



ADVANCE UNEDITED VERSION

Core Principles on the Exhaustion of Internal Remedies and the External Resolution of the National Question of the Eelam Tamils

PREAMBLE

Recalling that the right of peoples to self-determination is a peremptory (*jus cogens*) norm of international law affirmed in the Charter of the United Nations, the International Covenants on Human Rights, and the jurisprudence of international courts;

Affirming that Peoples entitled to the right of self-determination need not possess *de jure* statehood to qualify as subjects of international law, and that collective identity, historical continuity, territorial attachment, and shared political consciousness constitute the basis of peoplehood;

Recognising that the concept of nationhood has been articulated in international political thought through multiple well-established traditions, including:

- the Leninist conception of oppressed nations articulated between 1914 and 1916, recognising the right of subjugated peoples to self-determination as a remedy to national oppression;
- the Wilsonian principle of self-determination articulated in 1918, affirming the right of peoples to determine their political status and pursue their development free from external domination; and
- the modern understanding of nations as imagined political communities, articulated by Benedict Anderson in 1983, in which nationhood is constituted through *shared memory*, *collective sacrifice*, *political consciousness*, and a *sustained commitment* to a common future, *transcending territorial boundaries* and immediate material conditions;

Further recognising that international criminal law protects *national groups* under the Convention on the Prevention and Punishment of the Crime of Genocide, irrespective of statehood;

Acknowledging that the Eelam Tamils constitute a distinct People, forming a nation without a state, possessing a continuous historical presence, common language, culture, political identity, and territorial attachment;

Noting further that the Eelam Tamil People's continuous historical presence, territorial attachment, and inherited cultural and linguistic heritage in the island also engage norms reflected in the international protection of indigenous peoples, including safeguards relating to identity, land, and freedom from dispossession and militarisation, *without prejudice* to the character of the national question as one of peoplehood and self-determination, and *rejecting* narratives that reduce the Eelam Tamil People to a mere minority claim within a unitary constitutional order.

Recognising further that other Tamil-speaking peoples of the island, including Muslims who maintain a distinct religious, cultural, and social identity, share historical ties to the same geographic space and language, and are entitled to the full enjoyment of individual and collective rights, including the right to internally exercise self-determination, without being required to subsume or relinquish their distinct identity;

Recalling that sovereignty over the Tamil homeland was lost through colonial conquest beginning in 1619 and was never restored at the time of decolonisation;

Recalling that the territorial integrity and political continuity of the Tamil homeland existed prior to European colonisation, with distinct systems of governance, judicial administration, and land tenure prevailing in the contiguous northern and eastern parts of the island until the Portuguese conquest;

Noting further that the Dutch and British colonial administrations continued to recognise and administer the Tamil homeland as a distinct territorial and administrative unit, as reflected in early colonial records, judicial divisions, and cartographic representations, including the maps of J. du Perron (1789) and John Arrowsmith (1857), which identified a contiguous Tamil-speaking region extending from the Modaragam Aru in the north-western littoral to the Kumbukkan Oya in the south-eastern littoral;

Recalling with grave concern that the Colebrooke–Cameron reforms of 1833 forcibly dismantled these historically distinct political and territorial arrangements by imposing, for the first time, a unified and centralised administrative structure across the entire island, without the consent of the Eelam Tamils and in disregard of their historical sovereignty;

Observing that this imposed unitary state framework is a historical artefact of British decolonization, marking the first formal disruption of the Tamil homeland as a coherent political and territorial entity and laying the structural foundations for subsequent marginalisation, dispossession, and Sinhala Theravada Buddhist majoritarian domination;

Recognising that the territorial continuity of the Tamil homeland, including its land and adjoining maritime space, has been consistently affirmed through historical practice, demographic continuity, colonial administrative records, and the lived political consciousness of the Tamil people, notwithstanding later attempts to fragment, dilute, or negate its existence;

Affirming that the territorial boundaries of the Tamil homeland, extending across the contiguous northern and eastern parts of the island and historically defined by administrative practice, settlement patterns, and cultural continuity, constitute an essential element of the right to self-determination of the Eelam Tamil People under international law;

Recognising that the Soulbury Constitution of 1947, as well as the Republican constitutions of 1972 and 1978, were enacted without the free and informed consent of the Eelam Tamils, and institutionalised a unitary and majoritarian constitutional order that excluded their collective political will;

Observing that Ceylon's application for membership in the United Nations in 1948 was vetoed in the Security Council by the Union of Soviet Socialist Republics and the Ukrainian Soviet Socialist Republic, which argued that the constitutional arrangements under the Soulbury

framework did not yet reflect fully autonomous sovereignty; and noting that Ceylon's eventual admission in 1955 occurred as part of a Cold War "package" compromise between the Western bloc, led by the United States, and the Soviet bloc, thereby resolving a broader geopolitical membership deadlock rather than constituting any adjudication of the completeness or internal legitimacy of the decolonisation process;

Noting that these constitutional frameworks denied recognition of the Eelam Tamil people as a distinct people, dismantled pre-existing territorial and political arrangements, and progressively extinguished the possibility of self-determination through constitutional means;

Further noting that the Indo–Lanka Accord (1987) and the constitutional changes that followed failed to remedy these structural defects, as they retained the supremacy of a unitary state, subordinated regional autonomy to central discretion, and lacked international guarantees or enforceability;

Recognising further that the Indo–Lanka Accord was concluded as a bilateral interstate arrangement without the freely expressed consent of the Eelam Tamil People as a distinct self-determining People; that it was accompanied by direct military intervention by India in the Tamil homeland; and that the devolutionary framework institutionalised through the Thirteenth Amendment entrenched limited and centrally reversible devolution within a unitary constitutional order, rather than recognising parity between Peoples or giving legal effect to the inalienable right to self-determination;

Recalling that the 1995 constitutional proposals, though presented as reformist, remained firmly grounded in a unitary constitutional doctrine that preserved centralised sovereignty and final authority; that they refused to recognise the Eelam Tamil People as a co-equal self-determining People; and that they confined Tamil political claims to subordinate, centrally controlled administrative arrangements rather than guaranteed self-government based on consent and parity;

Noting with concern that the 2019 Discussion Paper entrenched the doctrine of indivisibility, denied parity between peoples, and sought to delegitimise even inclusive and secular expressions of ethno-national political identity, thereby restricting democratic self-expression and political participation;

Affirming that these successive constitutional initiatives collectively demonstrate the exhaustion of domestic constitutional remedies, the absence of meaningful consent, and the systematic denial of the Eelam Tamil people's right to determine their political status within the existing constitutional order;

Further affirming that at no stage of decolonisation or subsequent constitution-making was a pre-constitutional political compact concluded between the historically constituted Peoples of the island on the basis of equality and free consent, thereby rendering the foundational constitutional order structurally defective in relation to the exercise of the Eelam Tamil People's right to self-determination;

Recalling that the leadership of the Tamil political movement, under the stewardship of S.J.V. Chelvanayakam, having pursued federalism and constitutional accommodation through exclusively non-violent and democratic means for several decades, ultimately concluded that such efforts had failed to secure equality or protection for the Tamil people within the Sri Lankan State;

Noting that this conclusion was reached after repeated attempts to obtain federal or autonomy-based arrangements were rejected or nullified, and that the continued erosion of Tamil political rights led to the recognition that only the restoration of separate political authority could safeguard the people from structural repression;

Recalling further that, in his final parliamentary interventions in 1977, Chelvanayakam acknowledged that the pursuit of federalism had been exhausted, affirmed the historical existence of a Tamil polity, and concluded that the prevailing constitutional framework no longer provided a viable basis for securing the collective rights and political future of the Tamil people;

Recognising that this shift did not arise from ideological radicalism but from the failure of successive governments to honour agreements, respect democratic mandates, or provide constitutional guarantees of equality and security;

Recalling that in the General Election of 1977 the Tamil people, through an overwhelming and unequivocal democratic mandate, endorsed the establishment of an independent and sovereign political entity as the expression of their inalienable right to self-determination, as articulated in the Vaddukoddai Resolution;

Noting with grave concern that this democratically expressed political will was subsequently nullified through the enactment of the Sixth Amendment to the Constitution of Sri Lanka in 1983, which criminalised the peaceful advocacy of self-determination and thereby violated fundamental freedoms guaranteed under international law;

Recalling further that, following the exhaustion of all peaceful and constitutional avenues, a proposal for an Interim Self-Governing Authority (ISGA) was advanced in 2003 within the framework of the Ceasefire Agreement and the internationally facilitated peace process formally engaged by the Government of Sri Lanka, as a transitional mechanism grounded in international legal principles, intended to facilitate self-administration, reconstruction, human rights protection, and a negotiated political settlement;

Noting that the ISGA proposal explicitly recognised the failure of prior constitutional arrangements, affirmed the Tamil people's right to self-determination, provided for secular governance, equality of communities, international supervision, and arbitration, and constituted a good-faith effort to resolve the conflict through peaceful and democratic means;

Recalling that the armed conflict culminating in 2009 did not result in any lawful surrender or voluntary renunciation of sovereignty by the Tamil people, nor did it extinguish their political status or rights under international law, and that no act of capitulation occurred that could lawfully transfer or extinguish their collective political entitlement; further noting that the breakdown of the Ceasefire Agreement was marked by sustained violations, re-militarisation, and conduct that undermined negotiated parity and contributed to conditions in which large-scale international crimes were committed;

Noting further that, in the context of the armed conflict arising from the denial of the Eelam Tamil People's right to self-determination, the Tamil side publicly undertook in February 1988 to adhere to the Geneva Conventions of 1949 and their Additional Protocols, affirming its willingness to be bound by international humanitarian law and thereby underscoring that the conflict engaged international legal norms which cannot be confined to matters falling solely within the internal jurisdiction of the Sri Lankan State;

Recalling further that following the events of 2009, the Tamil people, both within the island and across the global Tamil diaspora, reaffirmed their political will through a series of democratic expressions, including referenda conducted between 2009 and 2010 in multiple countries, reaffirming the 1977 mandate and the right to self-determination;

Noting the resolution adopted by the Tamil Nadu Legislative Assembly in 2013 calling for an international investigation into allegations of genocide and for a United Nations-supervised referendum in the Tamil homeland and among the Tamil diaspora;

Recalling the findings of the Permanent Peoples' Tribunal (Bremen, 2014), which concluded that credible evidence existed of genocide committed against the Tamil people, and that the international community had failed in its responsibility to prevent and punish such crimes;

Recalling further the unanimous resolution of the Northern Provincial Council in 2015, recognising the commission of genocide against the Tamil people and calling for international accountability mechanisms;

Noting the Resolution adopted unanimously by the House of Commons of Canada on 19 June 2019, calling upon the United Nations to establish an independent international investigation

into allegations of genocide against Tamils in Sri Lanka, including during the final phase of the armed conflict in 2009;

Recalling the findings of United Nations mechanisms identifying serious violations of international humanitarian and human rights law;

Noting that the United Nations Human Rights Council has adopted multiple resolutions on Sri Lanka, beginning with Resolution 30/1 in 2015, calling for reconciliation, human rights protection, and accountability for serious violations and abuses of human rights and related crimes; and that Sri Lanka initially cosponsored Resolution 30/1 but later withdrew its co-sponsorship and declined to implement its commitments, including the establishment of effective transitional justice mechanisms and independent investigations;

Recalling that subsequent resolutions (including 34/1, 37/1, 40/1, 46/1, 51/1 and later mandates) reaffirmed the need for accountability structures and evidence-gathering mechanisms under the Office of the High Commissioner for Human Rights, intended to collect, analyse and preserve evidence of international crimes for future prosecutions;

Observing that successive Sri Lankan governments have resisted full compliance with these resolutions, publicly opposing external evidence-gathering mandates, rejecting external review mechanisms, and asserting that accountability should be addressed through domestic processes that have historically lacked independence, impartiality, and effectiveness;

Noting with concern that these refusals have effectively prevented United Nations mechanisms from accessing evidence on the ground in an unfettered and transparent manner, while domestic inquiries and investigations invoked by the State have repeatedly failed to meet international standards of independence, impartiality, and adequacy, thus falling short of delivering accountability, truth, reparations or non-recurrence;

Noting with concern that United Nations mechanisms on Sri Lanka have repeatedly been constrained by mandate and access limitations, including the decision to align the OHCHR Investigation on Sri Lanka (OISL) primarily with the temporal scope of the Lessons Learnt and Reconciliation Commission (21 February 2002 to 15 November 2011), thereby limiting the ability of United Nations mechanisms to systematically trace patterns and evidence relevant to alleged genocidal intent across the full historical span of the conflict and preceding periods;

Noting further that the absence of a fully independent international commission of inquiry or fact-finding mechanism with sustained on-the-ground evidence-gathering capacity, combined with persistent restrictions on access and cooperation, has necessitated reliance on remote collection methods and institutional modalities that have been widely viewed as insufficient to address the gravity and complexity of the alleged crimes; recalling in this regard that the withdrawal of United Nations international staff from the Vanni region in late 2008 occurred pursuant to instructions issued by the Government of Sri Lanka, resulting in the absence of independent international presence during the subsequent No Fire Zone operations and significantly constraining contemporaneous monitoring and later evidentiary collection; and noting the acknowledged United Nations system failures and subsequent *Rights Up Front* reforms intended to prevent the recurrence of such institutional shortcomings;

Recalling that in September 2025, all elected Tamil national parliamentarians, together with fifty-six civil society and religious leaders from the Tamil homeland and over seventy Tamil diaspora organisations worldwide, jointly articulated a unified position calling for international accountability for crimes committed against the Eelam Tamil People, including the invocation of State responsibility before the International Court of Justice and the pursuit of individual criminal responsibility through an international judicial mechanism, in view of the temporal limitations of the Rome Statute;

Noting that this collective articulation reaffirmed the continuing validity of the Tamil people's political mandate for self-determination, condemned the Sixth Amendment to the Constitution of Sri Lanka as an instrument that criminalises political expression and suppresses the right of a people to freely determine their political status, and called for its repeal as a prerequisite for any democratic process;

Recalling further that Tamil civil society and representative bodies have consistently rejected domestic accountability mechanisms as ineffective and lacking independence, and have instead called for international judicial processes in light of the Sri Lankan State's persistent failure to investigate, prosecute, or remedy grave violations of international law;

Recognising that the continued denial of accountability and the persistence of militarisation constitute conditions of protracted structural genocide and perpetuate the risk of renewed physical genocide;

Recognising further that external State actors, including permanent members of the Security Council and major regional powers, provided political, diplomatic, intelligence, military, financial, or strategic assistance to the Sri Lankan State during successive phases of the conflict, and that such assistance, extended despite credible and repeated warnings of grave breaches of international humanitarian and human rights law, materially affected the balance of power, the protection of civilians, and the prospects for a just political settlement; and further noting that geopolitical considerations, including strategic access to the Indian Ocean and related security alignments, frequently prevailed over the effective prevention of international crimes and the enforcement of international accountability;

Noting in particular that the United States, including in its capacity as a principal Co-Chair of the peace process and a central architect of the conflict's international diplomatic framework, exercised decisive influence through diplomatic signalling, donor conditionality, and the counter-terrorism architecture applied to the conflict, and that this influence constrained Tamil political agency, distorted parity between the parties, and shaped international engagement in a manner that prioritised State-centric security and constitutional continuity over civilian protection and enforceable accountability;

Noting also that the People's Republic of China, through sustained political, diplomatic, and military support to the Sri Lankan State, including support that intensified in the post-2009 period, materially strengthened the State's coercive capacity and contributed to the entrenchment of militarisation despite credible allegations of serious violations of international humanitarian and human rights law;

Affirming that the exhaustion of the *internal exercise* of self-determination gives rise to the exercise of *external self-determination* under international law;

Affirming further that the inalienable right of the Eelam Tamil People to self-determination is not contingent upon the goodwill or constitutional preferences of successive governments, nor reducible to negotiated parity within an imposed unitary framework, but must be capable of democratic expression through an internationally supervised act of self-determination conducted in accordance with international law;

Recognising the role and responsibility of:

- The United Kingdom, as the former colonial power,
- India as a regional actor and party to the Indo–Lanka Accord,
- Norway and the Co-Chairs of the peace process,
- The United States, as the principal Co-Chair and decisive strategic actor;
- The European Union and Canada, whose designation measures during the ceasefire period affected parity within the peace process;
- The People's Republic of China, as a key military and political supporter of the Sri Lankan State;
- The United Nations as guarantor of international peace and human rights,

Affirming that the prohibition of genocide constitutes a peremptory norm of international law (*jus cogens*), and that the right of peoples to self-determination has increasingly crystallised as a norm of comparable standing, giving rise to obligations *erga omnes* under customary international law and *erga omnes partes* under treaty law, including the Genocide Convention, incumbent upon all States;

The following Declaration is hereby adopted.

2026 TRINCOMALEE DECLARATION

14 February 2026

I. The Eelam Tamil People

1. The Eelam Tamils constitute a distinct People entitled to nationhood, possessing:
 - Historical continuity,
 - A common language and culture,
 - A collective political identity,
 - and a defined traditional homeland.
2. The Eelam Tamil People qualify as a *protected national group* under international law, including the Genocide Convention of 1948.
3. The Eelam Tamil People include all persons who:
 - Identify as members of the Eelam Tamil heritage,
 - Maintain cultural or ancestral ties to the homeland,
 - and recognise the contiguous northern and eastern parts of the island as their historical, traditional or aspirational homeland.

This definition does not negate the distinct identity, religious character, or the internal exercise of self-determination rights of other Tamil-speaking peoples who do not identify as Eelam Tamils.

II. Homeland, Territory, and Maritime Space

1. The homeland of the Eelam Tamil People consists of the contiguous northern and eastern parts of the island.
2. This homeland includes its land territory and associated maritime space, including adjacent seas, historic maritime zones, and waters traditionally used and relied upon by the Eelam Tamils.
3. Historical records, colonial administration, demographic evidence, and cartographic documentation confirm the territorial continuity of the Tamil homeland.
4. The integrity of this territory is inseparable from the political rights of the People who inhabit it.

III. Colonial Dispossession and Constitutional Illegitimacy

1. The sovereignty of the Tamil People was extinguished through colonial conquest and never restored.
2. This colonial dispossession entailed the systematic disruption of the Eelam Tamil People's historical political authority, territorial governance, land tenure systems, and cultural continuity, while engaging norms reflected in the international protection of indigenous and historically rooted peoples, without reducing the national question to a minority or cultural claim.
3. The Soulbury Constitution of 1947 imposed a unitary state on the Tamil People without their consent.
4. The 1972 and 1978 Constitutions entrenched Sinhala majoritarianism and eliminated safeguards for equality.

5. The Indo–Lanka Accord and its constitutional derivatives failed to recognise Tamil sovereignty.
6. The 1995 and 2019 constitutional proposals, notwithstanding their reformist presentation, entrenched a unitary constitutional order characterised by central supremacy, denied parity between Peoples, and sought to constrain or delegitimise the collective political identity and democratic self-expression of the Eelam Tamil People.
7. These frameworks collectively lack legitimacy and cannot serve as foundations for a just settlement.

IV. Exhaustion of Internal Exercise of Self-Determination

1. The Eelam Tamil People pursued peaceful and constitutional remedies on multiple occasions over decades.
2. All such efforts were met with abrogation, repression, or violence.
3. The destruction of Tamil political institutions and the large-scale commission of international crimes eliminated any remaining prospect of ‘internal’ self-determination.
4. Exercising internal self-determination is therefore exhausted.

V. International Responsibility

1. **The United Kingdom** bears responsibility for the colonial construction of a centralised and unitary state structure that dismantled the island's pre-existing political and territorial arrangements, entrenched asymmetrical governance, and failed to ensure a decolonisation process consistent with the right of peoples to self-determination.
2. **India** bears responsibility for its regional role and for the Indo–Lanka Accord of 1987, which imposed a devolutionary framework that diluted rather than recognised the political status and territorial integrity of the Eelam Tamil homeland. The Accord institutionalised a limited and reversible form of autonomy while preserving the unitary character of the Sri Lankan State, thereby constraining the exercise of self-determination and entrenching militarisation and central control. India's subsequent political, security, and diplomatic engagement, while professing stability, failed to address the conflict's root causes and instead legitimised structural arrangements that facilitated prolonged repression.
3. **Norway and the Co-Chair States** bear responsibility for facilitating the peace process, which did not secure enforceable political or legal guarantees for the Tamil people. Norway's official evaluation of its facilitation efforts (2011) acknowledged structural limitations, asymmetries between the parties, and the absence of effective international safeguards. The failure to ensure accountability mechanisms or binding international commitments contributed to the collapse of the ceasefire and preceded the large-scale commission of international crimes that followed.
4. **The United States** bears distinct and heightened responsibility arising from its role as a principal Co-Chair of the peace process and as the dominant political and strategic actor shaping its international framework. Through its influence over diplomatic signalling, donor conditionality, and the counter-terrorism architecture applied to the conflict, the United States exercised decisive leverage over the structure and parameters of negotiations. Despite credible and repeated warnings of the risk of serious international crimes, the United States prioritised strategic leverage, State-centric military cooperation, and the preservation of the existing constitutional order over the enforcement of parity between the parties and the protection of the civilian population. The endorsement of a process confined to a unitary constitutional framework, the application of counter-terrorism measures, and the absence of consequences for systematic violations of the Ceasefire Agreement materially weakened Tamil political agency, distorted the balance of power, and contributed to conditions that enabled the

collapse of the ceasefire and the large-scale commission of international crimes.

5. **The European Union and Canada** bear responsibility for the designation measures adopted during the ceasefire period that had the effect of altering parity between the negotiating parties.
6. **The People's Republic of China** bears responsibility for its sustained political, diplomatic, and military support to the Sri Lankan State across multiple periods of internal conflict, including during the suppression of the 1971 and 1987–89 JVP insurrections and, more significantly, during the armed conflict against the Eelam Tamil People. China's support, extended with full knowledge of widespread and systematic violations of international humanitarian and human rights law, materially strengthened the coercive capacity of the State, contributed to the entrenchment of militarisation, and facilitated the commission and continuation of international crimes. Such conduct, grounded in geopolitical alignment rather than ideological consistency, engaged China's obligations under international law to refrain from aiding or assisting in the commission of internationally wrongful acts, including genocide and serious breaches of peremptory norms.
7. **All States** bear *erga omnes* and *erga omnes partes* obligations under international law, including obligations under the Genocide Convention and emerging peremptory (*jus cogens*) norms relating to the right of peoples to self-determination, the prevention of genocide, ensuring accountability, and refraining from recognising or sustaining situations arising from serious breaches of international law.
8. **The United Nations** bears responsibility for failures in prevention, protection, and accountability, including the absence of a timely and adequately mandated international investigative mechanism, despite credible warnings and documented risks. Subsequent internal reviews and reform initiatives have acknowledged systemic shortcomings in early warning, political engagement, and institutional responses to situations involving serious international crimes, including failures to prevent or respond adequately to what the affected population has consistently experienced, articulated, and documented as genocide.

In light of the obligations *erga omnes* and *erga omnes partes* arising under the Genocide Convention and other peremptory norms of international law, United Nations-led evidence preservation and investigative mechanisms must be adequately mandated and resourced to examine the full temporal scope of alleged international crimes, including the systematic tracing of patterns, policies, and indicia of genocidal intent across successive Ceylon/Sri Lankan governments and institutional structures. Allegations of genocide must be capable of judicial determination before the International Court of Justice in accordance with international law, without temporal or political limitation.

VI. Internationally Guaranteed Self-Determination

1. Any political settlement must be internationally guaranteed.
2. Domestic constitutional processes alone are insufficient and illegitimate.
3. A legitimate process must include:
 - International mediation,
 - Binding arbitration,
 - Enforceable guarantees,
 - Independent monitoring.
4. The process must allow the full exercise of self-determination under international law.
5. No internationally mediated political process shall commence in the absence of the repeal of all emergency-style and counter-terrorism legislation that permits arbitrary detention, proscription, or the criminalisation of peaceful political expression, and the prohibition of any replacement framework that reproduces such powers in substance or effect. The restoration of full civic space, equality before the law, and freedom of political expression is a minimum precondition for the genuine exercise of self-determination.

VII. Political Responsibility and Non-Recurrence

1. Past participation in illegitimate constitutional processes has demonstrably undermined collective rights.
2. Such actions shall not be repeated.
3. No political actor may:
 - Act without a collective mandate,
 - Legitimise unconstitutional frameworks,
 - Undermine the right to self-determination.

VIII. Diaspora and National Continuity

1. The Eelam Tamil diaspora is integral to the nation as a transnational political and imagined community, with an ongoing role in the collective exercise of political will.
2. The diaspora sustains identity, memory, justice advocacy, and political continuity.
3. Diaspora participation is essential to reconstruction, accountability, and peace.

IX. Fresh Social Contract and Pre-Constitutional Agreement Under International Mediation

1. The Eelam Tamil People affirm that a durable and lawful settlement cannot be achieved through constitutional amendment exercises conducted within the existing constitutional order, given the historical record of exclusion, non-compliance, and structural imbalance.
2. A just resolution, therefore, requires a fresh social contract, negotiated as a pre-constitutional agreement and concluded prior to and independently of any domestic constitution-making process.
3. This pre-constitutional agreement shall be negotiated on the basis of equality between the parties and shall recognise the Eelam Tamil People as a self-determining People who constitute a nation, and shall give full legal effect to their inalienable right to freely determine their political status, including through an internationally supervised act of self-determination such as a referendum, together with guarantees relating to the territorial integrity of their historical and traditional homeland, political equality between the parties, and the non-recurrence of international crimes.
4. The negotiation and conclusion of this pre-constitutional agreement shall take place under external and international mediation, with internationally recognised guarantees sufficient to protect the process against coercion, unilateral alteration, or bad-faith reversal.
5. The pre-constitutional agreement shall set out the binding parameters and minimum guarantees for any subsequent constitutional framework and shall not be treated as subordinate to domestic constitutional doctrine.
6. Any constitution or political arrangement adopted in the absence of such a pre-constitutional agreement, concluded under international mediation and guarantees, shall be deemed illegitimate and shall not bind the Eelam Tamil People.
7. In the absence of meaningful participation and freely expressed consent of the authorised national representatives of the Eelam Tamil People, any constitution-making exercise undertaken within the existing constitutional order shall constitute a continuation of the historical pattern of exclusion and shall lack democratic and legal legitimacy in relation to the Eelam Tamil People.
8. The implementation and interpretation of the pre-constitutional agreement shall be subject to binding international arbitration, consistent with the arbitration and compliance safeguards already affirmed in this Declaration.

X. Final Declaration

1. **The Eelam Tamil People reaffirm** their status as a distinct People and a nation, with a collective political identity, historical continuity, and inherent rights protected under international law.
2. **They reaffirm** their inalienable right to self-determination, including the right to freely determine their political status and to pursue their economic, social, and cultural development, as affirmed under international law and established jurisprudence.
3. **They reject** all constitutional and political frameworks imposed without their free and informed consent, including those that deny parity, suppress collective political identity, or prevent the meaningful exercise of their inalienable right to self-determination.
4. **They affirm** that all domestic constitutional processes to date have failed to resolve the Eelam Tamils' national question, and that continued reliance on internal constitutional arrangements without a fundamental political agreement has entrenched inequality, exclusion, and instability.
5. **They affirm** that any just and durable political settlement must be internationally guaranteed, legally binding, and subject to effective international oversight, including judicial determination of genocide and other international crimes before the International Court of Justice in relation to State responsibility, and through the establishment of an international criminal tribunal or equivalent mechanism capable of exercising jurisdiction over individual criminal responsibility, including for crimes committed prior to 1 July 2002. They further affirm that international justice cannot be deferred, diluted, or exchanged for a political settlement, and remains a legal obligation independent of and complementary to any political resolution.
6. **They affirm** that peace cannot be achieved through constitutional engineering alone, but only through the recognition and full legal effect of the inalienable right to self-determination, equality between the parties, justice, accountability, and the collective rights of the Peoples concerned.
7. **Accordingly, they affirm** that no political resolution shall be regarded as internationally acceptable unless it is grounded in a new pre-constitutional social contract that recognises the Eelam Tamils as a self-determining People who constitute a nation, gives full legal effect to their inalienable right to freely determine their political status, is negotiated under international mediation, and is founded on their freely expressed democratic will.
8. **They affirm** that the Eelam Tamil diaspora, as an integral and inseparable component of the People and as a continuation of the same collective political will, shall participate on an equal footing in any internationally guaranteed political process, including consultations, negotiations, and any internationally supervised act of self-determination, such as a referendum, in accordance with international law and democratic standards.
9. **They affirm** that such participation and any genuine act of self-determination require the prior restoration of full civic and political space within the homeland, including the repeal of all legal and administrative measures that permit arbitrary detention, proscription, surveillance, or the criminalisation of peaceful political expression, and the prohibition of any successor framework that reproduces such powers, in substance or in effect.
10. **They affirm** that elected representatives of the Eelam Tamil People, irrespective of party affiliation, bear a collective responsibility to uphold these principles, to exercise principled leadership rooted in the will of the People and guided by international law, and to refrain from endorsing or participating in constitutional or political arrangements that precede, undermine, or contradict the requirement for a pre-constitutional agreement; **and they affirm that the exercise of their inalienable right to self-determination endures until it is freely realised in accordance with international law.**

XI. Constitutional Interpretation and Non-Contravention

This Proclamation shall not be interpreted, directly or indirectly, as contravening Article 157A of the Constitution of the Democratic Socialist Republic of Sri Lanka.

References herein to historical mandates, constitutional developments prior to 1983, the Vaddukoddai Resolution, or the proposal for an Interim Self-Governing Authority are made strictly in their historical, legal, and political context, including within the framework of the Ceasefire Agreement and the internationally facilitated peace process formally engaged by the Government of Sri Lanka, and in light of democratic mandates expressed through electoral processes.

This Declaration concerns the articulation of rights, principles of international law, accountability, and legitimacy, including the right of peoples to self-determination as recognised in international instruments and jurisprudence.

Reference is made to the determination of the Supreme Court of Sri Lanka in SC Special Determination No. 03/2014 (decided 4 August 2017), which clarified the scope of Article 157A and recognised that discussion of self-determination and constitutional arrangements does not, without more, constitute advocacy of a separate State.