

13 December 2011

A Public Memo to Members of Parliament representing the Tamil National Alliance from the Tamil Civil Society

As members of the Tamil civil society interested in the existence and future well being of the Tamil Nation we wish to bring the following to your attention:

1. Regarding talks with the Government of Sri Lanka; arriving at a political solution:

a) Despite several rounds of talks, while acknowledging that there appears to be some progress in the talks, the TNA released a public communique on the 4th of August 2011 stating that you will not fix the date for the next round of talks until such time there is a written response from the Government of Sri Lanka (GOSL) on three important issues. In your communique you had described the talks thus far as 'deceitful'. As members of the civil society we were aware that this position that you took on the 4th of August received overwhelming support from the Tamil community.

However we were very surprised when on the 14th of September it was communicated that talks with the GOSL will resume. The announcement effectively undermined your own communique on the 4th of August. Your decision to resume the talks came during a time when the UN Human Rights Council sessions were underway in Geneva, wherein significant pressure was being mounted on the Government. This drew justified criticism that the timing was intended to assist the Government from warding off the international pressure being brought on them. Given the above, we believe it is your moral duty to explain your decision to resume talks with the GOSL.

More recently, on the 01st of December it was said that an irreconcilable difference of opinion had surfaced at the negotiating table as a result of the GOSL demanding that the TNA nominate members to the Parliamentary Select Committee with immediate effect. However with no further communication forthcoming on this issue you went for the next round of talks on the 06th of December. At the end of talks on the 6th of December you told us that the Government was found to be unyielding on police and land powers and that they categorically refused the possibility of a North-East merger. If these three are denied there is no point taking part in further negotiations. It is your duty to explain to the Tamil people as to what actually is transpiring at the negotiating table.

b) At a multi-Tamil party conference called by the Indian Congress Rajya Sabha MP Mr. Sudharshana Naachiyappan on the 23rd and 24th of August 2011 in New Delhi we were most disappointed that the founder-constituent parties of the TNA refused to sign a resolution that emphasised that any solution to the ethnic problem should proceed from a recognition of Tamils as a nation entitled to the right to self

determination. The explanation that the TNA did not sign the resolution because there was no consensus at the conference is unacceptable. It is indeed strange that among those who explicitly objected to a reference to 'Tamil Nation' and 'Self-determination' were parties that you had recently taken on board with the TNA – the TULF and PLOTE. (The other two formations that opposed the wordings were EPRLF (Pathmanaba) and ENDLF). It is well known that you fought recent elections with the TULF and PLOTE on board. If they acted against the founding objectives of the TNA at this conference, it is your duty to make sure that they abide by the party's policies. At the least you should have asked for an explanation from these alliance parties. Given that you have neither condemned their position nor sought an explanation from them one is forced to think that you implicitly agree with the stance that they took at the New Delhi conference. There is no point in consensus or unity that does not have a goal. Unity amongst Tamil parties is relevant only when it helps push forward Tamil National politics not when it is destructive.

c) We have observed that the public dispositions that Mr. Sambanthan and Mr. Sumanthiran have been making on the subject of a political solution are of a nature that deviates from the basic principles that the TNA has been consistently expressing through election manifestos and on election platforms. According to them a political solution should be based on a conception of Tamils as 'minorities' and on 'equal rights' and not on 'nationhood' or 'self determination'. (See for example the SJV Chelvanayagam Memorial Oration delivered by Mr. Sumanthiran on 26 April 2011 and the press communique of Mr Sambanthan's on the eve of the Kalmunai Muncipal Council elections on 04 October 2011).

It will be realised that what minorities demand for is language and cultural rights. Whereas a people who consider themselves as a nation, based on the right to self determination seek a measure of self government. We, Tamils, consider ourselves to be a nation who have the right to self determination.

Similarly asking for 'equal rights' does not mean asking for self-government. Rule of Law and Good Governace may ensure 'equal rights'. But what Tamils are seeking cannot be merely satisfied by ensuring rule of law and good governance. It is only through a measure of self-government can we resolve our current problems.

It is based on this understanding and experience that our leaders and people yesteryear, particularly in 1976 and 1977, resolved that our political aspirations should be expressed as a people constituting a nation, entitled to self-determination seeking a measure of self-government. Just because a few now think that this is inappropriate cannot be the basis for giving up the fundamentals of our politics.

To say that Tamils are a nation entitled to self-determination does not mean that we seek a separate country. We can negotiate the institutional form that will satisfy our aspirations at the negotiating table. But if we do not approach these negotiations from the point of the fundamentals as outlined above we will not get any meaningful measure of self-government. There is no point in a political solution that does not

acknowledge these fundamentals. To the contrary only a political solution that recognises these fundamentals will deliver on a sustainable political solution; will pave the way to reconciliation; and render needless international intervention.

It is important that you are convinced and have the courage and will to say that there is nothing wrong in the position that we took to articulate our political aspirations as a nation entitled to self-determination. Only those who have this courage and will should and can speak on behalf of the Tamil people. It is true that we cannot achieve anything by just putting forward these as slogans. Political strategies are indeed important. But we cannot give up on our fundamentals for the sake of strategies. If we give up on these fundamentals the question does arise as to what and for whom we do politics.

2) Regarding the Northern Provincial Council Elections

The GOSL says that the Northern Provincial Council Elections will be held in 2012. We have no doubt that if the TNA faces these elections that it will win convincingly. But one needs to understand the subtle point that this is exactly what the Government also wants. Given that the Government does not want to negotiate anything beyond the 13th Amendment (in the form that it is being implemented today) and given that the TNA denied the 13th amendment as a solution to the ethnic conflict in their election manifestos, it is not surprising that the Government would like to see the TNA take control of the Northern Provincial Council. The intention on the part of the Government seems to be to propogate to the international community that the Tamils have accepted the 13th amendment as a solution to the ethnic conflict.

That the US and India insist on the 13th amendment as a starting point to a solution only shows that they are also not willing to go beyond the framework that the 13th amendment provides. Hence a strategy that the TNA will be in a position to ask for more after taking up the provincial council will not work. Hence 'incremental devolution' is a non-workable option within the present status quo. The TNA has many a legal illuminary within its rank and fold. We do not have to tell you that sitting within the 13th amendment frmamework there is no way that you can push for incrementalism – there is no such space within the 13th amendment. Nor can the 13th amedment be an interim solution. Given that the 13th amendment has nothing in it which will help resolve the day to day problems of the Tamil people this will be fruitless exercise. Moreover one has to consider the severe political implications of TNA contesting in a demerged North and East. The merger of the North and East is non-negotiable. The TNA should emphasise this to US and Indian Governments and not relent from their position owing to any form of undue pressure.

The forthcoming Northern Provincial Council election hence would be a major stumbling block in moving forward in our political journey of achieving self-government. To be precise the TNA taking over the Northern Provincial Council will be a 'political Mullivaaykkal'. To prevent this is a historical duty placed on the shoulders of the TNA.

TNA should take up the position with the Government and the International Community that to conduct Provincial Council elections when talks are underway is unnecessary and inappropriate. There is sufficient political justification to take up this position. There is no need for the TNA to receive a fresh mandate to represent our political aspirations.

If the Government disregards this and calls for elections the TNA should not directly participate. We could think of alternative strategies to make sure that the Northern Provincial Council does not fall into anti-Tamil, pro-Government forces. The TNA should further consult the Tamil people regarding this.

In conclusion, we believe that TNA is no ordinary political party but a movement for the liberation for our people. It is in the belief that you will work towards your founding objectives that people have consistently voted for you at all elections.

At this historical juncture we submit this memo as an expression of the Tamil nation's soul. This is the expectation of the hundreds of thousands of people who have laid down their lives for this struggle. It is also the expectation of our people who are under continuous oppression and subjugation. We conclude this memo with the hope that you will take the right decisions to ensure an honourable, sustainable political solution.

Thank you

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