

# *Pax Americana, the EU, and the Tamil Resistance Movement (TRM)*

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## **1. Introduction**

The European Union (EU) has banned the Tamil Resistance Movement (TRM) from Europe as a terrorist movement on May 29 2006.<sup>1</sup> The TRM includes the LTTE, organisations and individuals being supportive of the LTTE. In Tamil, the term *iyakkam*, 'the movement', is commonly used.

The ban was preceded by a joint motion on May 17 2006.<sup>2</sup> They are made object of a political comment in the following text. In this paper I shall take up the following themes:

- 2. The EU and *pax americana***
- 3. The Consequences of the Ban**
- 4. Failures of European Politicians and Diplomats**
- 5. Flexibility of the TRM**
- 6. TRM Delegations in Europe**
- 7. The Norwegian Contribution**
- 8. Conclusion<sup>3</sup>**

## **2. The EU and *pax americana***

The EU's decision should not be seen isolated as typical for a limited geopolitical region; it is part of a falling in line with a worldwide *pax americana*, 'American peace', which is an analogical word formation to *pax romana*, 'Roman peace'. This latter was imposed by war on large parts of Europe by the Roman Empire in classical antiquity. The Romans thought that their culture was superior, which allegedly justified imposing it on others. The present martial *pax americana* is presented with a Christian-evangelical signature also as *jus ad bellum*, 'just war', and as *jus in bello*, 'just (method) in war', fighting Communism in the 1950s and now terrorism, including legal, but also immoral methods, like water torture sanctioned by the President of the United States in February 2008.

One of the first to formulate explicitly the theory of just war in the West was Cornelius Nepos (100-25) in Latin in the formulation *paritur pax bello*, 'peace is won by war', in his work *De viris illustribus* ('Famous men'). India and China also had ideologues of just war in antiquity. Such a theory of just war is a traditional and common way of justifying war. War as war is never defended except for by mercenaries and mentally disturbed persons, but war presented as *just* war has always been regarded as legitimate among intellectual and political elites, and as mainstream or side stream even in Indian Hindu and Buddhist commentarial culture.

In Lanka, the verbal expression of this just war ideology by the Government is *samaya sandhaha yuddhaya*, 'war for peace'. It was made a holy Buddhist principle already in the 5<sup>th</sup> century state chronicle *Mahavamsa* chapter

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<sup>1</sup> [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/cfsp/89790.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/cfsp/89790.pdf)

<sup>2</sup> <http://vizhippu.net/node/4899>.

<sup>3</sup> This paper is an extension of an earlier paper published on [www.negotiatedpeace.com](http://www.negotiatedpeace.com) from 2006.

25. It was revived by the Buddhist monk Walpola Rahula in 1992 and by President Chandrika Kumaranatunga Bandaranayaka in 1995, including today counter terrorist methods like terrorising civilians by making them homeless, raping, torturing and killing them, as has been documented by Amnesty International, Asia Watch and other human rights organisations. The EU, however, has decided to comply to the demands of *pax americana* in a limited way by legal methods only. Being confronted with a 'just war' of the Lankan Government, the Tamil Resistance Movement (TRM) responded by its own version of a just war known in Tamil as *punita por*, 'holy war', in the terminology of Velupillai Pirapakaran, to resist an attempted genocide of the Tamil speakers.

I have critically examined the EU documents already and I refer to [www.negotiatedpeace.com](http://www.negotiatedpeace.com). Here I only repeat the result. The Joint Motion of the EU is not only written in a careless way, but it is also biased and evil, because it insinuates motives. This is immoral and counteracts scientific principles of interpretation. It refuses to recognise the fact that the state of Sri Lanka is a party in conflict. It has been written without considering the consequences for the TRM and the peace process. The TRM, having been forced into a corner, the personal contact to the TRM receded and through this the possibility to positively influence it. As a historian I am baffled about the sloppy way historical facts are handled by the EU. The EU under the influence of *pax americana* has written a biased document.

### 3. The Consequences of the Ban

What happened after the ban in Europe? Already on 18 September 2006 the German police raided a demonstration at the Brandenburger Tor and picked out all boards on which the Tamil speaking demonstrators had written (in German): *The EU ban of the LTTE promotes the war in Sri Lanka*.<sup>4</sup> Evidently it was forbidden to demonstrate against the EU. However, the French police did not intervene at a demonstration organised by Sinhala extremists at Trocadéro in Paris at about the same time, on September 10, 2006, when the demonstrators carried boards saying (in French): *Enforce the EU decision to ban the terrorist organisation LTTE from Sri Lanka*. The explanation is self-evident: The Sinhala extremists' writings are law abiding, being supportive of the EU ban. Now we understand the police intervention in Paris on April 1, 2007. French police simultaneously raided on 1 April 2007 the Paris office of the Tamil Rehabilitation Organisation, the TTN Television station, the office of the Tamil Coordinating Committee and a Hindu Temple in Paris. In a crackdown on Tamil Tiger activities, French police has cancelled the permission granted earlier to hold a protest rally in Paris condemning police arrest of TRM cadres. The protest rally was scheduled for 9 April from 2 PM to 5 PM at Trocadéro in Paris. Only Sinhala extremists are allowed to demonstrate at that place, and we know why.

What is the reason for these raids? The TRM is accused for extorting money from individuals and business people. Are the arrests of the TRM activists in Paris a clear indication that the European Union is turning the TRM proscription into action without confining it into mere words? Are the police acting in the interest of the EU or the Sri Lankan Government? It seems to be in the interest of both. Let us note that Magistrate Jean-Louis Bruguière who is investigating the TRM's terrorist activities in France was recently in Sri

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<sup>4</sup> Documentation in: Peter Schalk, *Cavilum Valvom*. 'Auch im Angesicht des Todes werden wir leben'. *Ilamtamile sein im Krieg und in der Fremde*. Dortmund: Internationaler Verein Emigrierter Tamilischer Schriftsteller e.V., 2006, p. 19-21.

Lanka and met Sri Lanka's political leaders and heads of intelligence agencies. This co-ordination of Sri Lankan governmental with EU interests, we have pinpointed earlier. The EU decision was highly controversial and – under pressure by the USA - finally proclaimed allegedly in the interest of the EU, but it echoed above all the interest of the Sri Lankan Government. This Government is one party of the conflict. The EU's decision was therefore clearly partial. Tamil speaking people and many European intellectuals lost confidence in the political competence and will for justice of the EU in this because of this EU action. How is it possible that the EU affiliates itself with Sinhala extremists' views?

To legitimise the crack down on the TRM office in Paris media in France just before the crackdown highlighted several incidents of “extortions”. These propaganda actions are connected very much to rival groups to the TRM who profit from the EU decision and exploit it fully for their ends. This we could foresee and we warned of it before the EU decision was made. Still worse, if Tamil civilians tell the truth that they voluntarily have given money to the TRM, they will be punished. A voluntary money contribution to a terrorist organisation is a serious seditious crime committed against France and also an act of aiding and abetting terrorist activities in French soil. Revealed donators are therefore compelled to lie about their generosity and turn their generosity into something else, to an extortion of money. The reality is that the majority of Tamil speaking people is supportive of the TRM and continues to give money despite the risk of being put in jail for 15 years.

Why is the majority supportive of the Tigers? The TRM is the only party that sticks to the election program from 1977 that demanded a separate state for the Tamils. In a democratic island wide election this program made the TULF to be the largest opposition party in Parliament for some years. Moreover, the TRM is the only organisation from 1987 onwards that defended the Tamils in the North and East against the attacks of the Sri Lankan Armed Forces and the Indian Forces. Finally, the TRM initiated cease-fires and peace proposals were all rejected by the Sri Lankan Government. The TRM has won the confidence of the Tamils who believe Veluppillai Pirapakaran's famous adage: "The methods of our struggle may change, but the aim not". The other Tamil parties' guide for their documented practice is: "The methods of our struggle may change and the aim also". How can the EU and the Lankan Government believe that it can suppress the TRM, which has such strong support of Tamil speaking people - not only in Lanka and in exile but also in Tamil Nadu?

Further, the present policy by the EU criminalises the TRM and removes any possibility of influencing it with dialog by trying to force it underground. The TRM office in Paris being an international secretariat of the TRM was known from the 1980s onwards to have cultivated a dialogue with politicians, human rights activists, religious organisations and researchers from all over the world. It was really an international centre. The contacts, which the office cultivated, affected its own policy. It learned from these contacts to consider questions of human rights and to argue rationally for its political aims based on knowledge and research. It reported home. One of the feedbacks from home was that the TRM office in Paris was in 1988 entrusted to sign the International Conventions of Human Rights in the name of the TRM. From that time on human rights activists could make the TRM morally responsible for its actions by reference to these Conventions! All these possibilities that open up in a dialogue are now destroyed by a policy of the EU that demonstrates only naked power. The EU has enforced its ban indeed,

according to the wishes of Sinhala extremists who are encouraged to shout and write on boards "Death to Separatists!" at Trocadéro.

Professor John Neelsen has also pointed out in [www.negotiatedpeace.com](http://www.negotiatedpeace.com) the counter effects of the ban in six points.

(1) While the EU declaration expresses in the following its desire to maintain a dialogue with the LTTE, thus recognizing that the organization is an indispensable institution in any peace process, it sets out to not only materially weaken one party in an the armed conflict, but squarely denies its political and ideological credentials as a liberation movement thus undermining its legitimacy as a dialogue partner. Further, its representative character is questioned by differentiating between the LTTE (which one condemns and seeks to marginalize) and the Tamil people for whom sympathy is expressed. By thus trying to drive a wedge between the LTTE and the Sri Lankan Tamils in the Northeast on the one hand and the LTTE and the Tamils living in Europe on the other, the Council of Ministers' declared desire to help in arriving at a just negotiated peace is belied by its actions. Implicitly, the declaration calls on the Tamils to submit to the diktat of the Sinhala state. It is objectively an incitement to war.

(2) Formally, the Declaration appears even-handed in addressing and castigating in the following three paragraphs not only the LTTE but also the GOSL for the upsurge in violence. Thus, it calls on both to curb violence in the areas under their respective control, it demands from the government to stop the culture of impunity and ensure law and order for all citizens of the country, and, finally, warns to keep the situation under active review taking account of the activities of all parties to the conflict. But this equi-distance is only rhetoric. When it comes to actions a different picture emerges.

(3) The Karuna group is mentioned as effectively a third party to be considered in the conflict. This is disingenuous because (a) the then UNP government boasted having secretly helped the Karuna group to split off from the LTTE while publicly favouring peace-talks; (b) in the Geneva talks of February 2006, the LTTE revealed what had been an open secret that the paramilitaries work hand in hand with the army carrying on a low-intensity proxy war; (c) according to the CFA of February 2002 it is the responsibility of the GOSL to disarm the paramilitaries, a stipulation which, however, has at no time been implemented. That, for all practical purposes, the government is in control of the paramilitaries was proved when prior to Geneva there was a sudden and dramatic drop in violence on all fronts. Thus, to treat the Karuna faction as a third party effectively exculpates the GOSL.

(4) To call on the GOSL to ensure law and order for all citizens, the reminder to both parties of their agreement in Oslo 2002 'to explore a specific institutional solution for Si Lanka' is as vague and neutral in its formulation as it is one-sided, if not false in fact. The peace-talks in the aftermath of the CFA - which incidentally followed a unilateral cease-fire by the LTTE - were made possible by the prior declaration of the LTTE to explore internal self-determination. Oslo explicitly specified the framework as meaning a federal state. The proposal for an Internal Self-Governing Administration (ISGA) of 2003 by the LTTE provided a possible operational structure. By contrast, no concession has been offered by the Sinhalese parties and governments, no constitutional proposals in that sense have ever been made. On the contrary, this President together with his governing coalition came to power explicitly rejecting any dilution of the unitary centralized state. The P-TOMS, the organizational set-up suggested for the distribution of aid to the tsunami

victims were torpedoed precisely on these grounds by the same Sinhala extremist coalition. For them they are neither 'citizens of Sri Lanka' nor destitute victims of a natural catastrophe but primarily 'races', especially Sri Lankan Tamils and Sinhalese. To formally call on both sides, denies these truths, shifts the blame to both sides where the GOSL specifically, the majority community generally, carry the principal responsibility for the impasse.

(5) Against this background, the talk of dialogue with the LTTE, the EU's proclaimed determination to continue playing its role as Tokyo Co-Chair, to help bring about peace, simply ring hollow. They can not be taken seriously because the proscription of the LTTE changes their character from a party in a politico-ethnic conflict and equal partner in negotiations to a criminal gang that poses a problem of law and order and has to be dealt with by repression and according to penal law. Thus, the very basis for negotiations has been removed as the then Wickremasinghe government knew only too well when it lifted the proscription of the LTTE prior to talks.

(6) As pointed out at the outset, there is yet another, even more sinister side to the EU listing. It is not only directed against the forces fighting for their rights on a far away island in the Indian Ocean. No, the hundreds of thousands of Sri Lankan Tamil refugees in Europe who in the face of collective discrimination and persecution, even bloody pogroms, have fled their home in the search for security and a peaceful existence must know that not dissimilar from their experience back home they are first of all collectively viewed with suspicion. No Tamil can again come to Europe to successfully ask for political asylum because of persecution by the Sinhala state; he must at the same time destroy the suspicion of any direct or indirect association with the LTTE. In this context, one wonders as to the EU's claim of cherishing democracy. Did not the Tamil National Alliance (TNA), which obtained 22 out of 23 seats in the Tamil dominated electoral districts of the Northeast during the elections of 2004, proclaim the LTTE as sole authentic representative of the Tamil people? Was it not an overwhelming democratic proof that the Tigers are considered the bulwark and guarantee of the Sri Lankan Tamils' existential interests? Will association with it now be branded as a criminal activity? Whatever individual decision will be taken in future, every organisation of Tamils here in Europe, whether engaged in cultural or humanitarian activities will now come under scrutiny by the police, the secret services, and the judiciary from Italy over France, to Germany, the Netherlands and the UK acting individually and jointly. Fear will now be an additional feature of the already socially marginalized, legally insecure Tamils living in the EU. From now on they will be subject to permanent surveillance and rampant denunciation because every material link with back home can/will be suspected as support for the LTTE, an association which renders everyone here a terrorist and criminal.

John Nelson concludes by saying that it is high time that not only the Tamils but all immigrants in the EU and, not least, the native citizens of Europe themselves rise in protest against this new government sponsored attack on human rights not only out of solidarity with a suffering minority but in their own long-term interest.

#### **4. Failures of European Politicians and Diplomats**

Some decades ago it was politically correct to start a presentation of the TRM by characterising it as a "ruthless" movement. Many intellectuals have fallen in line with this trend, including myself. It was a kind of entry ticket to

sober academic and human rights' circles. Today, under the influence of *pax americana*, to "ruthless" has been added "terrorist", which also has entered and vulgarised an earlier sophisticated and elevated diplomatic language. An important document reflecting *pax americana* in relation to the TRM is a FBI statement on the FBI Homepage from 10 January 2008 named "Taming the Tigers"<sup>5</sup>.

Especially European politicians and diplomats are focussed in my paper. Some of them are co-responsible for having prepared the decision within the EU that travelling of the TRM to Europe shall be restricted. Official visits to state organisations by the TRM were suspended. They are also co-responsible for preparing a final decision to list the TRM as a terrorist organisation in the near future. The few politicians and diplomats that have an independent mind have been overruled. I have met diplomats and politicians who were deeply embarrassed by this terrorist hysteria applied to the TRM. They felt cornered by the present one-sided policy of the EU banning only the Government's enemy, the TRM. Some reacted bravely like the German Economic Cooperation and Development Minister, Heidemarie Wieczorek-Zeul. She has vowed on 9 February 2008 in the daily *Tagespiegel* to demand from the EU that it withdraws the General System of Preference Plus offered to Sri Lanka if the Sri Lankan government continues to insist on a military option to the ethnic issue. This concession enables Sri Lanka to export its goods and products to the EU at reduced or exempted tax and duty levies. This step will really bring economic pressure on the Government. For Sri Lanka a preference system plus is in place until the end of 2008 which, however, requires good governance, according to Heidemarie Wieczorek-Zeul. My comment is that if this action is approved by the EU, it could be seen as the beginning of an international intervention which could end up in a welcome humanitarian military intervention like in East Timor.

The views of leading EU politicians are in part a result of the preparatory work by administrative officials in the European Ministries of Foreign Affairs. The working situation of these administrators in Europe is not good. They have to go from one desk to another in their Ministries or they have to watch of the whole of Asia. They do not learn Tamil and/or Sinhala but are in part dependent of partisan Lankan propaganda in English. Their fragmentary and one-sided knowledge makes them victims of trends and the strongest trend in politics today is *pax americana*. They believe also in EU "dynamics". This is allegedly an anonymous and unidentifiable force that compels these politicians to vote for a proposal in the EU, even against their conviction. This force can of course be easily identified as a pressure from *pax americana*. Based on this Lankan governmental and propagandistic image of the TRM, the diplomats recommended their politicians, foremost their Ministers, to restrict travelling for the TRM and to ban the TRM from Europe.

I have had several opportunities to learn about these diplomats' and politicians' image about the TRM. It says that the TRM does not represent the Tamils, but is a separate terrorist organisation terrorising the Tamils also. Some diplomats are convinced that there is a legal definition of terrorism beyond politics, a "pure" definition that can be applied to the TRM. I was baffled about such a naïveté, but I shall proceed to another statement that was repeated like a formula by some European diplomats and politicians. It states that the TRM has never changed in the past and therefore it will never change in the future. It will continue with child recruiting, assassinations,

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<sup>5</sup> FBI, *Taming the Tamil Tigers*, [http://www.fbi.gov/page2/jan08/tamil\\_tigers011008.html](http://www.fbi.gov/page2/jan08/tamil_tigers011008.html).

terrorising the population under its control, violating cease fire agreements, etc. On criticism the TRM answers allegedly only with stereotypes. A shocking critical remark by two Swedish diplomats was that the TRM depicts the Tamils always as victims. This remark was shocking to me not only because I am convinced that the Tamils have been victims under state suppression, but because of the bereavement of their subjective feeling of being a victim. They are not even allowed to *feel* like victims. These diplomats not only pretend to be professional historians, but also diviners who can look in the future based on their evaluation of the past. They are determinists. Historical determinism legitimises their recommendations. In reality, they have a historical perspective of only some months or a few years and therefore no arguments for their determinism.

### 5. Flexibility of the TRM

By applying a long historical perspective my ambition is to show that the TRM has a leadership that is guided by pragmatic principles that have resulted in structural changes within the TRM. It is possible to talk to the TRM leadership. Normally such a statement would be a truism, but in the present situation of terrorist hysteria it is not. There is in fact a non-acknowledged flexibility in the TRM mindset that can be increased, if there is a gain for the TRM. True, it is a conditioned flexibility. The TRM is extremely goal and gain oriented, but this is an advantage in peace negotiations.

Let us go back to the 1970s. Among the oldest written, preserved and published documents by the TRM from 1978, we find a statement that only armed struggle leads to the establishment of Tamililam, and Tamililam, nothing less, is aspired. Tamililam stands for a separate state. In 1978, there was no flexibility at all regarding methods and ultimate political aim.

Let us advance to 1987. It was the period of the Indian intervention. About the choice of methods and the ultimate aim, there is a famous saying by Veluppillai Pirapakaran, when he was confronted with the Indian military super power that urged him to surrender. He said (in Tamil), severely pushed by the IPKF and having surrendered, on 4 th August 1987 at Cutumalai Amman Kovil, Yalppanam (Jaffna): "The methods of war may change (but) the aim (of our war) cannot not change." (My translation). An official translation by the TRM is: "The forms of struggle may change, but the objective or goal of our struggle is not going to change". This is popularised to "Methods of War May Vary, the Aim not". The use of violence may transform into negotiations, which in his situation lead to a tactical surrender that again transformed into fatal attacks on the IPKF. It had to leave the island in 1990.

This saying implies that politics is an extension of war. TRM history like the modern history of the Lankan Government is an illustrative example of this sentence. In a situation of cease fire, having experienced a bloody war, facing a new war, politics usually becomes an extension of war on all involved sides wherever and whenever. There is no place for ethics, which is suspended and replaced on both sides by pragmatism. This is not necessarily to counteract peace; it is a unique chance for the EU to increase the flexibility of the TRM. Both sides have learned that cease fire pays.

Still to-day, many fighters in the TRM know in Tamil by heart this famous quotation. The saying is even printed as a *bon mot* on a calendar. If anything can explain TRM victories in the battlefield and in politics, it is this principle of assimilation of different methods of strategies at the right time and place. The TRM could start negotiations with President Ranasinghe

Premadasa in 1990, and with the new Prime Minister (or President) after elections in August 1994, with Chandrika Kumaranatunga Bandaranayaka. Negotiations may be more conducive than armed struggle for the realisation of the ultimate aim. One violent method used in armed struggle is martyrdom that is expected to bring the ultimate aim closer. In a TRM text we read that “immeasurable martyrdom” will lead to the “aim”, which is the “liberation of the motherland”.

This flexible strategy, guided by pragmatic considerations, reveals something important about the TRM, to focus the aim only and then chose methods, even peaceful ones, to reach this aim, but the TRM is of course still very far from Gandhism. Some supporters of the TRM want to see the TRM as movement influenced by Gandhism. For Gandhi non-violence as method was not only a method; it was Truth itself, a holy principle that could not be replaced by violence. The practice of non-violence as method was at the same time a manifestation of the ultimate aim called Truth. Gandhi's point was to let the method itself anticipate the ultimate aim. The method itself already expressed Truth and was at the same way on the way to Truth.

The TRM is not selective and exclusive about methods. That is the point: it does not exclude armed struggle from the beginning like the Gandhians. Non-violence is not a holy principle, is not Truth itself as Gandhi would say, but a strategy in the politisation of the masses.

The Tamil United Liberation Front's (TULF) manifesto from 1977 was also flexible in the choice of methods, exactly like the TRM, by speaking for peaceful methods, agitation and struggle to reach Tamililam. This is the exact wording of the TULF manifesto originally written in English for which a majority of Tamils voted in general election making the TULF the second party in Parliament and leader of the opposition. They voted for Tamililam accepting different methods. A difference in relation to the TRM is that the TULF only *spoke* for struggle. Only the TRM “struggled” openly and visibly. One could see the results. Then, from about 1979, the TULF also stopped talking about struggle and started talking against struggle seeking the friendship of the oppositional SLFP,<sup>6</sup> which deepened the cleft between the TULF and the TRM.

The TRM has in 1988 pledged to abide by the Geneva Conventions relating to armed conflict. We learn from a retrospective Press Release by the TRM in 1992, using the technical language of Amnesty International, that *...in 1988, the LTTE pledged to abide by the Geneva Conventions relating to armed conflict, and its Additional protocols. The LTTE is mindful of its obligations relating to armed conflict which has won recognition in international law and the LTTE does recognise the importance of acting, at all times, in accordance with humanitarian law of armed conflict. It has taken care to instruct its cadres accordingly and breaks in this regard are inquired into and suitable punishment meted out.*

The TRM has also practised non-violent methods, like in the case of the fighter Tilipan and the lady Pupati, called “mother”, who fasted to death in 1987 and 1988 respectively, opposing IPKF occupation. They are commemorated yearly on 26th September and 19th April respectively, on their death day.

The TRM has also accepted negotiations with the IPKF in August 1987 (for a few days), with the Sri Lankan Government between 1989-1990, in 1994 from October onwards to April 19th 1995, and in 2001-2005.

The TRM is flexible with regards to methods, but of course only conditionally within certain boundary conditions. The method must lead step

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<sup>6</sup> Personal communication with Amirthalingam in Cennai 1991.

by step to the ultimate aim, which is Tamililam. During the latest period of negotiations no such progress was achieved. Therefore the TRM recommended the Tamils not to participate in the presidential elections in 2005. The TRM had reached the point when it realised that no progress could be made with any party, may it be the SLFP or the UNP. The Government, represented by the presidential candidate, showed no interest at all and even fell back on section 2 of its Constitution from 1978: "Sri Lanka is a unitary state". This brought the whole peace process back to 1978. We saw a regress of the peace process at the time of election of President Raksapakse. The UNP, the alleged supporter of TRM aspirations, sabotaged the TRM by trying to divide the TRM with the help of a defector known as "Compassion" (Karuna). What else could the TRM do than to boycott the elections? We have to add the experience of several decades of fruitless negotiations with shifting Governments that always have been caught by the lion's tail. The present situation is not new.

During the latest period of negotiations, the TRM even questioned two of its own holy cows. One was the self-image of the civil war as an ethnic war directed against the Tamils. Shortly after the tsunami, when the hope for creating a joint mechanism for sharing aid with the Lankan government was still living, a TRM statement was issued that it was time to de-ethnise the conflict. To facilitate co-operation, a de-ethnisation was needful. The idea came from the TRM, but there was no indication that the Government was interested. As the joint mechanism was finally rejected by the government the situation went back to square one, to a re-ethnisation of the conflict.

The other holy cow of the TRM is to make Tamililam, nothing less, a reality as soon as possible. During the latest period of negotiations, however, the TRM launched in 2003 a document known as ISGA (Interim Self Governing Authority). In this document it interpolated an interim stage of autonomy for the Tamils. This was difficult to do for the TRM internally, because more than 17000 fighters had died for independence, not for an unstable autonomy in the framework of a unitary state. These fighters' sacrifice is made visible daily in 17 war cemeteries and are commemorated in annual rituals. There is also the exile Tamil community in which extremism is visible, but which is also balanced by moderates. This extremism strives for an immediate realisation of Tamililam through armed struggle as a separate state without compromise or interim stations. The exile Tamil community, that in part finances the TRM, has expectations on the TRM. Things became more difficult internally for the TRM, when foreigners forgot about "interim" and started writing about the TRM having allegedly abandoned its original ultimate aim. When additionally the Government did not respond to the compromise by the TRM, I can imagine that the TRM became bitter and regretted its evaluation of the Government as partner in negotiations. The TRM had accepted a gradual time consuming process of passing through intermediate stages to the ultimate aim. It had risked its status within its own movement for the sake of peace, but was treated like an out-caste by the Government. It had shown a flexibility that was not rewarded, and still worse, it was not noticed, still less respected by uncritically educated European diplomats and politicians.

Some of the European diplomats transmit a Lankan image of the TRM being an unchanging undemocratic movement. This is based on the statement by the TRM that only the TRM represents the Tamils. True, the TRM is no democratic movement. It is an armed resistance movement in a situation of war. It hits right and left, wherever a threat appears, much like

the French resistance during World war II. The internecine fights between groups within the French resistance cost many lives. There have been and still are many such resistance movements in the world and I have not found a single one that is not involved in internecine conflict. Even the Jewish resistance movement in Warsaw 1943, facing total elimination, was split. A resistance movement in war cannot afford pluralism. Pluralism is historically a democratic achievement in a situation of peace.

The TRM has nevertheless twice tried to involve itself in a party-pluralistic context. The first attempt was made in 1989 when the PLFT (People's Front of Liberation Tigers) was founded as a political party of the TRM that should establish connections with other parties and work within a Lankan party set up. One concern was to create a good relation to the Muslims. The attempt failed because the PLFT was completely undermined by the Indian intelligence with the aim to eliminate the leadership of the TRM. The same is valid for TELO, EPRLF, PLOTE, EPDP and other Tamil "parties". They were not only political parties but also paramilitary groups working in the interest of the Indian or Lankan Government. We cannot expect the TRM to show tolerance for these "parties" that threaten the very existence of the TRM. Moreover, the TRM has a widened concept of combatant: it includes also politicians that incite the elimination of the TRM.

The second attempt was made by the affiliation of the TRM with the Tamil National Alliance (TNA) issuing its manifesto in 2004. The four involved parties in the TNA are TULF (Tamil United Liberation Front), ACTC (All Ceylon Tamil Congress), a wing of the EPRLF (Eelam People's Revolutionary Liberation Front), and a wing of TELO (Tamil Eelam Liberation Organisation). Old controversies with the TRM were suspended, albeit for example the ACTC in its program still yearns for an integrated Sri Lanka. Furthermore, a joint statement was issued by the Tamil National Alliance (TNA), Ceylon Workers Congress (CWC), Upcountry Peoples' Front (UPF) and Western Province Peoples' Front (WPPF). They staged in January 2006 a protest campaign within the Parliament: Sri Lanka continues to violate state obligations towards Tamils. These joint actions point at the creation of a Tamil united front, including the TRM, against state suppression.

The TNA has a stand on the Muslim question developed in agreement with the TRM. An acceptable solution to the ethnic conflict in Sri Lanka should necessarily ensure the distinct identity of the Muslim people, their security, the culture and their economy. The TNA has a vision of the future also. It is said to be in agreement with the TRM. If the Sri Lankan state continues to reject the legitimate aspirations of the Tamil people and continues to deny them an acceptable political solution; and if military occupation and state oppression continue instead, then establishing the sovereignty and independence of the Tamil nation on the basis of its right to self determination would become an inexorable reality, the manifesto of the TNA states.

Now let us look at the historical background for the TRM to state that it is the only representative of the Tamils. The official formula launched by the TRM is: "LTTE is the only sole and authentic representative of the Tamililam people" (my translation from Tamil). The combination of "only" and "sole" is only emphatic and indicates no semantic difference. "Authentic" can be explained by reference to the TRM conviction that the TRM is now the only movement that represents the will of the Tamil people from the 1977 election, when a majority of them elected the TULF. As mentioned above, it had on its programme the achievement of Tamililam by peaceful methods, agitation

and struggle. The TRM acted completely in accordance with the mandate that was given to the TULF, but which the TULF did not follow up. The TRM chose agitation and struggle first, then a combination of peaceful means, agitation and struggle, and during the last five years it has given priority to agitations and peaceful means (negotiations). It is a historical fact that the TRM today is the only representative of the mandate to achieve Tamiliam given in 1977 by a majority of Tamil voters. Its shift from giving priority of armed struggle to priority of negotiations brings them in line with the mind set of many of moderate voters.

The TRM has pushed to get the Government to accept a meeting for a renewal of the Cease Fire Agreement. Therefore it seems odd that the EU in January 2006 urges exclusively the TRM to agree to meet representatives of the Government without delay to discuss the implementation of the Ceasefire Agreement. It seems that the EU has fallen in line again with Lankan propaganda.

A demonised caricature of Veluppillai Pirapakaran is ever present in the image that these EU politicians and diplomats have of him. I do not know him personally, but I can see from his speeches that his alleged evilness is balanced by his pragmatism, which should be exploited, not neglected, by the EU. He has evaluated negotiations as viable alternatives to armed struggle. I highlight some passages of his speech at Great Heroes Day on 27th November 1996. He said that the TRM is not opposed to peace, nor is it opposed to a resolution of the conflict by peaceful means. The peace talks should be held in a congenial environment free from the pressure of military aggression, he said. He mentioned that the TRM in 1995 called for international mediation. The TRM's position is that political negotiations should be preceded by creating conditions for de-escalation, withdrawal of troops and normalcy, he added. If we look back from 2006, the TRM has acted accordingly. In areas controlled by the TRM like the Vanni, the armed forces of the TRM are invisible and a civil society is coming forth. Law and order prevails. The surplus of production is redistributed among the poor. The international intervention has become true through the facilitation by Norway. The exile Tamil community offers its professional competence to develop the Vanni.

## **6. TRM Delegations in Europe**

Before the ban in 2006 a unique situation both to learn from the TRM and to teach the TRM democratic values existed. The visits by TRM delegations in Europe were constructive and conducive to peace. Coming to the educational motivation, the TRM delegations in Europe took much trouble in educating themselves about different systems of state building and about democracy. Just to give some few glimpses: The team visited the German parliament, where they received a guided tour and an introduction to the practicalities of the federal structure in Germany. The next day was spent taking in lectures about the federal structures in four European countries and compared aspects of their systems. The committee visited the German Federal Foreign Ministry before heading to the Bundesrat, or second chamber for a discussion on the role of that house. The day concluded with a tour of the political sights around Berlin.

The TRM team, coming to Finland, went on board a ferry to Mariehamn on the Aland Islands. The Aland Islands are a demilitarised, neutral autonomous region of Finland. It was granted demilitarised status in 1856 and this was reconfirmed in 1921, when the League of Nations, in their first

decision, decided that the islands should remain a part of Finland, but be made neutral and granted sufficient autonomy to preserve the language and culture of the Swedish speaking population. On board the ferry, a member of the Swiss Parliament addressed the group on models of self-government, while another specialist provided some general background on the autonomy of the Aland Islands.

In Mariehamn, the Deputy Speaker of the Aland Parliament spoke on the role of the parliament, while the Secretary General of the Legislative Assembly; spoke of the legal guarantees that protect the status of the islands and the duties of the Legislative Assembly. The Governor, spoke on his role as the Finnish representative in the Aland Islands, while the Deputy Head of the Aland Government also addressed the team. There was an address titled "Aland in the Finnish Parliament", by the MP representing Aland in the Finnish parliament. This was followed by presentations on different aspects of the administrative functions carried out by the Aland Government.

The team visited Bomarsund, a fortress that was supposed to form the base of Russian defences against France and England in the 1800s. The fortress was destroyed in 1856, during the Crimean War, and the Aland Islands first became demilitarised when the parties signed the Paris Treaty that same year. The visit was followed by a lecture from the director of the Aland Peace Institute on the demilitarisation and neutralisation of the Aland Islands. In Helsinki, the TRM delegation visited the Prison of Vantaa, to study the Finnish corrections system. While at the parliament, the team was presented with an introduction to legislative work by the Director of Legislation, and a personal view of the status of Swedish speaking people in Finland by the honorary Consul General of Sri Lanka. This was followed by a discussion with the Human Rights Group in the parliament.

The TRM delegation was provided with an opportunity to have informal discussions with many representatives from Finnish Ministries. Also at dinner was Mr. R. Sivalingam, a lecturer in Tamil at Helsinki University who translated the Finnish national literary epic Kalevala into Tamil.

In a seminar the TRM learned about the role of civil society in Finland in protecting human rights and empowering minorities. The TRM team had a thematic afternoon focussing on disabled persons at the Invalid Foundation's Rehabilitation Centre Orton. There was an introduction to Orton by the Director of the centre, before the group was addressed by the Threshold Association, a human rights organisation for disabled people, and by a development fund for supporting organisations of disabled people. There was also a presentation by the Director of the Helsinki Deaconess Institute's Centre for Torture Survivors in Finland.

In Copenhagen the team visited the Ministry of Foreign Affairs. Mr. Lars Bo Olsen of the Danish Ministry of Defence addressed the committee on democratic control of the military. This was followed by an address on Denmark's foreign policy by the Director of the Asia Office in the Danish Ministry of Foreign Affairs. The team was introduced to the local government system in Denmark, which included a visit to Gentofte local council.

The TRM delegates also visited the Danish Institute for Human Rights. The team was informed of the work the Danish Institute for Human Rights has been doing in Nepal, Malawi, Albania and South Africa among other places. A representative from International Media Support also spoke to the team on the role of the media, and especially on the workshops his organisation has been running on the topic of "Being a professional journalist,

whilst also supporting the peace process in Sri Lanka". The team was able to discuss issues surrounding Home Rule in Greenland with the Greenland representative in Copenhagen.

The study tour concluded two weeks later with a tired TRM delegation leaving Copenhagen for their various destinations. It had been viewed as a success by all concerned, with many officials expressing their joy and satisfaction at being able to meet representatives of the TRM personally.

Coming to the political motivation, the TRM and the Tamil Diaspora realised it was vital to counteract the campaign of the Sri Lankan state by informing about the Cease-Fire Agreement, ISGA, elections, and p-toms. The lobbying may also have helped in some cases in legitimising the TRM in the eyes of international community. Due to constant lobbying and engagement with the international community, the TRM was able to neutralise the Lankan government's diplomatic initiatives carried out from its missions overseas.

The EU's decision first to restrict travelling for the TRM and then to ban has put a stop to the educational process in democracy that the TRM itself has chosen to pass through. The decision has also resulted in a reduction of information about the TRM's aspirations through personal encounter. The present official information is limited to one sided government propaganda launched by Lankan ambassadors in Europe. What has been exchanged in oral communication in personal encounters between the TRM team and European state officials has been of great value for trust building. The decision of the EU has been extremely destructive for the process to reach a negotiated peace. The EU took the old-fashioned school teacher's role of penalizing instead of guiding.

### 7. The Norwegian Contribution

Much can be said about the role of Norwegian diplomats. I limit myself to their ambition to move the two parties explicitly towards federalism. They did not reckon and count with the resistance that such a move would meet from the ethnonationalist side of governmental supporters. The Oslo agreement was in a way counterproductive because it brought all these forces together under the leadership of Mahinda Raksapakse. There has been no official governmental document ever in which federalism is made an acceptable alternative to the unitary state. The word federalism (and secularism) is banned from the official wordlist of successive Governments. What governmental Janus-faced negotiators say abroad they cannot say at home. The strength of the Government is that its ultimate aim to preserve the unitary state is in the Constitution. To change it two thirds majority is needed. To reach such a majority is beyond the horizon.

Coming to the TRM, I just want to remind the reader of what each fighter promises in his *cattiyapiramanam* or *uritimoli*, 'oath of allegiance', namely to die *tannatci tamilila vitutalaikkai*, 'for the liberation of a self-ruling/independent Tamililam'. About 20 000 young men and women have died for this *punita ilatciyam*, 'holy aim'. None has died for federalism.

When it comes to Veluppillai Pirapakaran, he has never taken the word federalism in his mouth as a valid alternative to independence. I just quote for you from *talaivarin cintanaikal*, 'Reflections of the Leader' 1995 and 2005 his proper stand:

*What do we demand? Why are we fighting? We want to live with peace and honour and independence from others in our land, historically our habitat, and our homeland where we were born and where we grew up. We are also humans; a human society with fundamental human rights. We are a separate ethnic community with a separate cultural life and history. We demand that we*

*should be accepted as a human society with distinctive characteristics. We have the right to decide our political life by ourselves. On the basis of this right, we like to establish a system of government where we rule ourselves.* [Translation from Tamil by Peter Schalk].<sup>7</sup>

The optimism of the Norwegian diplomats was admirable, but optimism without realism may lead to disaster as it has done in the present case. A realistic analysis - considering both sides' unsuccessful negotiations for decades - should end up in a recommendation for a two state solution enforced by UN forces, the sooner the better, facing a possible genocide.

### **8. Conclusion**

To sum up, the EU decision to suspend the TRM contacts in Europe makes it impossible for the TRM to select the method of official dialogue. The EU closed this door. The TRM had intensive periods of dialogue in Europe, which gave impulses to strengthen the pragmatic flexibility within the TRM. When the TRM had been banned, it was confronted with a situation that left room for only one method, for armed struggle. The EU has a heavy burden of guilt by falling in line with American interests which are co-ordinated with the interests of the Lankan Government. When reading the latest FBI analysis of the TRM from January 10, 2008, "Taming the Tigers", you could easily associate to Dayan Jayatileke, the present Ambassador of Lanka at the UN in Geneva, as possible inspirer of this document. His conceptual simplifications are copied. The EU, having come to understand its own failure should recall the ban immediately.

Diplomats and politicians should inform themselves about the ground situation on both sides, study cross culturally, and apply a historical perspective of at least a century. They should consider the development in East Timor and ask themselves whether it is not the plight of the UN to intervene militarily and create a situation of two states with borders at the time of the Cease Fire Agreement in 2002 to prevent a genocide of Tamil speakers by Lankan armed forces and their mercenaries, and bring the Raksapakse Government to justice. A Humanitarian Military intervention should focus first on the victims by using deterrence and compellence against the Lankan forces and defence of the Tamil speakers, and then - if necessary - focus on the perpetrator by defeating him through military offence. In East Timor many thousands of lives were saved through the humanitarian military intervention.<sup>8</sup>

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<sup>7</sup> Vernichtung durch göttliche Askese. Vorlage der Quelle *Überlegungen des Anführers (talaivarin cintanaikal)*. Tamil, Deutsch, Englisch, Schwedisch, Sinhala. Ediert, übersetzt, kommentiert und herausgegeben von Peter Schalk unter Mitarbeit von Alvapillai Veluppillai, Anonymus und Astrid van Nahl. Uppsala: AUU, 2007, 72:3.

<sup>8</sup> Seybolt, Taylor B, *Humaitarian Military Intervention. The Conditions for Success and Failure* (Solna: Sipri, 2007), p. 91.