

Tamil Diaspora Youth Network Responds to TPC Initiative

Tamil Diaspora Youth Network is an opinion-platform formed in January 2016 to articulate the views of like-minded Tamil diaspora youth, consisting of writers, bloggers, academics and activists independent of their organisational affiliations, numbering around 30 individuals across five continents.

We, a network of young Tamil activists, academics and writers in the Tamil diaspora, welcome the recent establishment of the Tamil People's Council (TPC), in which academics, professionals, religious dignitaries, civil society activists and a section of politicians, who had hitherto experienced structural hurdles in advancing the Tamil cause, have come together by instinct in forming the TPC as an extra-parliamentary body of Eelam Tamils in the homeland.

We also welcome the decision to institutionalize a council structure and a three-member co-chair in spearheading the TPC initiative. We applaud the collaborative leadership being given to the Council.

We recognise the urgent need to build a grassroots movement to consolidate the strength of the national platform of the Eelam Tamils in the homeland. In this context, we interpret the TPC initiative as a constructive move in a positive direction, particularly in articulating the collective Tamil point of view on the pertinent issues affecting the nation of Eelam Tamils.

While welcoming the TPC, we are also humbly putting forth our observations and requests to the Council, especially to the subcommittee formed to secure a conducive environment towards the exploration of a righteous political solution to the Tamil national question at a time when the Sinhala-dominated regime in Colombo claims to have transformed its parliament into a so-called Constitutional Assembly to draft another constitution to the Colombo-centric unitary State.

We note that the Head of the constitutional assembly delegated to re-write a new constitution as telling media in Colombo that “*the government will never violate or go beyond the available provisions of the current Constitution, while creating the new Constitution.*”

At the same time, we also witness geo-politically driven processes at the working. External stakeholders, who seem to have aligned with the Colombo regime, are beefing up their political contacts with the Sirisena regime and with three personalities dominating the affairs of the Tamil National Alliance (TNA) through the political party of Ilangkai Thamil Arasuk Kadchi (ITAK), a constituent party of the TNA alliance, in an effort to negate the democratic and people-oriented positions that are being adopted by the Chief Minister of the Northern Province Justice C.V. Wigneswaran.

We have also observed similar trends in the past, when foreign diplomats displayed their critical or hostile attitude towards the unanimous and democratic resolution passed by the Northern Provincial Council (NPC) in 2015, which demanded international investigations on Tamil Genocide

In the post-2009 scenario, there is observably little credible space left to speak of alternative measures of self-governance within a unitary or so-called united Sri Lanka.

Hence pertinent questions arise: How is the TPC going to articulate the principles of the Tamil national question and what should be prioritised as matters deemed for clarification during this constitutional process to which the TPC has opted to put forth a proposal on behalf of the Tamil people for a political solution.

There is a long history of Colombo's diplomatic manipulations, seeking token Tamil participation without addressing the root cause of the national question whenever it embarks a journey on forming a unitary Constitution, which has been a key instrument in perpetuating structural genocide on Eelam Tamils and the military occupation of their homeland. A Political solution has to recognise and accommodate Tamil people's democratic mandate and their democratic aspirations for nationhood, self-determination and sovereignty.

Hence it becomes important to revisit the fundamentals, define and articulate the Tamil national question without any ambiguity on the definitions and principles, as Tamils perceive them.

Accordingly we wish the TPC to direct and guide the deviating TNA personalities to articulate the position of Eelam Tamils in resolving the Tamil national question.

In this regard, we humbly request the TPC to bear in mind and clarify to the Tamil public including the Tamil diaspora and all the stakeholders in the Tamil homeland as well as to the Sinhala nation, to the external stakeholders and to the global community as a whole, the fundamental aspirations of Eelam Tamils and their principled positions without any ambiguity and by taking an evolutionary approach to the decades-long Tamil struggle for freedom and equality.

1.0 Fundamental definitions and principles need unambiguous clarifications:

1.1 People vs Nation: The term '*people*' is an ambiguous term without a definitional clarity to politically articulate the territorial contiguity of a homeland as the State actors seem to limit the scope of this definition to the existing Nation-State borders regardless of their democratic legitimacy. This ambiguous term is not integrally linked to nationhood in the nomenclature of the UN. Tamils' nationhood is imperative for the claim of their distinct sovereignty, which is intertwined with their traditional homeland in the northern and eastern parts of the island. Hence, we request the TPC to clearly define Eelam Tamils as a Nation in accordance with the Tamil peoples collective historical development, trajectories and democratic aspirations. The TNA seems to have limited this scope to a socio-economic and cultural classification found in UNESCO descriptions. The TNA is also avoiding the political definition of nationhood in its proposals and electoral manifestos produced after 2009, according to instructions coming from certain external actors, who seem to divert Tamils from demanding remedial justice in the form of protection through self-governance in guaranteeing their distinct sovereignty.

1.2 Eelam Tamil identity: As a nation that has asserted its rightful claim of the Right to Self-determination and as a national group subjected to decades of physical and structural genocide, Eelam Tamils should not hesitate or have any qualms with identifying themselves with their distinct identity, especially in the political context. The TNA seems to avoid this in its documents authored in English while playing the opposite in Tamil to appeal the masses on the ground. The identity definition needs to be inclusive, secular and approached from political, economic, social and cultural perspectives. Proper explanation should be given, particularly to external actors, on why Eelam Tamils have denounced the 'Sri' Lankan identity imposed by the 1972 Constitution.

1.3 Egalitarianism and secularism: It is important to strive for an egalitarian and secular nation inclusive of all Tamil-speaking peoples irrespective of religious, caste, class, gender and geographical area background. We encourage the TPC to conceive a principled approach in cultivating the

secular and egalitarian national culture of Eelam Tamils in all its political, cultural and socio-economic endeavours.

1.4 Traditional homeland: The term North-East itself is of a provincial character reflecting the Sri Lankan State defined administrative borders. Once, a temporarily merged unit, it had a definite political meaning. The Sri Lankan State seeks North-East or North and East as subordinated component(s) within a unitary framework subjected to the determination and diktats of its executive power. The changing administrative borders and territorial boundaries of the Northern and Eastern provinces over the last century are a testimony to this. The entire Puthalam district in the Tamil homeland has been absorbed into Sinhalsed North-Western Province. Hence it is vital to have a meaningful and unambiguous definition expressing the territorial contiguity and territorial integrity of the Tamil homeland independent from Sri Lankan administrative nomenclatures.

1.5 Members constituting Eelam Tamil nation in the homeland: A secular and progressive conception of Eelam Nationhood, perpetuated throughout the course of Tamil national political struggle has upheld that any Tamil-speaking person, living in the Up-Country or any other region in the island, who identifies the traditional homeland in the northern and eastern parts of the island as his or her homeland is entitled to be an integral member of the Eelam Tamil nation.

1.6 Diasporic members constituting Eelam Tamil nationhood: Another component of the national membership claim is accommodating those who are exiled with similar heritage regardless of their residential status or foreign citizenship. Such an emphasis is essential, particularly to accommodate the resourceful second generation and forthcoming generations of Eelam Tamils in the diaspora. Having ancestors through either one of their parent, and being a Tamil speaker hailing from anywhere in the island and who identify the northern and eastern part of the island in a cultural and political manner as their homeland should be recognised as a member with equal status in the nation of Eelam Tamils.

1.7 Articulating the Distinct Sovereignty of Eelam Tamils: The struggle of Eelam Tamils centres around their distinct claim for sovereignty in the identified homeland. Eelam Tamils cannot identify anything from Colombo as a reformist approach as long as the regime fails to recognise the distinct sovereignty and right to self-determination of Eelam Tamils in their traditional homeland. Hence any talk of sharing or pooling sovereignties as parties or partners depends on having the negotiating State party recognising the distinct sovereignty claim of the Eelam Tamils, who are also entitled to various aspects of sovereignty. Tamils have a historical legitimacy in claiming sovereignty through the existence of pre-colonial sovereign political formations, which is also strengthened by the de-facto practiced sovereignty over the parts of their traditional homeland in the past. As a nation subjected to protracted genocide over several decades, Eelam Tamils are also entitled to remedial justice based sovereignty protection to safeguard their nation from systematic annihilation perpetuated through a unitary or united State-centred system. The TNA holds that a people are sovereign, but fails to clarify whether the Tamils as a people constitute a sovereign nation or not with historical, territorial contiguity and linguistic and cultural peculiarity, hence such an ambiguity plays into hand of the Colombo establishment which projects Tamil people as an section of the overall Sri Lankan people in their processes to consolidate a undemocratic unitary state. TNA parliamentarian M.A Sumanitharan has undemocratically put forth that Tamil sovereignty is integral to a united Sri Lankan sovereignty. This goes even against the ITAK constitution from the

1951 which states: “*the inalienable right of every nation to enjoy full political freedom without which its spiritual, cultural and moral stature must degenerate...the first National Convention of the ITAK demands for the Tamil-Speaking nation in Ceylon their inalienable right to political autonomy.*”

1.8 Eelam Tamils entitlement to uncompromised and full right of self-determination:

Eelam Tamil nation is still an occupied nation that has been denied of its reversion to sovereignty since the European colonial conquest in the 16th century. Before the last colonial power, the British Empire, left the island, Tamils advanced the claim of a shared sovereignty model, which was known as Fifty-Fifty. This was denounced by the British Empire. The constitutions of Ceylon and later Sri Lanka were enacted not only without the democratic mandate of the Tamil nation, but also amidst their well-articulated opposition and denouncement of the unitary constitution. Tamils have not been properly consulted in any transfer of their conquered sovereignty from the Soulbury Constitution of 1947 to the 1978 constitution. Hence, the nation of Eelam Tamils, perceive itself as being under the continued colonial legacy of oppression in which they have not been allowed to regain or properly negotiate their sovereignty. Thus, any model to be suggested by Tamils as a framework of political solution should not negate the fundamental claim of distinct sovereignty. Any violation of fundamentals fails to address the root cause of the unresolved Tamil national question. The inalienable right to self-determination has always been and should continue to be conceived from the vantage point of a colonized people. Tamil mandate for self-determination, nationhood and sovereignty has been corroborated from the ITAK’s 1957 Trincomalee convention, 1977 TULF led Vaddukkoaddai Resolution to the Diaspora mobilised independent referendums in 10 countries in 2009 and 2010.

1.9 Federation vs Confederation:

As far as Eelam Tamils are concerned, a model for political solution cannot be of a quasi-federal nature. TNA’s limited federalism presently pursued is ambiguous pertaining to definitions. It will be subverted into a non-descriptive quasi-federal solution in a negotiation process. It will only result with inadequate provincial powers within a united Sri Lanka of unitary nature. The TNA and the TPC should therefore clearly articulate their outlook without any ambiguity. As far as we are able to learn the collaborative sections among the ITAK are suppressing the voices that are advocating Confederationalism. We hope the TPC will come up with a defined form of Confederation in which Eelam Tamils are able to exercise control over defined internal and external affairs.

2.0 Clarifications needed on the approach of negotiating Tamil Sovereignty

2.1 Minimum vs maximum demands: The discourses on resolving the Tamil national question through segregated minimalistic demand and a long-term maximum demand is a ploy. Instead of falling prey to external designs seeking Tamils to denounce their democratic aspiration of distinct sovereignty and recognition of full right to self-determination, those who work on a framework for a political solution, should concentrate on a model which is compatible with the past, the present and the future political discourses of Eelam Tamils as well as being compatible with the articulation coming from the homeland, the Eelam Tamil diaspora and Tamil Nadu.

- 2.2 Restructuring TNA leadership:** Eelam Tamils expect the TPC to cause necessary attitudinal change within the mainstream Tamil National Alliance (TNA) in safeguarding the main political formation from being misdirected by a few ITAK politicians, who have abandoned the fundamentals of the Tamil cause. In doing so, the TPC discourse should lead to a restructured leadership of the TNA. Hence the TPC should focus on being a pressure group rather than paving way for structural divide of the mainstream Tamil alliance.
- 2.3 Third party facilitation vs mediation:** It is a forgone conclusion that a proper negotiation could only take place with a credible third party and external mediator. In the absence of a military power among Tamils representing their territorial sovereignty, the global community, particularly the non-State actors outside the island, should contribute to strengthen the diplomatic and geo-political power of balance in favour of the genocide-affected nation of Eelam Tamils. Likewise the TPC should approach consistently the grass-root in the South in convincing the Sinhala masses towards rationalizing the Tamil national question and the premises of self-governance.
- 2.4 International responsibility:** There are significant international dimensions pertaining to the moral responsibility in resolving the Tamil national question due to a succession of globally spanning injustices levelled against the Eelam Tamils:
- a) Colonial injustices committed by the British Empire in implanting the unitary state
 - b) Indian and US injustices during the cold war period in enhancing the Sri Lankan state's military capacity in pursuing a military solution to the Tamil national question
 - c) Political injustices of the Co-Chairs of the Tokyo Donor Countries during the Cease Fire Agreement (CFA) period
 - d) The continued geo-political injustice by China, US and India in beefing up the unitary state and the military occupation of the Tamil homeland
 - e) UN's admitted failure in 2009 is a grave failure of the doctrine of Responsibility to Protect (R2P)
 - f) The post-2009 international injustice perpetuated by the continued legitimization of the unitary state and the rejection of remedial justice requested by Tamils through the demand for an independent investigation into genocide.
- 2.5 Immediate measures to be accomplished by the SL State:** Repealing the 6th Amendment should be one of the first and immediate measures by the Sri Lankan State if it is serious about conflict-resolution without recourse to the past. International investigations on genocide as demanded by Eelam Tamils will also be contributing to a prosperous future with equal and peaceful co-existence of the two historical nations in the island.
- 2.6 Approach towards South:** Instead of being manipulated by exclusivist Sinhala Buddhist chauvinism, neo-liberal policies of transnational corporates exploiting the masses or the geo-political dictates of external powers, the Sinhala nation and its progressive forces should independently approach Tamils and the premises of the Tamil national question. Likewise, the TPC should spearhead an approach in bringing together the progressive sections among the Sinhalese and Tamils to work towards resolving the conflict through rationalizing the Tamil national question. There is likewise a need in creating awareness regarding the state crimes committed against the Tamils among the Sinhala masses. The TPC should create avenues

such as those during the initial stages of the 2002 peace process, which created political spaces in which Tamils and Sinhalese could convene, discuss and cultivate mutual solidarity through the rationalization of the Tamil demands for sovereignty, nationhood and self-determination in order to find an political solution in which both nation could co-exist as equals in the island.

The Tamil Diaspora Youth Network is not attempting to prescribe any specific direction to the TNA or to the TPC discourses. As an opinion platform, we have raised the issues that have been discussed within our network as we believe these issues also need to be addressed by those claiming to operate on behalf of Eelam Tamils as well as all concerned stakeholders in the affairs of the island.

We hope that all the concerned parties would appreciate our open response and that this document would contribute to strengthen a positive and constructive dialogue to bridge the gaps across all divides among the concerned stakeholders.

In Solidarity,



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The Tamil Diaspora Youth Network is an opinion-platform and not an organisation profiling itself with activities, ceremonies or positions as such. The signatories are a five people committee representing the participatory network on a 6-month rotation basis, voluntarily coordinating and articulating the outcomes of the internal deliberations to public debate. Those wishing to participate are urged to contact us through e-mail address.

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