuring the LTTE does not get too close to Government Security Forces bases.

- (i) fishing will not be permitted within an area of 1 nautical mile on either side along the coast and two nautical miles seawards from all security forces camps on the coast,
- (ii) fishing will not be permitted in harbours or approaches to harbours, bays, estuaries along the coast.

2.12 The Parties agree that search operations and arrests under the Prevention of Terrorism Act shall not take place. Arrests shall be conducted under due process of law in accordance with the Criminal Procedure Code.

ST observation to 2.12

LTTE members will not be arrested under the special law of Prevention of Terrorism Act (PTA), but under the normal law of the Criminal Procedure Code (CPC).

2.13 The Parties agree to provide family members of detainees access to the detainees within D-day + 30.

Article 3 : The Sri Lanka Monitoring Mission.

The Parties have agreed to set up an international monitoring mission to enquire into any instance of violation of the terms and conditions of this Agreement. Both Parties shall fully cooperate to rectify any matter of conflict caused by their respective sides. The mission shall conduct international verification through on-site monitoring of the fulfillment of the commitments entered into this agreement as follows:

3.1 The name of the monitoring mission shall be the Sri Lankan Monitoring Mission (hereinafter referred to as the SLMM).

3.2 Subject to acceptance by the Parties, the Royal Norwegian Government (hereinafter referred to as the RNG) shall appoint the Head of the SLMM (hereinafter referred to as the HoM), who shall be the final authority regarding interpretation of this Agreement.

ST observation to 3.2

Norway in effect will be the 'final authority' on any dispute between Sri Lanka's government and the LTTE.

3.3 The SLMM shall liaise with the parties and report to the RNG.

3.4 The HoM shall decide the date for the commencement of the SLMM's operations.

3.5 The SLMM shall be composed of representatives from Nordic countries.

3.6 The SLMM shall establish a headquarters in such place as the HoM finds appropriate. An office shall be established in Colombo and in Wannai in order to liaise with the GOSL and the LTTE, respectively. The SLMM will maintain a presence in the districts of Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Ampara.

3.7 A local monitoring committee shall be established in Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Ampara. Each committee shall consist of five members, two appointed by the GOSL, two by the LTTE and one international monitor appointed by the HoM. The international monitor shall chair the committee. The GOSL and the LTTE appointees may be selected from among retired judges, public servants, religious leaders or similar leading citizens.

ST observation to 3.7

A local monitoring committee (both GOSL and LTTE members included) will be established in Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Ampara – but significantly not the Mullaitivu and Kilinochchi, LTTE strongholds.

3.8 The committees shall serve the SLMM in an advisory capacity and discuss issues relating to the implementation of this Agreement in

their respective districts, with a view to establishing a common understanding of such issues. In particular, they will seek to resolve any dispute concerning the implementation of this Agreement at the lowest possible level.

3.9 The parties shall be responsible for the appropriate protection of and security arrangements for all SLMM members.

3.10 The Parties agree to ensure the freedom of movement of the SLMM shall be given immediate access to areas where violations of the Agreement are alleged to have taken place. The Parties also agree to facilitate the widest possible access to such areas for the local members of the six above-mentioned committees of Article 3.7.

3.11 It shall be the responsibility of the SLMM to take immediate action on any complaints made by either Party to the Agreement, and to enquire into and assist the Parties in the settlement of any dispute that might arise in connection with such complaints.

3.12 With the aim of resolving disputes at the lowest possible level, communication shall be established between commanders of the GOSL armed forces and the LTTE area leaders to enable them to resolve problems in the conflict zones.

3.13 Guidelines for the operations of the SLMM shall be established in a separate document.

Article 4: Entry into force, amendments and termination of the Agreement

4.1 Each Party shall notify its consent to be bound by this Agreement through a letter to the Norwegian Minister of Foreign Affairs signed by Prime Minister Ranil Wickremasinghe on behalf of the GOSL and by leader Velupillai Prabhakaran on behalf of the LTTE, respectively. The Agreement shall be initialed by each Party and enclosed in the above-mentioned letter.

4.2 The Agreement shall enter into force on such date as is notified by the Norwegian Minister of Foreign Affairs.

4.3 This Agreement may be amended and modified by mutual agreement of both Parties. Such amendments shall be notified in writing to the RNG.

4.4 This Agreement shall remain in force until notice of termination is given by either Party to the RNG. Such notice shall be given fourteen (14) days in advance of the effective date of termination.

Annex A : List of goods

Annex B: Checkpoints

Annex A

The parties agree to ensure the flow of non-military goods to and from LTTE dominated areas of the Northern and Eastern Province, as well as unimpeded flow of such goods to the civilian population in the areas. Non-military goods not covered by article 2.6 in the Agreement are listed below:

- Non military arms/ammunition
- Explosives
- Remote control devices
- Barbed wire
- Binoculars/Telescopes
- Compasses
- Penlight batteries

Diesel, petrol, cement and iron rods will be restricted in accordance with the following procedures and quantities:

- Diesel and Petrol

The Government Agents (GA) will register available vehicles; tractors and motorcycles in the LTTE controlled areas. The GA will calculate the required weekly amount of diesel and petrol based on the following estimate:

- Trucks/Busses – 250 litres/week
- 4Wheel tractors – 310 litre/week
- 2 Wheel tractors – 40 litre/week
- Petrol vehicles – 30 litre/week
- Motorcycles – 7 litre/week
- Fishing vessels – 400 litre/week

Cement

Cement required for rehabilitation and construction of Government property; registered co-operatives; or approved housing projects implemented by the GOSL and international NGOs and more affluent members of the society; will be brought in directly by relevant institutions under licences issued by Government Agents. The GA shall stipulate the monthly quantities permitted for such project based upon planned and reported progress.

Cement required for individual shops/constructions/house owners/ rehabilitation-initiatives will be made available through the co-operations on a commercial basis. The monthly import for this purpose will be limited to 5000 bags during the first month and thereafter 10,000 bags/month. Individual sales by the cooperatives will be registered and limited to 25 bags per household.

Iron Rods

Iron rods for building constructions will be brought in to the LTTE controlled areas by the GA. A monthly reassessment will be made to assess the possibilities of removal of the above restrictions.

Annex B

Checkpoints agreed in 2.7 are as follows:

- Mannar
- Mandur
- Kaludaveli Ferry Point
- Ambalantivu Ferry Point
- Mamunal Ferry Point
- Vanvunateevu
- Santhiveli Boat Point
- Black Bridge
- Sittandy Boat Point
- Kiran Bridge
- Kinniyadi Boat Point
- Valachenai
- Mankerni
- Mahindapura
- Muttur
- Ujilankulam
- Omanthai

Courtesy, *The Sunday Times*, 24 February 2002