



Sri Lanka: The Unfinished Part of the Eelam War

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Sri Lanka: The Unfinished Part of the Eelam War

Abstract

The Eelam war deprived Sri Lanka of peace for more than 30 years. Former President Mahinda Rajapaksa (MR) succeeded in his mission to liberate Tamils from tigers by military means and assured that peace and reconciliation would follow. This paper enumerates expectations of Sri Lankan Tamils in post-war Sri Lanka, evaluates promises made under the Rajapaksa government and the enlists incidents that led to subsequent deepening of trust deficit between government and Tamils. Although the government refuted the charges of abduction, extra-judicial killings and human rights violation by security forces, it had lost its credibility of ensuring justice for victims of war crimes in the eyes of international community. Such circumstances contributed in rigidifying the stance of nearly a million large Tamil diaspora. The paper examines activities of diaspora during MR's tenure when it's support for Eelam remained stronger than ever before. It further delves into the status of reconciliation under Sirisena- Wickremesinghe government, subsequent softening of diaspora's stance which influences international perception of Sri Lanka and the present day challenges in front of all stakeholders. The pursuit of a united Sri Lanka has been achieved geographically, but it needs to be achieved politically as well to ensure lasting peace. It is observed that aspirations of overseas Tamils and Lankan Tamils may vary diametrically. The paper concludes that while many are optimistic about the Sirisena government's ability to make progress on reconciliation, some systemic issues need to be addressed which not only demands political will, but also requires cooperation from diaspora, civil society and all sections of the Lankan society. It finally suggests that Sri Lanka should not let slip off this historic opportunity of rebuilding and setting up an example for other conflict hit countries to follow. The paper ends on an interrogatory note as to what legacy Sri Lankans wish to pass on to their posterity through Mahavamsa.

Introduction:

The year 2009 was a watershed in the recent history of Sri Lanka. In a military campaign that lasted for around 30 months, Sri Lanka successfully eliminated by far the most lethal terrorist organization in the world, the Liberation Tigers of Tamil Eelam (LTTE). It was perceived as one of the deadliest in terms of its political reach, brutality, mass mobilization and technological prowess. In a way, the LTTE's collapse could be termed as an inspiration for other countries that were battling similar insurgencies.

In the post-war developments that followed, three narratives have dominated any discussion on Sri Lanka-

1. **Post-Eelam War Narrative:** It revolves around three sub-narratives, namely justice for victims of war crimes, reconstruction and rehabilitation in North and East and abuse of power by the Rajapaksa administration.
2. **Post Mahinda Rajapaksa (MR) Narrative:** From January 2015 onwards, Sri Lanka has a new political dispensation headed by a new President who is committed to improving democratic credentials of his country, finding a lasting solution to ethnic problem and repairing Sri Lanka's ties with the international community.
3. **Diaspora-Driven Narrative:** The Tamil diaspora is not an organized and monolithic entity. Instead, it is a fractious mosaic with vastly differing objectives. Some groups like GTF, which till recently, were against SL Government are now reportedly engaged in a dialogue with the new regime. None the less, the diaspora is still considered critical in fueling global attention for the Tamil agenda.

LTTE as a military force was neutralized in 2009. Yet, the larger question confronting all stakeholders of this bleeding conflict is whether the mindset that nourished LTTE has also been defeated? No terrorist organization can be purely countered by force unless conditions that nourished its genesis are obviated. The idea of LTTE which became widespread in post 1983 Sri Lanka is still alive. This is generating and feeding suspicion in the minds of Tamil and Sinhalese alike and is thus the biggest challenge to the post war peace, development and reconciliation agenda in the country.

The truth remains that there are enormous issues which Tamils face in Sri Lanka. Successive political dispensations in post war Sri Lanka still find it difficult to juggle between addressing Tamil aspirations, pacifying Sinhala concerns and coping with mounting international pressure. Particularly during MR's presidency, while security situation steadily improved and economy was brought back on the track, the larger Tamil issue was not resolved as the reconciliation process acquired dark political hues. Despite all the international pressure and notwithstanding government's claims of ensuring justice

for war victims, the MR regime continued to consolidate powers and was accused of nepotism, corruption and trampling upon independent institutions of the country.

President Sirisena was also facing his share of challenges primarily due to his having to lead a minority government till the parliamentary elections in August 2015. And now, after the elections, he is to pull together a coalition government where his own political party is not entirely loyal to him as MR is supported by more than 40 SLFP MPs who owe personal allegiance to him. Any perception that SLFP could be heading towards a split may not be realistic since it is very unlikely that the MR would take such a risk. SLFP's hardcore supporters identify with the party & its legacy. MR supporters in the SLFP too would balk at the idea of splitting SLFP.

While Sirisena's unwavering commitment towards re-building an inclusive Sri Lanka is hailed by the international community, the pace with which he is moving has rendered minorities within Sri Lanka and some overseas Tamils disgruntled.

Adding to this is an immutable reality- diaspora activism. Various diaspora groups overseas are in cahoots with each other and a considerable section of them has not been able to relinquish the dream of Eelam and move forward with times unlike the local Sri Lankan Tamils. The sticky part is to gauge the shelf life of this sentiment within the diaspora.

Still a large number of questions are begging clear answers. If indeed the military operation against LTTE was as successful as the previous Sri Lankan government had claimed, why did they continue with policies that reflected a lingering fear of re-grouping of LTTE? Was there an element of truth in it or was it a scripted narrative written by the Rajapaksas and for the Rajapaksas to justify consolidation of power? Are the actions of new government in consonance with the promises they made to the minorities? Will their dream of devolution of power be fulfilled under the new regime?

Thus in order to be able to move beyond the painful past, it is necessary to address the fundamentals of conflict by taking all stake-holder's into confidence, bridging trust deficit and treating it as a Sri Lankan issue instead of being Tamil-specific. For that, it is imperative to analyse the post war issues and options from standpoint of major stakeholders- Tamils living in Sri Lanka, various governments that were in charge since May 2009 and the Tamil diaspora. Much has already been written about genesis of ethnic Tamils in Sri Lanka and how their grievances with the majority population and discriminatory government policies had led to violent movement symbolized by LTTE and its erstwhile leader VelupillaiPrabhakaran. This paper is not about the past but an attempt to ascertain post war situations and challenges, subsequent responses to them and come up with some recommendations, so that the hearts and minds of Tamils are not only won but permanently integrated into the pluralistic Sri Lankan identity.

*'Nobody can reverse the time and undo the past,
But it's never too late to make a new start.'*

Grievances of Lankan Tamils:

The former President Rajapaksa on May 18, 2009, announced the end of the Eelam war. This historic development, however, came at a heavy price. About 22,000 Tigers were exterminated by the end of the last phase of war. Over 11,500 civilians lost their lives and over 5200 security personnel were killed.¹ There were heavy collateral damages as well. According to UNHCR, nearly 300,000 people were internally displaced and many fled as refugees to other parts of the world. By the end of June 2009, most of the people from Killinochchi and Mullaitivu were displaced and there were around 0.28 million IDPs in Sri Lanka housed in 29 temporary camps and also military-run camps in the districts of Vavuniya, Mannar, Trincomalee and Jaffna. The camps were overcrowded and conditions failed to meet international standards with poor basic facilities such as sanitation, insufficient water for drinking and bathing, inadequate food and medical care². In this backdrop, the native Sri Lankan Tamils had following immediate grievances:

1. Investigation into disappearances of individuals towards the end of the war;
2. Reduction of military presence in the area;
3. Resettlement of IDPs (Internally Displaced Persons) and
4. Release of Tamil political prisoners.

Along with these immediate grievances, there are some long term issues which can be put under following three heads:

- 1. Political settlement:** It is required to address those grievances that had created fault lines and given rise to the separatist movement. The end of war brought in a sense of relief, coupled with need for healing and reconciliation. It had opened up opportunities for the government to put in place policies aimed at ending institutional and social as well as perceived and non-perceived discrimination against Tamils. Tamils in Sri Lanka are convinced that the extent of success of reconciliation will depend on an intensive and effective devolution process which involves their empowerment at regional level. They thus expect the government to enact legislative provisions, preferably in the constitution, that would devolve provincial and local power to the minorities in the north and east.

¹ Paul Moorcraft, 'Total Destruction of the Tamil Tigers: The Rare Victory of Sri Lanka's Long War', Pen and Sword, ISBN-97817781591536

² Human Rights Watch, 'Sri Lanka: Tensions Mount as Camp Conditions Deteriorate', October 2009 and Suzanne Y.A. Tete, 'Whose Solution? Policy Imperatives vis-à-vis Internally Displaced Persons Perceptions of Solutions to their Situation in the Sri Lankan Conflict', Norwegian Journal of Geography, Vol.63, No.1, p.49. Also see South Asian for Human Rights, 'IDPs in Sri Lanka: Report of the fact Finding mission to the North and East of Sri Lanka to assess the State of Displaced Persons', (Colombo: SAHR, 2007)

2. **Pursuit of Justice:** A United Nations Secretary General's panel of experts produced a report in 2011 that alleged crimes against humanity that had taken place on both sides during the final five months of the war. The report estimated that up to 40,000 civilians may have been killed during that period.³ This number can be debated but no one, including the Sri Lankan government, denies the fact that war crimes had indeed been committed. Ensuring justice to the affected victims of war crime is considered vital to infusing confidence in the Tamils who feel that no accountability can be guaranteed without an independent, impartial and transparent inquiry into the alleged war crimes. This would be an essential component of reconciliation. And without reconciliation, the innocent sufferers will not be able to stand aloft as Sri Lankans and contribute in the nation building process. Thus pursuing justice to have a closure to the horrendous past is a key grievance of Sri Lankan Tamils.

3. **Providing Social Infrastructure:** 'There cannot be an art, artist or civilization in absence of security.' Lingering vestiges of fear in any form are detrimental for advancement of a community. Thus to instill a sense of confidence and togetherness in the minds of war torn Tamil citizens of Lanka, basic social infrastructure in the form of healthcare facilities, schooling, banking facilities, employment generation and equal opportunities needed to be provided to them. This would equip Tamils with a feeling of stability and belonging and be an equal stakeholder in Sri Lanka's growth.

Post-war reconciliation efforts by Mahinda Rajapaksa:

President Rajapaksa was aware of the flip side of the war; that it had entrenched fears and misunderstandings in all the three major ethnic groups—Sinhalese, Tamils and Muslims. Realizing this, he noted the following in his address at the Victory Day Parade on June 03, 2009, to pay national tribute to the Security Forces following the defeat of terrorism:

*"My dear Heroic Troops, the war against the terrorists is now over. It is now the time to win over the hearts of the Tamil people. The Tamil speaking people should be protected. They should be able to live without fear and mistrust. That is today the responsibility of us all."*⁴

Thus, he was mindful of the historic opportunity provided by the termination of war to resolve the impending ethnic issues. Even prior to that, he had outlined the '4-D Strategy'- Demilitarization, Development, Democratization and Devolution for a political solution and

³ 'Report of UN Secretary General's Panel on Accountability in Sri Lanka', page 41, March 31, 2011

http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

⁴Address by President Mahinda Rajapaksa at Victory Day Parade and National Tribute to Security Forces following defeat of terrorism, Galle Face Green, Colombo, 3 June 2009

<https://www.facebook.com/notes/mahinda-rajapaksa/address-by-president-mahinda-rajapaksa-at-the-victory-day/88901237567>

categorically mentioned that 'a military solution is for the terrorists; a political solution is for the people living in this country.'⁵ He assured that he himself would take charge of the political process and see it through politically.

In order to achieve these objectives, following initiatives were launched by Rajapaksa in the post war era:

1. President launched "Trilingual Initiative" in 2012, which sought to make Sri Lanka a Trilingual nation by 2020, by encouraging all Sri Lankans to learn all three languages - Sinhalese, Tamil, and English. This program was launched in the presence of former Indian President Dr.A.P.J.AbdulKalam. The 10-Year National Plan for a Trilingual Sri Lanka was the first comprehensive document on the subject originating from a Head of State, which aimed at providing the impetus for the equal development and promotion of the national languages. The initiatives was accompanied by a strong political resolve, to teach Sinhala and Tamil to non- native speakers of the two languages in the country, while promoting English language to suit different categories of learners .
2. In the wake of mounting domestic and international pressure to address allegations that government forces and the LTTE had committed war crimes and crimes against humanity in the final stages of the war, President Rajapaksa appointed a special commission of inquiry, the Lessons Learnt & Reconciliation Commission (LLRC) in May 2010 to establish truth about alleged war crimes during the closing months of Eelam war.
3. Government initiated "UthuruWasanthaya" (Northern Spring) Programme with the intention of uplifting the living standards of the people in North. A number of development programmes of different nature were taken up under this including development of infrastructure, expansion of health service, providing water supply facilities and the fulfillment of the electricity requirement of the Northern people.⁶ On similar lines, government also launched "Negenahira Navodaya" (Eastern Revival) Programme with the same objectives for people of eastern province.
4. To achieve meaningful devolution of power, the government reiterated its commitment to move towards a political settlement based on the full implementation of the 13th Amendment to the Constitution. During discussions with the then Indian Prime Minister Dr. Manmohan Singh, Rajapaksa in July 2010,

⁵ 'President Spells out 4-D Approach to Political Solution', NewsLine, October 29, 2008

http://www.priu.gov.lk/news_update/Current_Affairs/ca200810/20081029president_spells_out_4_d_approach.htm

⁶ 'Massive Development Under UthuruWasanthaya in Jaffna', Defence.lk, October 9, 2009

http://www.defence.lk/new.asp?fname=20091009_11

gave an assurance that the government would go beyond the 13th Amendment to devolve substantial powers to the Tamil majority areas. Similar assurance was also given to UN Secretary General Ban-ki-Moon.

5. Four years after the fall of the LTTE, the Tamil-dominated Northern Province had its first historic regional elections in September 2013. Tamil National Alliance (TNA), a Tamil ethnic party that was once a political front of the underground LTTE, emerged victorious and C. V. Wigneswaran took oath as the first Chief Minister on 7 October 2013.

Evaluation of MR's Reconciliation Commitments:

1. **On Northern Provincial Council Election:** These elections were the by-product of the relative peace and stability which Sri Lanka had witnessed since the defeat of LTTE. Till 2009, the Northern Province was out of bounds for the rest of the countrymen as it was entirely controlled by LTTE. The election in North suggested that the government was serious about taking steps to strengthen the democratic process in the Tamil dominated province of Sri Lanka. The government would probably have anticipated the sweeping TNA victory. Yet it went ahead. Even though things progressed at slow pace, in all fairness, this move was laudable because the election brought the voting population of Tamils back into the democratic main stream.

The verdict was also significant as it provided a clear indication of the Tamils desire for change in the status quo. But genuine devolution required to keep the ghost of the past away was still missing. Despite the province having an elected body, the real power still rested with the Provincial Governor, who was an appointee of the central government. No decision of the Council could be implemented unless it had the approval of the center's representative. Presence of a military Governor in the region as the President's representative also hampered the civilian administration.

TNA leader and parliamentarian Rajavarothiam Sampanthan said, *"The elections provide opportunities to act more responsibly in the future and work towards genuine reconciliation. But people don't want to be deceived the way they were in the past."* These apprehensions in the minds of the common Tamil Sri Lankans sprang from the reality of restricted individual freedom in a still heavily militarized North, continued displacement of Tamils from their ancestral home and lack of substantial political autonomy. One must however, also take into account that Rajapaksa faced an overwhelming challenge of allying this manufactured mistrust between the two communities i.e. on one hand, assuaging Sinhalese ultra-nationalism which feared

resurgence of aggressive Tamil chauvinism and protecting Tamil aspirations which feared Sinhalese majoritarianism on the other. In the end he couldn't succeed in the tight rope walk.

2. On 13th Amendment and 13th Amendment plus:

The Rajiv Gandhi- JR Jayewardene Accord signed in Colombo on July 29, 1987, led to the adoption of 13th Constitutional Amendment that had following salient features:

- Promotion of Tamil as national and link language
- Separation of Northern and Eastern provinces for administrative purposes as they are ethnic group areas.
- Establishment of provincial councils and devolution of 37 powers to all the provinces, including financial, political and cultural devolution.

Sri Lankan government under Mahinda Rajapaksa made efforts to achieve the first two targets but when it came to devolution, which was the 'soul' of the 13th Amendment, government held its hands back. Police, land, and financial powers have not been delegated since 1988 when the North East Provincial Council was established. Rajapaksa made several promises to the international community including the then Indian Prime Minister Manmohan Singh on this, but failed to act decisively. It was evident that Rajapaksa spoke in two different voices, one for the international community where he pitched for this amendment from various public platforms and other for his own Sinhala constituency, when he openly said in his Independence Day speech that the 13th Amendment needed to be repealed. His Defense Secretary Gotabaya Rajapaksa had said on March 27, 2013: *"Could we afford to have a provincial administration here, which pointed a gun at the national leadership at the drop of a hat? We don't want to be at the mercy of scheming provincial administrations."* Let alone the 13th Amendment, the Defense Secretary seemed to suggest the winding up of provincial councils altogether. India is referred to as "The Godfather of the 13th Amendment" by some analysts in Sri Lanka, implying it as an 'external instrument' forced upon a sovereign country.

From Sri Lankan government's perspective, the international community also needs to understand that there are indeed some genuine problems associated with 13th Amendment. Since this amendment is applicable to all provinces, there is a fear that it might encourage secessionism. The idea of devolution of police powers to that part of Lanka which is contiguous to Tamil majority population on the other side of maritime border adds to the fears. President Rajapaksa in his Independence Day speech in 2013 had said, *"... it is not practical for this country to be divided based on*

ethnicity. The solution is to live together in this country with equal rights for all communities."

However, in defense of the 13th Amendment, it is argued that it was not only a commitment to the international community but also perhaps the only legal instrument to ensure equal treatment to minority citizens of the country. Though Rajapaksa's concern about widening of ethnic divide could be genuine, it needs to be underscored that devolution under federalism need not be confused with British time division, as devolution is an essential part of any democratic process. Moreover, Tamil areas require a degree of special dispensation due its unique history and nature of conflict with the majority community, which includes giving rightful place to Tamil culture and language within the framework of Sri Lankan constitution. Also, the debate about federalism need not be confined to the size of the country as federalism is about making every community and region an equal stakeholder in the advancement of country, irrespective of its geographical expand. This amendment was not implemented in its spirit; rather, there were efforts of consolidation of power in the hands of President by enacting 18th Constitutional Amendment, which was against the spirit of devolution.

The undefined concept of a post-war evolution of "13th Amendment Plus" was first articulated by President Rajapaksa during the height of the war in 2008 when there was mounting pressure on his government to reconsider the military option in view of the very high human cost. The then President seemed to refine the concept further when he said that it would be "13th Amendment Plus One" though little indication was given as to what either the "plus" or the "one" would mean in concrete terms. In the absence of concrete details, these concepts were taken to mean a commitment to devolve more power to the provinces than existed at that time.⁷ In the light of track record of implementation of 13th Amendment, its advanced version remained elusive and never saw the light of the day.

3. On LLRC report:

The Lessons Learnt and Reconciliation Commission (LLRC) held 57 public sessions and undertook 12 field visits to over 40 locations to talk to the people in the North and East and in other war affected areas of the country. Over a thousand people appeared before the Commission to make representations. The Commission additionally received and analyzed over 5100 written submissions. This public interaction exercise lasted for nearly 11 months. The Commission also held

⁷JehanPerera, 'The Promise of 13th Amendment Plus', The Island, January 23, 2012
http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=43793

unscheduled meetings with the general public especially in areas affected by the conflict and in IDP settlements. The Commission revisited certain areas in the North and East in order to further clarify issues, verify information and formulate recommendations.⁸

LLRC was set up as government seemed sensitive to international concerns and it did carry out negotiations with leaders of Tamil community. The report clearly debunked government's argument that there were zero civilian casualties during the last few months of the Eelam war, as it admitted that civilians had been killed by the Sri Lankan military, albeit accidentally.⁹

The LLRC submitted a series of interim recommendations followed by its final report in December 2011. The mandate of LLRC was to inquire into "the facts and circumstances which led to the failure of the ceasefire agreement operationalised on 21st February 2002 and the sequence of events that followed thereafter up to the 19th of May 2009."¹⁰ This is the reason why UN Panel of Experts argued that LLRC had no explicit mandate to examine the alleged war crimes committed by both sides during the final months of the civil war.¹¹ The report itself says that there was no progress in implementation of its interim recommendations.¹²

Nonetheless, Government was sincere in accepting the LLRC report. Based on the report, Sri Lankan government formulated National Action Plan. Even this was been criticized by UN for selectively picking up the recommendations while giving no rationale behind the selection. Wherever action had been prescribed, it seemed to have little to do with recommendations.

This commission is criticized for being far from impartial. Its key members had deep conflicts of interest that restricted the LLRC's capacity to make meaningful contributions to accountability or reconciliation. That capacity was reduced even further by the fact that the LLRC had no power of enforcement or implementation. Regardless of what the LLRC recommended, government policy will not change unless the President and his brothers decide it has to. In these circumstances, the LLRC process promises little and risks compounding the grievances placed before

⁸The Lessons Learnt and Reconciliation Commission (LLRC) Concludes its work- The Final Report will be handed over to the President on 20 November, News Archive, Ministry of External Affairs, Sri Lanka.

<http://www.mea.gov.lk/index.php/en/media/news-archive/3146-the-lessons-learnt-and-reconciliation-commission-llrc-concludes-its-work-the-final-report-will-be-handed-over-to-the-president-on-20-november>

⁹ Ben Doherty, 'Sri Lanka war report lays blame on both sides', The Sydney Morning Herald, December 19, 2011

<http://www.smh.com.au/world/sri-lanka-war-report-lays-blame-on-both-sides-20111218-1p0sg.html>

¹⁰ The full mandate in English, Sinhalese and Tamil can be found on the LLRC's official website,

http://www.priu.gov.lk/news_update/Current_Affairs/ca201112/FINAL%20LLRC%20REPORT.pdf

¹¹'Sri Lankan war inquiry commission opens amid criticism', BBC News, South Asia, 11 August 2010.

<http://www.bbc.com/news/world-south-asia-10934663>

¹²R.K.Radhakrishnan, 'U.S. Delivers Strongest Message yet to Sri Lanka', The Hindu, February 14, 2012

<http://www.thehindu.com/todays-paper/tp-international/article2890603.ece>

it.¹³ Thus LLRC has been unhelpful in making a substantive difference on the ground, thus failing in defending Sri Lanka's case on the international front.

While Mahinda Rajapaksa is aptly credited for demolition a ruthless and most draconian terror outfits of his times, continuous championing of triumphalism by a section of community and a military show of strength on the part of government did not bode well for the minorities and it instead sent a wrong signal to a section of 'majority' as well.

Even though Rajapaksa's intentions and efforts appeared genuine on post war reconciliation, his definition of reconciliation seemed to be confined to economic development and infrastructure building, which he thought would bring normalcy to the lives of people. Reconciliation could begin only when two sides to the conflict agree to the 'truth'. Every party to the conflict has their own 'truth' which needed to be given a patient hearing, investigated and discussed. Unfortunately, Rajapaksa's regime adopted the approach that there was only one truth- the one adopted by the regime itself. It appeared blinded by the government dictated 'one track policy' which is believed to be engineered by his coterie that included some of his close relatives who wanted to advance their vested interests through Rajapaksa.

The fear psychosis that LTTE had created in the minds of the common Tamils made them unwittingly fall prey to the dictum of this ghastly terror outfit. Mere economic development and infrastructure building were unable to obliterate that deep rooted fear; rather it was perpetuated by heavy militarization and increasing concentration of power. Thus unfortunately, it is evident that most of MR's efforts were tantamount to or turned into an act of tokenism. This could be due to two reasons:

1. Either he could not reach to the heart of the problem, and thus ended up in resorting to superficial measures which could not provide sustainable solution. Or,
2. Heeding to his coterie, he wanted to play politically safe by keeping in good books, the hardliners of his Sinhala Buddhist constituency. Hence he preferred to play politically safe rather than safeguarding long term national interests.

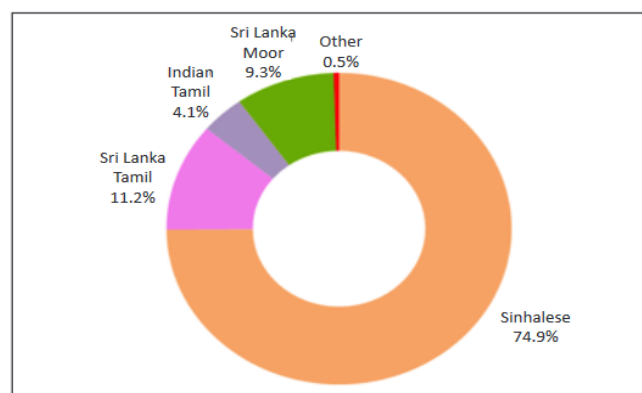
The outcome was visible. Tamils were seething under palpable alienation and dissatisfaction. It was Rajapaksa's responsibility to create conducive atmosphere for reconciliation by protecting Tamil interests and convincing the majority community that the Tamils had out rightly rejected demand for separatism and needed to be treated with dignity as equal Sri Lankan citizens. This did not happen. So, in order to continue their struggle for a meaningful political solution, Tamils took active participation in 2015

¹³ 'Reconciliation in Sri Lanka: Harder than ever', International Crisis Group report, 18 July 2011
<http://www.crisisgroup.org/en/regions/asia/south-asia/sri-lanka/209-reconciliation-in-sri-lanka-harder-than-ever.aspx>

Presidential elections by joining the Sirisena bandwagon, consequently leading to incumbent President Rajapaksa's defeat.

Tamil factor in 2015 Presidential and Parliamentary Elections:

Total population of Sri Lanka (2012) is 20,359,439, of which 11.2 percent are Sri Lankan Tamils, 9.3 percent are Moors and 4.1 percent - Indian Tamils.¹⁴ In term of absolute numbers, total Tamil population and Sri Lanka Moor population was 3,108,770 and 1,892,638 respectively.¹⁵ Moors are Tamil speaking Sri Lankans who follow Islam, and are concentrated in Ampara and Trincomalee districts. There are many theories pertaining to their origin and hence, even though they are Tamil speaking community, they have been classified under a separate head by Sri Lankan Government. We shall not be including them under the broader head of Tamils. However, their preferences in Presidential and Parliamentary elections will be referred to in this paper so as to obtain a larger perspective of Sri Lankan minorities.



Source: 'Sri Lanka Census of Population and Housing 2012 Key Findings', Department of Census and Statistics, Sri Lanka
 Accessed at <http://countryoffice.unfpa.org/srilanka/drive/Census-2012.pdf>

To understand their role in the elections, it is necessary to study their district wise population distribution.

Sr.N o.	District	Province	Tamils population in percent	Sri Lankan Moors in percent
1.	Jaffna	Northern	99.2	0.4
2.	Mannar	Northern	81.2	16.5

¹⁴ 'Sri Lanka Census of Population and Housing 2012 Key Findings', Department of Census and Statistics, Sri Lanka
<http://countryoffice.unfpa.org/srilanka/drive/Census-2012.pdf>

¹⁵ Census of Population and Housing - 2012 Northern Province

3.	Vavuniya	Northern	83.1	6.8
4.	Mullaitivu	Northern	88.2	2.0
5.	Kilinochchi	Northern	98.2	0.6
6.	Batticaloa	Eastern	72.7	25.4
7.	Ampara	Eastern	17.4	43.4
8.	Trincomalee	Eastern	31.1	41.8

Source: Census of Population and Housing - 2012 Northern Province and Eastern Province

Among the Tamil population, 32.0 percent of them and among the Sri Lankan Moor population, 1.7 percent live in the Northern Province. Among the Sri Lanka Moor population, 30.3 percent of them live in Eastern province. Among the Tamil population, 19.8 percent live in Eastern province. Thus majority of Tamils reside in Northern and Eastern Provinces. They constitute a majority in Northern Province and are the largest ethnic group in Eastern Province.

Presidential Election:

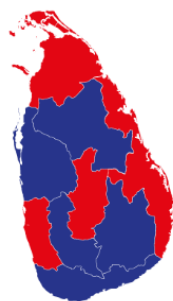
Presidential election was held on 8 January 2015, two years ahead of schedule. In the outcome of election, Mahinda Rajapaksa lost his bid for a third term, ending a decade of his rule. Opposition's 'Common Candidate' Maithripala Sirisena and one-time ally of Rajapaksa who defected two months prior to the election, took 51.3 percent of the votes, while Rajapaksa got 47.6 percent.¹⁶

Apart from his promise to root out corruption and bring constitutional reforms to dilute the all powerful presidency; his reaching out to the ethnic minority Tamils and Muslims earned him overwhelming votes from those sections of Sri Lankan electorate. He charted out a plan for inclusive development of the country by promising equal opportunities for all in his election manifesto titled '*A Compassionate Maithri Governance — A Stable Country*'. The soft spoken Sirisena, hailing from a humble background with a clean track record, made it his number one priority to protect interests of all Sri Lankan citizens, cutting across the lines of religion & ethnicity. The minorities believed his promises and supported him to provide a viable alternative to Mahinda Rajapaksa. Thus one week prior to elections, the Ilankai Tamil ArasuKatchi (ITAK) or the Tamil National Alliance (TNA), the largest political party representing the Tamils, endorsed Sirisena. The final outcome in Northern and Eastern Province was as follows:

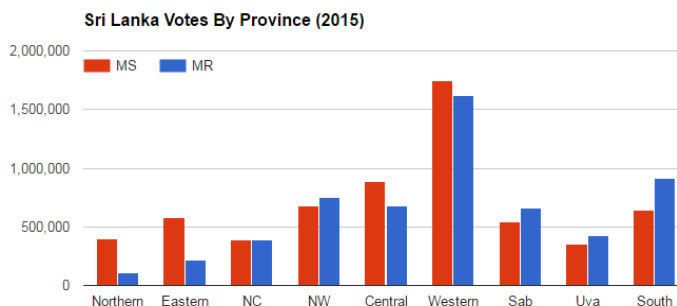
¹⁶ Department of Elections, Presidential Elections 08-01-2015, Official Results
<http://www.slelections.gov.lk/presidential2015/AIVOT.html>

Sr.No	Electoral District	Province	% votes fetched by Rajapaksa	% votes fetched by Sirisena	% voter turnout in 2015	% voter turnout in 2010
1.	Jaffna	Northern	21.85	74.42	66.28	25.66
2.	Vanni (covers the entirety of Mannar, Mullaitivu and Vavuniya Districts, and most of Kilinochchi District)	Northern	19.07	78.47	72.57	40.33
3.	Batticaloa	Eastern	16.22	81.62	70.97	64.83
4.	Trincomalee	Eastern	26.67	71.84	76.76	68.22
5.	Digamadulla	Eastern	33.82	65.22	77.39	73.54

Source: News.lk, The Official Government News Portal of Sri Lanka, Presidential Election 2015
 Accessed at <http://election.news.lk/election-results/results/results/109.html>



By Province



Source: 'Sri Lankan Presidential Elections 2015 in Maps' Indi.CA
 Accessed at <http://indi.ca/2015/01/the-sri-lanka-presidential-election-2015-in-maps/>

There was a sharp increase in voter turnout in Jaffna and Vanni electoral districts of 158.30 and 79.94 percent respectively, for 2015 Presidential election as compared to 2010 election. This considerable rise in Tamil vote share was crucial to facilitating Sirisena's elevation to the high office of President. TNA provided outside support to Sirisena government. This event of regime change is often dubbed as 'silent revolution of January 8' in the recent political history of Sri Lanka.

Parliamentary Elections:

The parliamentary elections were held on 17 August 2015, ten months ahead of schedule. Parliament was dissolved on June 27 under some peculiar circumstances. President Maithripala Sirisena and the coalition that backed him had promised during the election

campaign to call fresh parliamentary elections after 100 days of assuming office. In any case, the new coalition was a minority government, with only about 65 members in the 225-member legislature. Regime stability and effective governance required a parliamentary majority through fresh elections.

The incumbent United National Party (UNP) led United National Front for Good Governance (UNFGG) won 106 seats, while the main opposition United People's Freedom Alliance (UPFA), under whose banner Rajapaksa was contesting, won 95 seats. TNA, the main Tamil coalition, won 14 seats from the Northern and Eastern provinces, with two national list seats coming into its final tally and Eelam People's Democratic Party (EPDP) won 1 seat.

There were two significant political consequences following Sri Lanka's parliamentary elections. First, the majority of voters had given a verdict in favour of completing the partial political change that began with the presidential election of January 8. Second, although Rajapaksa managed to win from his electoral constituency, his hope of returning to power as Prime Minister was dashed as the verdict was against his political party.

Final outcome in Northern and Eastern Provinces is as follows:

Sr. No	Electoral District	Province	% votes for UNFGG	% votes for UPFA	% votes for TNA
1.	Jaffna	Northern	6.67	5.76	69.12
2.	Vanni	Northern	23.98	12.72	54.55
3.	Batticaloa	Eastern	13.55	13.49	53.25
4.	Ampara	Eastern	46.30	27.39	13.92
5.	Trincomalee	Eastern	46.36	21.32	25.44

Source: News.lk, The Official Government News Portal of Sri Lanka, General Election 2015
 Accessed at <http://election.news.lk/results/results/109.html>

It is evident from the above that in both the electoral districts of Northern Province and Batticaloa of Eastern Province, voters gave clear mandate to TNA. In Ampara and Trincomalee, the mandate was in favour of Ranil Wickremesinghe led UNFGG' as he had record and reputation of being accommodative and had the back ground of having negotiated with the Tamils under Norway's mediatory efforts. Thus chances of war crime

justice and political resolution of ethnic problem were perceived as higher under a Wickremesinghe led administration.

Post-election, TNA did not join either of the coalitions and was therefore, recognized as the principle opposition party. After a gap of over 32 years, a Tamil lawmaker became the Leader of the Opposition in the Sri Lankan parliament!

The Rajapaksa camp did not even try to bridge the trust deficit between MR and the ethnic and religious minorities. Consequently, he received virtually no support from the minority-dominant electoral segments during Presidential election. Instead of addressing the issue of minority alienation, his parliamentary electoral strategy was primarily based on the nationalist appeal to Sinhalese Buddhist voters, wrapped in rhetoric and Sinhala chauvinism. In fact, during the two final weeks of the election campaign, the Rajapaksa camp intensified its communal appeal to the Sinhalese electorate in subtle and not so subtle ways. His faction seemed to have calculated that it could emerge as the party with the highest number of parliamentary seats on the strength of Sinhalese votes alone and then poach UNP members to secure parliamentary majority, as Rajapaksa had successfully done in the past. The results of the election clearly indicated that in almost every electoral division with sizeable presence of ethnic and religious minority populations, the UPFA fared even worse than it had done in January Presidential election.

Reconciliation Commitments during election campaign:

President Maithripala Sirisena came to power in January 2015 promising reconciliation and accountability for alleged atrocities committed by the security forces under the earlier regime. Sirisena had vowed to achieve lasting peace in Sri Lanka so that all communities could “live as one”. In his election manifesto, ‘A Compassionate Maithri Governance- A Stable Country’, Sirisena promised, ‘I will consolidate the rights of all communities to develop and secure their culture, language and religion while recognizing the Sri Lankan identity. I will ensure that all communities have due representation in government institutions.’ In the same chapter, he went on to assure the citizen, ‘relief will be provided to all citizens who were illegally evicted from their houses and land under various grounds.’¹⁷

In parallel, Prime Minister Ranil Wickremesinghe, during a parliamentary election rally in Vavuniya, promised that a future government led by his United National Front for Good Governance (UNFGG) will set up special centers for the empowerment of war widows, and for the benefit of those who were physically handicapped during the war. He also pledged to look into the cases of missing persons and to give redress to their families. He also

¹⁷Full Text of Maithripala Sirisena's Election Manifesto

Accessed at <http://www.asianmirror.lk/news/item/5782-full-text-of-maithripala-sirisena-s-election-manifesto>

promised to modernise the North by setting up two super investment zones in Vavuniya and Kilinochchi. Besides, he pledged to set up an information technology zone in Jaffna. These projects were designed to generate employment in the North. He said the UNFGG, if elected, would not forget the traditional agricultural sector of the North and would begin work on the Bogaswewa, WeliOya, Paranggi Aru and Mahakambili irrigation projects.¹⁸

A UNFGG government would devolve power down to the village level according to a 'Grama Rajya' system but will not adopt federalism', said Prime Minister Wickremesinghe. He said at a media briefing that power would be devolved only to village elders and religious leaders and not to politicians in accordance with the 'Grama Rajya' system.

Measures taken by Sirisena government for reconciliation:

Soon after the transition of power, in keeping with its electoral promises, the new government under President Maithripala Sirisena started to work on Confidence Building Measures for Tamils. These measures were important reconciliatory moves to ameliorate the grievances of the Tamil community that had hitherto felt marginalized since the conclusion of war. Some of the immediate CBMs were as follows:

- Appointing a Tamil (Justice Kanagasabapathy Sripavan) as the 44th Chief Justice of Sri Lanka.
- Sharing the stage along with senior leaders of Tamil National Alliance (Sampanthan and TNA MP Sumanthiran) at Independence Day event in Colombo on February 4, 2015.
- Lifting of travel restrictions to northern Sri Lanka.
- Replacing retired military officers as governors of northern and eastern provinces by respected civil servants
- Agreeing to review cases of illegal land grab by army troops. The government returned thousands of acres of land confiscated during the war by the military in the island's east and north and made public all government reports on war abuses to ensure transparency and accountability.
- Reviewing earlier decision on credible judicial process on accountability. In September 30, 2015, the United Nations Human Rights Council in Geneva had adopted a consensus resolution on accountability for the alleged human rights violations during the Sri Lankan civil war, which was co-sponsored by Sri Lanka along with some other countries. While Rajapaksa had earlier rejected demand for independent investigation into alleged war crimes and refused to cooperate with U.N. officials appointed to probe claims of human rights abuses, Sirisena's

¹⁸RomeshMadhushanka and Yohan Perera, 'Ranil Promises to Develop North', DailyMirror, August 2, 2015
<http://www.dailymirror.lk/81841/ranil-promises-to-develop-north>

government said it planned to find a middle way by establishing a credible judicial process involving foreign judges and prosecutors to investigate alleged abuses.

- Proposing to establish "Commission for Truth, Justice, Reconciliation and non-recurrence". Foreign Minister Mangala Samaraweera said in September 2015 that the government aimed to create such a commission with help from authorities in South Africa and other countries that had set up their own truth commissions, as the best guarantee for non-recurrence is a political settlement that addresses the grievances of the Tamil people.¹⁹
- Allowing 30 suspected former Tamil rebels, who had been in prison for years accused of abetting terrorism, to be released on bail in November 2015.
- Lifting of a ban imposed by Rajapaksa on eight Tamil organisations and 267 individuals in November 2015, who were accused of being a threat to national security for demanding a separate nation for Tamils. This meant that they could freely enter Sri Lanka and transfer money in and out of the country. Eight other groups and 157 people, however, remained blacklisted and their assets frozen.
- Deciding to constitute a task force to address all the problems concerning the IDPs in six months.²⁰ This was announced by Sirisena during a surprise visit to camp of internally displaced persons in Konapulam, near Kankesanthurai of the Jaffna district on December 20, 2015. Government officials mentioned that one of the priorities of the new government was to rehabilitate the internally displaced people and those who were in the camp.
- In other initiatives, according to news report in December 2015 said that Sri Lanka will set up a special court to examine alleged war crimes committed in the final phase of its 26-year conflict with Tamil rebels. Ex-President and National Unity and Reconciliation Office Chairperson Chandrika Kumaratungahas told reporters the mechanism would be a domestic one but might get technical assistance from international experts.²¹
- Marking his first year in office on January 8, 2016, President Sirisena pardoned a former LTTE militant Sivaraja Jenivan, who tried to assassinate him 10 years ago when he was serving as the country's Minister of Mahaweli Development.²²
- On January 4, 2016, President pledged land within six months to 100,000 people who were still living in camps six years after the end of ethnic war to build

¹⁹ 'Sri Lanka to set up truth commission, consider war reparations', JusticeInfo.Net, September 14, 2015
<http://www.justiceinfo.net/en/live-feed/2046-.html>

²⁰ T. Ramakrishnan, 'Sirisena makes surprise visit to IDP camp in Jaffna', December 20, 2015, The Hindu,
<http://www.thehindu.com/news/international/sri-lanka-president-sirisena-makes-surprise-visit-to-idp-camp-in-jaffna/article8014721.ece>

²¹ 'Sri Lanka to Establish War Crime Courts' Voice of America, News- Asia, December 1, 2015
<http://www.voanews.com/content/sri-lanka-establish-war-crimes-court/3083388.html>

²² 'Sirisena Pardons Former LTTE Militant who Tried to Kill Him', India Today In, January 8, 2016
<http://indiatoday.in/story/sirisena-pardons-former-ltte-militant-who-tried-to-kill-him/1/566088.html>

homes.²³ According to Defense Secretary Karunasena Hettiarachchi, steps had been taken to hand over more than 5700 acres of land back to the original owners in the Jaffna District.²⁴

- Sri Lanka's Foreign Affairs Minister in his address to the Governing Council of Community of Democracies has confirmed that the government was in the process of repealing the war time Prevention of Terrorism Act (PTA) and introducing a new counter-terrorism legislation that would be in line with contemporary international practices.²⁵
- The construction of 65,000 houses for conflict affected families in the North-East is set to commence by June 2016.²⁶

Sirisena, in his Eelam War IV "Remembrance Day" speech said that his government will give priority to ethnic reconciliation in order to give the island nation sustainable peace and development. Delineating his concept of reconciliation, the President said: *"The reconciliation process includes investigating the truth, providing justice, eliminating fear, and building trust between communities, besides re-building physical resources which were devastated by the armed conflict. Reconciliation will be pursued on a war footing. The government is committed to proceeding with the reconciliation process in the way in which the tri-forces, police and civil security force carried out their commitment to fighting the war to the finish."*

The major effect of the above CBMs was that many Sri Lankan Tamil refugees in India started returning to their homeland. S. C. Chandrachud, founder of the Organisation for Eelam Refugees Rehabilitation (OfERR) said that 'over 10,000 people (out of more than one lakh refugees in India) had returned to Sri Lanka on their own.' According to the latest figures from the United Nations High Commissioner for Refugees (UNHCR), a total of 1,22,533 persons from Sri Lanka are living as refugees in other countries.²⁷ He opined that given the prevailing political situation in Sri Lanka, the time had come for Sri Lankan Tamil refugees in Tamil Nadu to return home, especially when there was an effort to form a national government in Sri Lanka.

²³ 'Sri Lanka Pledges for 100,000 War Refugees', Al-Jazeera, January 4, 2016

<http://america.aljazeera.com/articles/2016/1/4/sri-lanka-president-pledges-land-for-100000-war-victims.html>

²⁴ Chaturanga Pradeep, 'Jaffna Lands Essential for National Security: Defence Secretary', DailyMirror, March 23, 2016

²⁵ T. Ramakrishnana, 'We'll Repeal PTA, Says Sri Lankan Government', The Hindu, March 9, 2016

<http://www.thehindu.com/news/international/sri-lankan-government-says-it-will-repeal-prevention-of-terrorism-act/article8328723.ece>

²⁶ Sandun A. Jayasekera, 'Construction of 65,000 Houses to Commence Soon', DailyMirror, April 13,

2016 <http://www.dailymirror.lk/108214/Construction-of-houses-to-commence-soon#sthash.pDqXpdY5.dpuf>

²⁷ Dennis S. Jesudasan, 'Over 1 lakh Tamil Refugees in India', The Hindu, January 4, 2016

<http://www.thehindu.com/news/cities/chennai/over-1-lakh-tamil-refugees-in-india/article8062937.ece>

Evaluation of Sirisena's Commitments:

Sri Lanka is being lauded by the international community for its commitment and positive actions taken for genuine reconciliation. Recognising this, UNHRC delayed by six months, release of its investigation report on Sri Lanka, to make way for the positive programs initiated by new government. Even United States praised Sri Lanka's new government for speeding up efforts towards reconciliation with ethnic minority Tamils. Steps such as the return of land, efforts to find the missing and the lifting of bans on Tamil groups will help to heal wounds that linger six years after the conflict ended, said Samantha Power, U.S. Permanent Representative to the United Nations.²⁸ During his visit to Sri Lanka in January this year, Indian Foreign Secretary S Jaishankar too appreciated President Sirisena's statesman-like approach towards national reconciliation.

It, however, needs to be noted that while all the plans looked impressive, a lot is yet to be done by the government to ensure speedy implementation and delivery on promises. The United Nations too has said that much more needs to be done. An expert panel which visited Sri Lanka in November 2015 urged the authorities to investigate the thousands of reports of people who went missing during the civil war.²⁹

Some Tamil groups have also complained about the slow pace of reconciliation, including the failure to withdraw significant numbers of military personnel from the Tamil-dominated former war zone. The International Truth and Justice Project-Sri Lanka (ITJP) officially released a new report on January 7.³⁰ Their report titled "Silenced: survivors of torture and sexual violence in 2015," has documented 20 cases of abduction, torture and sexual violence against ethnic Tamils which occurred in 2015. This reaffirms how deep-rooted some of the Sri Lanka's problems are, which needs to be dealt with through resolute actions.

On 13th Amendment:

As stated earlier, despite series of assurances, not much has happened in terms implementation of the 13th Amendment. On his visit to India in March 2015, President Sirisena clarified that implementation of the 13th Amendment would be taken up after the parliamentary elections and asserted that finding a solution to the vexed Tamil issue remained a priority for his government.³¹ While 19th Constitutional Amendment enacted in

²⁸ 'US Lauds Government on Post War Reconciliation', Colombo Gazette, November 25, 2015

<http://colombogazette.com/2015/11/25/us-lauds-government-on-post-war-reconciliation/>

²⁹ ShiharAneez, 'US Lauds Sri Lanka Government on Post War Tamil Reconciliation', Thomson Reuters Foundation, November 24, 2015

<http://news.trust.org//item/20151124140858-oi1zk?view=print>

³⁰ 'Silenced- Survivors of Torture and Sexual Violence in 2015', International Truth and Justice Project, Sri Lanka, January 2016

http://www.itjpsl.com/wp-content/uploads/2015/07/Silenced_jan%202016.pdf

³¹ 'Implementation of 13th Amendment to be Taken up After Next Polls- Maitripal Sirisena', The Economic Times, March 18, 2015

http://articles.economictimes.indiatimes.com/2015-03-18/news/60249695_1_maithripala-sirisena-tamil-diaspora-groups-sri-lankan

April 2015 did roll back the 'autocratic' provision enshrined in 18th Amendment by limiting President's powers, yet those powers were not devolved to provincial councils.

On return of land:

Minister for Rehabilitation and Resettlement D.M. Swaminathan had said about 8,000 acres of private lands were still under the control of the forces and they would be "gradually released."

On investigation of War Crimes:

In May 2015, Sri Lankan government promoted Maj. Gen. Jagath Dias, whose 57th Division was implicated in serious human rights abuses, as Chief of the Sri Lankan Army. This did cast a shadow of doubt on government pledges to credibly investigate the alleged war crimes. Similarly, Sri Lanka's Foreign Minister, Mangala Samaraweera, promised the Human Rights Council in September 2015 that clear instructions would be given to all security forces regarding zero tolerance for sexual violence. These instructions have not been publicly issued.³² Similarly, government has not until now raised the issue of reparation or paying compensation to victims, including thousands of Tamils who lost family members and their homes and were forced to flee the fighting.

On de-militarization in North:

Militarization has been a key concern among Sri Lanka's Northern Tamils. Rajapaksa had often cited national security as the reason for maintaining the army in the former war zone. Sirisena too has categorically maintained that he would not withdraw troops from the island's Tamil-majority north, as national security would be of top priority to him as President.³³

Despite these shortcomings, the present regime is certainly on the path to removing many of the obstacles that prevented true reconciliation to commence. Unlike Rajapaksa's regime, this government has accepted mistakes of the past which is a prerequisite of reconciliation, but it needs to translate its vision into action at a faster pace to lend credibility to its commitments.

The basic political issue between the Tamils and the Sinhalese is the former's demand for federalism as against the latter's insistence on continuing with the existing unitary form of

³² 'Silenced- Survivors of Torture and Sexual Violence in 2015', International Truth and Justice Project, Sri Lanka, January 2016
http://www.itjpsl.com/wp-content/uploads/2015/07/Silenced_jan%202016.pdf

³³ Meera Srinivasan, 'No Lanka poll pact to woo Tamils: Sirisena', January 6, 2015; The Hindu
<http://www.thehindu.com/news/international/south-asia/sri-lanka-presidential-elections-no-lanka-poll-pact-to-woo-tamils-sirisena-maithripala/article6756939.ece>

government, doesn't yet seem to be resolved under this Government. It needs to be ensured that all stakeholders participate in efforts of true reconciliation and it is here that government's challenges are compounded due to inconsistent and at times anti-government stance adopted by some of the elements of Tamil diaspora. Different stances adopted by various diaspora groups have major implications of domestic politics of Sri Lanka.

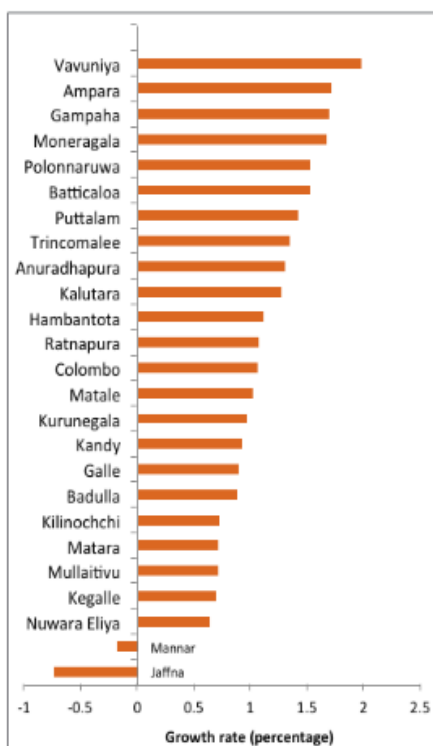
Post-war activities of Tamil diaspora:

Characteristics of Sri Lankan Tamil diaspora:

1. Refugees as the largest component of diaspora:

The overseas Sri Lankan Tamil diaspora had settled outside Sri Lanka in different waves. For simplification sake, we broadly classify them as pre 1983 diaspora and post 1983 diaspora. The later is relatively new, smaller in size and largely settled in the West. This is also perhaps the most active group in its involvement with internal politics of Sri Lanka. These Tamils were compelled to flee their homeland following the Black July riots of 1983 and the ongoing civil war that posed persecution and fear for safety. These refugees, coupled with the pre-1983 lot, form the bulk of the overseas Tamils. They identify themselves as a 'victim-diaspora'; victims of 'forced migration' in the wake of ethnic violence. Majority of the post-1983 diaspora stands for promise of return, guarantee of political rights and self-determination.

Intercensal population growth of districts from 1981 to 2012 shows records negative growth rates for Jaffna (-0.7 percent) and Mannar (-0.2 percent) districts due to out-migration during conflict period. The graph below illustrates this point.



Source: 'Sri Lanka Census of Population and Housing 2012 Key Findings', Department of Census and Statistics, Sri Lanka
 Accessed at <http://countryoffice.unfpa.org/srilanka/drive/Census-2012.pdf>

2. High proportion of diaspora with respect to local Tamil population:

Sri Lankan Tamil diaspora is disproportionately high vis-à-vis their numbers within the island. Their strength was estimated at nearly one million in 2010, or approximately one quarter of the entire Sri Lankan Tamil population.³⁴ Some reports also suggest the diaspora population stands at one third of entire Lankan Tamil population.³⁵ Major centers of diaspora population are-

Sr.No	Country	Approximate Sri Lankan Tamil Population
1.	Canada	200,000-300,000 ³⁶
2.	Great Britain	180,000

³⁴ "The Sri Lankan Tamil Diaspora After LTTE", Asia Report, February 23, 2010, International Crisis Group
<http://www.crisisgroup.org/~media/Files/asia/southasia/srilanka/186%20The%20Sri%20Lankan%20Tamil%20Diaspora%20after%20the%20LTTE.pdf>

³⁵ Ovind Fuglerud (2001), 'Time and space in the Sri Lanka-Tamil diaspora', Nations and Nationalism, Vol. 7, Issue. 2
https://www.academia.edu/3070719/Time_and_space_in_the_Sri_Lanka_Tamil_diaspora

³⁶ 'The Sri Lankan Tamil Diaspora After LTTE', Asia Report, February 23, 2010, International Crisis Group

3.	India	122,000
4.	France	100,000
5.	Fiji	80,000
6.	Mauritius	72,089
7.	Germany	60,000
8.	Switzerland	47,000
9.	Australia	40,000
10.	Netherlands	20,000
11.	Malaysia	24,436
12.	Denmark	9,000
13.	Norway	10,000
14.	Unites States	35,000
15.	Italy	15,000
16.	Sweden	2,000

Source: "The Sri Lankan Tamil Diaspora After LTTE", Asia Report, February 23, 2010, International Crisis Group, Accessed at <http://www.crisisgroup.org/~media/Files/asia/southasia/srilanka/186%20The%20Sri%20Lankan%20Tamil%20Diaspora%20after%20the%20LTTE.pdf>



Source: News.lk, The Official Government Portal of Sri Lanka
<http://www.news.lk/fetures/item/1084-modus-operandi-tamil-diaspora-and-ltte-organisations>

Since some host governments like Australia, Canada, Norway and Switzerland do not make distinction on the basis of their country of origin, it is argued that the estimated size of Sri Lankan Tamil diaspora could vary and the figures above should be seen only as rough approximation.

3. Long Distance Sub- Nationalism:

As discussed earlier, a sizable proportion of Tamil diaspora was compelled to flee the country following the Black July riots of 1983. Their adaptability, hardworking nature and sharp intellect led to meteoric rise in wealth and social standing of migrant Tamils in their host countries. Yet by virtue of being 'outsiders', they experienced a perpetual alienation complex in foreign societies. A palpable sense of guilt pervades this diaspora. Niranjan Canagasooriyam refers to this as 'survivor's guilt'³⁷, for achieving material success and living up to the civic responsibilities of the host countries on one hand and seething under the guilt for the fate of less fortunate community members in their homeland that they left. They maintained a desire to retain their cultural identity. Thus, in the process of wrestling with their own demons, the overseas Tamils found an intellectual and psychological justification in demanding a Tamil Homeland, emanating from a sense of perpetual victimization. This attempt of finding solace in an imaginary world may not always be in conformity with demands and aspirations of local Tamils. This is precisely because their long distance sub-nationalism stems from ethnic chauvinism cum intellectual romanticism which is disconnected from the grass root realities. A section of them who espouse the cause of Eelam are yet to realise that Eelam was a means which has lost its relevance in the present context.

Niranjan Canagasooriyam goes on to explain that the "Expatriate communities often tend to be far more conservative than domestic ones, precisely because the assaults on self-esteem are so great in adoptive countries. The Zionist cause was, and is, championed by American Jews; the Khalistan demand was run by expatriate Sikhs in Canada; many Irish Americans supported those in Ireland waging war for the Irish identity and similarly at home (Sri Lanka), the LTTE received direction, leadership and funding from Tamils residing in western societies. This distinctively demonstrates the danger of the pertaining strength of nationalism from the diaspora who frequently confuses the values of self to those of the country."

4. Diaspora's Involvement in Militancy:

The diaspora provided most of the rebels' funding during the conflict, coughing up an estimated \$300 million a year.³⁸ During this span, funds raised abroad were used for destruction and reconstruction alike. Initially, most of the money was used for sustaining Tamil societies in war-affected areas. But, as the civil war dragged on, increasing amounts of funds shifted away from humanitarian aid towards sustaining insurgency. The LTTE's

³⁷Niranjan Canagasooriyam, 'Long Distance Nationalism- Dangerous For Sri Lanka', Colombo Telegraph, September 21, 2015

<https://www.colombotelegraph.com/index.php/long-distance-nationalism-dangerous-for-sri-lanka/>

³⁸Mian Ridge, 'Sri Lankan President's Election Win Disappoints Tamil Expats', The Christian Science Monitor, January 27, 2010
<http://www.csmonitor.com/World/Asia-South-Central/2010/0127/Sri-Lanka-president-s-election-win-disappoints-Tamil-expats>

manipulation of many diaspora Tamils has made it almost impossible to determine the true level of the support for militancy. However, viewing the diaspora solely through the lens of the LTTE's violence reduces it to stereotypes and masks the original causes of the conflict, which Colombo has yet to tackle. This is not to excuse the negative role the diaspora has played, but rather to shed light on how the LTTE manufactured its support, which is crucial to preventing another insurgency.³⁹

5. A community in 'State of Denial':

A wave of disbelief and shock descended over the entire diaspora after Prabhakaran's death. In the Tamil neighbourhood of Paris, hoardings were erected in praise of Prabhakaran and many people continued to deny his death news as propaganda even when footage of his corpse was broadcast all around the television.⁴⁰ A thin section of diaspora did welcome quelling of terrorism, but they were in minority. Most of the overseas Tamils bluntly refused to acknowledge the barbaric atrocities inflicted by LTTE on civilians and eulogized them as freedom fighters instead of calling them as terrorists. They justified LTTE's actions as a 'reaction' to a series of suppressive actions. A very few diaspora members were willing to hold them responsible for the near collapse of Tamil society. Perpetuating the diaspora's state of denial were influential media outlets like the hardliner Tamil Net, which espoused the LTTE's separatist agenda while ignoring its glaring failure.⁴¹

6. Strong community bondages:

Persecution and humiliation at the hands of a 'common enemy' which undermined Tamil pride along with continued suffering of island Tamils are reasons sufficient to bind a diverse Tamil society, which otherwise is divided on the lines of caste and religion. For example, currently, Father Emmanuel is a key figure in the LTTE overseas network and is behind the formation of Global Tamil Forum (GTF)⁴², a conglomerate of elite personality driven pro LTTE organisations from fourteen countries that all claim to speak on behalf of their respective Tamil population.⁴³ According to a report published on Sri Lankan Defense website, Fr. Emmanuel was considered as the most dangerous person to Sri Lanka under the Rajapaksa regime, because he was the central point that all other pro-LTTE groups coordinated with. Though a religious man, he was in touch with Prabakaran and Castro, and had addressed gatherings in the Wanni during his visits to the country. ⁴⁴ His description of LTTE suicide cadres as those 'giving up their lives for a higher cause, the way

³⁹ 'The Sri Lankan Tamil Diaspora After LTTE', Asia Report, February 23, 2010, International Crisis Group

⁴⁰ 'Tamil Diaspora in France on Tamil Tiger Leader's Death', Uploaded on May 23, 2009

Accessed at <https://www.youtube.com/watch?v=4RfS02tDU-U>

⁴¹ 'The Sri Lankan Tamil Diaspora After LTTE', Asia Report, February 23, 2010, International Crisis Group

⁴² UdeshiAmarasinghe, "Modus Operandi: Tamil Diaspora and the LTTE Organisations",

http://www.defence.lk/new.asp?fname=Modus_Operandi_Tamil_Diaspora_and_LTTE_Organisations_20140605_05

⁴³ 'The Sri Lankan Tamil Diaspora After LTTE', Asia Report, February 23, 2010, International Crisis Group

⁴⁴ UdeshiAmarasinghe

Jesus Christ did' in 1995 interview to The Independent clearly shows that his Tamil identity is as precious to him as his religious one.⁴⁵

Similarly, when the first cabinet of Transnational Government of Tamil Eelam (TGTE) was announced in November 2010, Mr. Deluxon Morris was appointed as Minister of Investigation of Genocide, Crimes against Humanity and War Crimes. Mr. Morris is the co-founder of Students against Genocide of Tamils and has played a fundamental role in raising awareness of the Genocide question not only amongst students but also at international level. Mr. Alex Doss, a disabled Tamil American veteran of the United States Navy, was appointed as Minister of Internally Displaced People [IDP], Refugees and Prisoners of War.⁴⁶

The only exception is that of Sri Lankan Tamil Muslims, who prefer to align themselves with local Muslim parties than the Tamil parties as a result of torment that they suffered at the hands of LTTE. But otherwise, the continued crisis of 'majoritarianism' was the most potent reason to weave the diverse diaspora together.

7. Adoption of extreme methods of protest:

One of the most critical reaction from the diaspora to the last phase of war in their home land occurred in the form of self- immolation acts.⁴⁷ In India, at least eight people self-immolated. In Malaysia, a Tamil man of Sri Lankan origin immolated himself, calling on US President Barak Obama to stop Colombo's war.⁴⁸ This was for the first time that Tamil diaspora felt so hapless that they resorted to such an extreme to stop killings in Sri Lanka.

8. Political influence on host country:

By virtue of their size and clout, this diaspora has potential to influence political developments in their host countries. Take the example of United Kingdom. Four Prominent Tamil Organisations operating in UK are:-

1. The British Tamil Forum (BTF)
2. The Global Tamil Forum (GTF)
3. The Tamil Youth Organisation United kingdom (TYO UK)

⁴⁵ 'Tim McGirk, Boys and Girls Come Out to Die', The Independent, February 26, 1995

<http://www.independent.co.uk/arts-entertainment/boys-and-girls-come-out-to-die-1574916.html>

⁴⁶ 'Announcing the First Cabinet of the Transnational Government of Tamil', November 3, 2010, Lankasri News EEelam<http://lankasrinews.com/view.php?20e445Bd32ee4Ymdd32eadmml324cd doQMAOccdc4SAQQcda44HJ0mYaa43LdBYae020B BY4A00>

⁴⁷Cheran, R. and Vimalarajah, Luxshi (2010), 'Empowering Diaspora: The Dynamics of Post war Transnational Tamil Politics', BerghofOccasional Paper No.31

⁴⁸ 'Diaspora Tamil Dies in Self-Immolation Urging Obama to Stop Colombo's War', TamilNet, February 8, 2009

<http://blogs.rediff.com/nandivarman/2009/02/14/tamils-immolate-themselves-to-make-worlds-conscience-to-wake-up/>

4. The Transnational Government of Tamil Eelam- USA (TGTE)

The extent of the role played by them in setting and shaping Tamil agenda for British politicians can be illustrated by following examples:

- a. On July 16, 2008, the BTF displayed a photo exhibition, sponsored by the All Party Parliamentary Group for Tamils (APPGT), which was held in the British Houses of Parliament premises on the anniversary of the Black July pogrom. The event was attended by MPs from all parties, Members of the House of Lords, Former Cabinet Ministers, Mayors, Councilors, University students, and representatives of international & UK organisations. It was hailed by MP Neil Gerrard as "making a clear case for self-determination" and as a final note, MP Barry Gardiner wrote of the exhibition "We Build a Nation."⁴⁹
- b. Similarly, former Secretary of State for Foreign and Commonwealth Affairs, David Miliband, made it clear in 2009 that policy towards Sri Lanka was dictated by electoral considerations.⁵⁰
- c. In April 2008, Ken Livingstone, who was bidding for a third term as London Mayor, addressed a meeting co-hosted by the British Tamil Forum (BTF). BTF is described by the Sri Lankan government as a front organisation of the LTTE. Livingstone sought the group's support for his re-election bid.⁵¹ Livingstone also gave the forum his "personal commitment" that he would support its candlelit vigil in Trafalgar Square in July 2008 to mark the 25th anniversary of "Black July."⁵²
- d. In the post war era, during Rajapaksa's second term, British Prime Minister David Cameron visited Jaffna on November 15, 2013. He became the first foreign leader to visit Jaffna since Sri Lanka gained independence in 1948.⁵³

The extent of influence in other countries having sizable Tamil diasporas are more or less on similar lines. For instance, the Canadian Tamil Congress (CTC) scored a significant victory when Prime Minister Stephen Harper announced that, in the light of human rights concerns, he would not attend the Commonwealth Heads of Government Meeting in Colombo in November 2013. He had previously walked out of the 2011 summit on the last

⁴⁹ 'Eezham Exhibition Impresses UK Parliamentarians', TamilNet, July 19, 2008

<http://www.tamilnet.com/art.html?artid=26391&catid=13>

⁵⁰ Rajiva Wijesinha, 'Plurality and Diaspora', India Sri Lanka Relations Strengthening SAARC, Edited by R.Sidda Goud, Manisha Mookherji

⁵¹ 'London Mayor Linked To Political Extremism', DNA, April 23, 2008,

<http://www.dnaindia.com/world/report-london-mayor-linked-to-political-extremism-1161020>

⁵² 'Sri Lankan Diplomat demonizing UK Tamils- BTF', Tamil EEelam News Service, April 23, 2008

http://www.tamilEelamnews.com/news/publish/tns_9660.shtml

⁵³ 'David Cameron Upstages Commonwealth Visit With Jaffna Trip', Deccan Chronicle, February 16, 2016

<http://www.deccanchronicle.com/131115/news-world/article/david-cameron-upstages-commonwealth-summit-jaffna-trip>

day when Sri Lankan President Mahinda Rajapaksa was invited to speak. Harper further elaborated that Canada might cease its contributions to the funding of the Commonwealth, should no action be taken by the organisation against Sri Lanka.⁵⁴

Similarly, Prime Minister of Mauritius, Navin Ramgoolam, stated that he would not attend the meeting in protest against Sri Lanka's alleged failure to improve its human rights record and was thus withdrawing as the host of CHOGM 2015 as protocol would have required him to attend the summit in order to personally invite other member states.⁵⁵

Thus the diaspora has been extremely active in conditioning world opinion at the expense of Sri Lanka.

Myths about Sri Lankan Tamil diaspora (May 2009- December 2014):

- 1. Entire diaspora advocates armed struggle for Tamil Eelam:** Tamil diaspora should not be seen as a unitary entity that advocates the cause of Tamil Eelam. Not every Tamil considers himself to be part of LTTE.⁵⁶ Gordon Weiss, spokesperson for the U.N. in Sri Lanka during the final years of the war had said, "The Tigers maintained an iron grip on diaspora politics". "It was dangerous to be associated with anyone else. The Tigers were relentless with anyone who didn't agree. Their strength was always that they were the only ones capable of standing up to the government. This mythology gave them legitimacy." Since LTTE saw itself as the ultimate voice of Tamils and had a tight hold on the diaspora, the ordinary overseas Tamils were forced to vent off their anger through the channel of LTTE, but that need not be construed as their unequivocal approval or support to the war by LTTE.
- 2. Diaspora is working with Government on Restructuring and Reconciliation:** That is not the case either, though some diaspora organisations had initially shown their willingness to work towards reconciliation. According to Tulika Gaur, the basic goals of the diaspora had shifted from merely supporting the armed struggle to a non-violent struggle for an independent Tamil State.
- 3. Diaspora is an ideologically homogenous body:** Diaspora is certainly not a monolith. Above two points clearly indicate that ideologically, not all members of overseas community are on the same page. There are different responses from

⁵⁴'Stephen Harper cancels Sri Lanka visit over human rights violations', thestar.com Canada, October 7, 2013
http://www.thestar.com/news/canada/2013/10/07/harper_makes_good_on_threat_to_boycott_sri_lanka_over_human_rights_violations.html

⁵⁵ Mohan Chougule, 'CHOGM-2013: Sri Lanka', Golden Research Thoughts, Vol.No.3, Issue 11, May 2014
<http://aygrt.isrj.org/colorArticles/3935.pdf>

⁵⁶Tulika Gaur, 'Impact of Sri Lankan Tamil Diaspora's Activism on India- Sri Lanka Relations', India Sri Lanka Relations strengthening SAARC, Edited by R.Sidda Goud, Manisha Mookherji

different groups on the central issue of Tamil Eelam. There are some ardent Tamil nationalists, especially in the West, who have not yet given up the hope for Tamil Eelam. There are however, others who are ready to settle for a federal solution. In contrast, for the poor Sri Lankan Tamil refugee living in Tamil Nadu refugee camps, any solution that ensures them livelihood and security seems acceptable.⁵⁷

- 4. Diaspora as the true voice of Lankan Tamils:** There is enough evidence to conclude that there exists a deep divide between Tamils in Sri Lanka and the overseas Tamils. The latter's demand for separate Eelam in the post war era does not resonate with Lankan Tamils. This is not to deny that some fringe elements within Sri Lanka do subscribe to that view, but the probability/possibility of their picking up arms, however impatient they get with the government, is near zero. These Tamils have witnessed three successive generations suffer in the struggle for a separate State and would not like to once again walk the same path. The idea lacks popular support. Sri Lankan Tamils and Tamil politicians have vehemently rejected the idea of Eelam. This was clearly stated in a speech delivered by TNA leader R. Sampanthan at the 14th annual ITAK convention held in Batticaloa in 2012, where he said, *"The diaspora must respect the political thinking of those living here. They must respect the courage with which they make decisions, and their ability to determine their own political destiny."*

A section of the diaspora leaders, still deeply committed to Tamil Eelam even in the post-war phase, have failed to realise that the local Tamils want equal treatment as Sri Lankan citizens with genuine political autonomy and self-governance. According to interviews conducted by International Crisis Group, some diaspora leaders saw themselves as 'real voice' of Lankan Tamils based on a premise that, 'within Sri Lanka, Tamils can't articulate their views freely, but outside Sri Lanka, they can.' A young Tamil activist in Jaffna responded to this as, *'Let these people come tell the Vanni IDPs (Internally Displaced Persons) that they are speaking on their behalf for separate state. They will be physically assaulted for sure.'*

Diaspora's expectations from MR- May 2009- December 2014:

By the end of last phase of the Eelam war, the diaspora was mourning death of innocent civilians. Their immediate concern was welfare of war-affected Tamil citizens in Sri Lanka and justice for the victims of war crimes. Some of them opined that the international community, having failed to resolve the conflict, should at least send humanitarian aids for civilians. They expected the same degree of promptness and political commitment from Rajapaksa government to resolve the impending ethnic crisis as he had demonstrated in

⁵⁷ Ibid

squashing LTTE. They were carefully monitoring every step taken up by Rajapaksa government to solve the ethnic crisis.

Disillusioned by the defiant mode of MR and the non-transparent nature in which war crime investigations were taking place, the diaspora, across the world, took it upon itself to mobilize international pressure on Rajapaksa regime. They joined hands with international human rights groups to lobby for international probe into war crimes committed in the last phase of the war in which, according to U.N. estimates, at least 40,000 civilians were killed.

Thus many diaspora organizations like Transnational Government of Tamil Eelam (TGTE), while recognizing that a military solution may be untenable, maintained that a separate state was the only viable mechanism to ensure lasting peace and guarantee rights for Tamils in Sri Lanka.⁵⁸

From the standpoint of the diaspora, Rajapaksa government's aggressive nationalism was feeding chauvinism of Sinhala hard liners, which can be put in the following form:

MR's regime = $f(\text{Repression, Majoritarianism, Authoritarianism})$

Sinhala extremism = $f(\text{Repression, Majoritarianism, Chauvinism, Violence})$

Diaspora members were simmering with frustration during 2010 Presidential elections as TNA had thrown its weight behind MR's main challenger, General Sarath Fonseka, who was no hero for them either. But they are believed to have grudgingly backed this option because Fonseka was seen as the 'lesser of the two evils'. In a way, MR's Presidential victory left them disappointed and disenchanted. This also revived the question as what role they can/ought to play in homeland politics in the event of rise of authoritarianism. These developments paved the way for a transnational government.

A group calling itself 'Eelam in Exile', which featured a mug shot of the slain Tigers chief Prabhakaran on its website, announced elections for a "Transnational Government" for the Tamil state as early as in April 2010. In countries with big Tamil populations like Canada, Australia, and Britain – Tamils were invited to vote in referendums on the Vaddukkoaddai Resolution, a 1976 document declaring the Tamils' right to form a separate state. Tamils overseas had little faith in MR's commitment to give justice, reinforcing their faith in Tamil Eelam as the only viable political solution for Sri Lankan ethnic crisis.

There is also a smaller and lesser known group of overseas Tamils which finds such moves are unhelpful and out of step with the Tamils back home. "The diaspora has to

⁵⁸ Samuel Oakford, 'Four Years After a Tamil Defeat, the Diaspora Regroups', Inter Press Service News Agency, October 25, 2013
<http://www.ipsnews.net/2013/10/four-years-after-a-tamil-defeat-the-diaspora-regroups/>

take on a subordinate role now,” says Nirmala Rajasingam, a former LTTE cadre who had fled to London in the 1980s and subsequently campaigned against the LTTE and for Tamil rights in Sri Lanka.⁵⁹ Moderate Tamil politicians were silenced during LTTE’s heydays. This group of diaspora believes that destruction of LTTE has provided a chance for these moderate Tamil forces to once again find a voice and cautioned the diaspora not to jeopardize this process by funding rival parties.

Repercussions of diaspora activism on MR’s Government:

In the wake of continuing international criticism, largely backed by diaspora activism, the Government of Sri Lanka was put on defensive. This cost MR dearly, as he was openly castigated on international forums where his credibility to settle ethnic crisis was questioned. Major world players demanded international investigation or sanctions on Sri Lanka. MR was clearly caught between the immediate task of reviving a war torn economy and growing international isolation. In this scenario, China found an ideal opportunity to take Sri Lanka under its wings. China stood by MR’s government which was grateful for the support and appeared eager to reward them. In the process, MR lent himself to the accusation of resorting to financial shortcuts and lack of transparency in dealing with Chinese projects and offers.

Knowing well that ever increasing Chinese assertiveness in the region and beyond was a matter of global concern, the diaspora astutely used China card to further mobilize international opinion against MR and in turn advance their cause. This made MR’s regime come under greater international scrutiny.

International castigation of Rajapaksa did not go well with the majority of the Sinhala population. For them MR was the democratically elected leader of a unique third world country that exhibits social indices of a first world country, despite suffering decades long civil war. He was hailed as a hero who had freed the country from shackles of terrorism and any attack on him was seen as an affront by the Sri Lankans. Thus the trust deficit between Sinhalese and the Tamil diaspora widened, thus further strengthening the existing prejudices. This also gave an impression that some radical voices within the diaspora were manufacturing an agenda for international community’s Sri Lanka policy, which was clearly not serving Sri Lankan interests.

As a direct consequence of these events, many of the Sinhala Buddhist nationals became skeptical of diaspora’s intentions. Strong religious hue was imparted to this reaction with formation of radical Sinhala Buddhist organization named Bodu Bala Sena (BBS) in May 2012. With piquant anti-Muslim, anti-Christian propagandas and manipulation of religious symbols, BBS managed to narrow down the definition of true Sri Lankans, which in effect

⁵⁹Mian Ridge

sidelined Tamils. Such developments, in turn vitiated the atmosphere, giving impetus to aggressive majoritarianism which created a major hurdle to the peace in post war Sri Lanka.

Diaspora's unified opposition to MR and subsequent calls for a separate state fed the fear of the Rajapaksa administration and provided excuses for maintaining anti- terrorism and emergency laws. An atmosphere was generated where diaspora was seen as an unarmed version of LTTE by most of the Sri Lankans. This can be summarized as,

$$LTTE = f(\text{Terrorism, Eelam, Lanka bashing, International Network})$$

$$\text{Diaspora} = f(\text{Eelam, Lanka bashing, International Network})$$

In retaliation, Sri Lankan government banned 15 Tamil diaspora organizations plus LTTE in March 2014. They were listed as "LTTE fronts" under UN Security Council Resolution 1373 which was brought about by the USA on September 28, 2001 after the attack on the World Trade Centre. Apart from these 16 entities, 424 individuals living in 19 countries, including Sri Lanka were also listed. The list of proscribed organizations was as follows,

01. Liberation Tigers of Tamil Eelam a.k.a LTTE a.k.a Tamil Tigers.
02. Tamil Rehabilitation Organization a.k.a TRO.
03. Tamil Coordinating Committee a.k.a TCC
04. British Tamil Forum a.k.a BTF
05. World Tamil Movement a.k.a WTM
06. Canadian Tamil Congress a.k.a CTC
07. Australian Tamil Congress a.k.a ATC
08. Global Tamil Forum a.k.a GTF
09. National Council Of Canadian Tamils a.k.a NCCT a.k.a Makkal Avai
10. Tamil National Council a.k.a TNC
11. Tamil Youth Organization a.k.a TYO
12. World Tamil Coordinating Committee a.k.a WTCC.
13. Transnational Government of Tamil Eelam a.k.a TGTE
14. Tamil Eelam Peoples Assembly a.k.a TEPA
15. World Tamil Relief Fund a.k.a WTRF
16. Headquarters Group a.k.a HQ Group

Diaspora factor in 2015 Presidential and Parliamentary elections:

Even though the diaspora's can have only a limited influence on any election process as neither do they vote nor do the Tamils on ground seek their opinion, yet it was a factor, though at the bottom level of ladder, when it come to shaping up the agenda of local Tamil political parties.

There could have been calls for boycott of 2015 Presidential elections by diaspora because of following reasons:

1. A segment of the Tamil community comprising mostly radical nationalists who still believed in separatist ideologies, assumed that presidential election was an affair of the Sinhalese and the South. Tamil did not have to take part and should ignore the elections.
2. MR's opponent, Maithripala Sirisena had earlier been Cabinet Minister under the same Rajapaksa regime which the diaspora had held guilty of post war difficulties.
3. Opposition's alliance with Sinhala- Buddhist party Jathika Hela Urumaya (JHU) which is viewed as anti- Tamil, Sinhala supremacist political party.

As Dr. S. I. Keethaponcalan noted prior to 2015 elections, 'There is however, an increased understanding within the Tamil community that they need to participate in national elections in order to shape their political future. This had led to greater Tamil participation in the 2010 presidential election. A change of government at this point could create fresh space for constructive politics enabling them to break out of the present stalemate.'

Sirisena Government reaches out to the diaspora:

A paradigm shift in the approach of the new Sirisena government towards overseas Tamils became visible as government started exploring ways and means of securing their support. Sirisena, conscious of his Tamil electoral support, undertook a number of initiatives reflected in the following:

- Speaking in Parliament in March 2015, Foreign Minister Mangala Samaraweera called for a review of the ban on diaspora organizations and individuals. One month later in April 2015, the Minister announced in Parliament that the review process on 16 organizations and 424 individuals was in progress with firm backing from Sirisena-Wickremesinghe Government. Finally on November 20, President Sirisena halved the number of Tamil diaspora groups banned by his predecessor for having links with the LTTE by delisting eight such groups, while retaining ban on LTTE.
- In an unprecedented move, Foreign Minister held talks with Global Tamil Forum (GTF) in London in June 2015 to discuss constructive engagement with the diaspora. Later, SLFP spokesperson Rajitha Senaratne pointed out that many of diaspora members were approaching the age of retirement, and

their desire was to come back to Sri Lanka; invest in the country and reconstruct their homes.

Diaspora activities under Sirisena's rule:

Responding to these initiatives, there has been significant shift in the position adopted by diaspora towards the government. Some of its leading members, such as Fr S.J Emmanuel and Suren Surenthiran of the Global Tamil Forum (GTF) came out in support of the policy of constructive engagement with the government being followed by the present TNA leadership. In a statement on March 5, 2015, Father Emmanuel noted, *"The blame for the present situation of the country or of the Tamils cannot be placed only on the Sinhalese people and their leaders alone. As I explained above, we have inherited a system of government initiated by leaders from all communities. Unfortunately it has brought us all to this plight. The present regime change is a unique chance to examine our foundations and do all that is possible for a better future. Hence, we who are either victims on the ground or diaspora-stake holders, are called to make careful and responsible moves, not upsetting the international concern for our cause, not giving the new regime to effect some fundamental changes to our governance, and not weakening the unity of our current Tamil leadership when prudence and wise collaboration are the needs of this hour."*⁶⁰

This change in stance of diaspora can be attributed to two reasons:

1. Accommodative and flexible position taken up by the TNA government that has acted as a catalyst in breaking the ice.
2. Immediate steps taken by the new political dispensation to implement 'A new culture of politics' as assured by President Sirisena.

In a surprise move, GTF supported the September 26 UNHRC resolution on Sri Lanka, which settled on a mixed mechanism of investigation. The members demonstrated their preparedness to cooperate with the present government. GTF, which consists of Tamil organizations across the world, had otherwise been calling for international investigation for the victims of Eelam war. In a video interaction with Roopvahini News Channel of Sri Lanka on September 26, 2015, GTF leader said, 'We have confidence that justice will be served to all victims, be them Tamils or Sinhala or Muslims. People who breached international laws should be investigated. There is also going to be a political solution in terms of redrafting the constitution. Thus, combined with justice and

⁶⁰ Father J.S.Emmanuel, 'Without Any Promises Made To Them, Tamils Risked Their Future', Lanka News Web, March 5, 2015
<http://archive.lankanewsweb.net/features/10193-without-any-promises-made-to-them-tamils-risked-their-future-rev-s-j-emmanuel>

political solution, we think this resolution is a good one as a starting point of reconciliation. Hence we are satisfied and supporting it.'

Thus diaspora activism has minimized to some extent as an outcome of trust building measures initiated by the new government. Yet there still remain some challenges which need to be tackled by the parties, the Tamil diaspora and Sri Lankan government.

Challenges for diaspora in present context:

- 1. Adaptation with changing times:** Diaspora needs to acknowledge that the present government has shown a will and commitment to promote/protect Tamil interests. Thus, the diaspora has to re-discover itself in the light of changing reality where an independent state by any means; armed or unarmed; violent or otherwise, is irrelevant. Notwithstanding their genuine concerns for Tamils, the diaspora will not sustain test of time. Fate of island Tamils cannot be and should not be decided by the likes of Madras Cafes in Singapore or Toronto as grass root democracy is rooted in the ground realities of local self-government and townships. Hence the need of hour is to convert this long distance nationalism into 'Abiding Nationalism'.
- 2. De-radicalisation of younger generation of oversea Tamils:** Some of the younger overseas Tamils, born after 1983, are victims of a systematic overhaul campaign run by LTTE and are yet to throw off that yoke. Given their deeply entrenched LTTE shaped world view, the younger diaspora may attempt to carry forward 'struggle' for an independent state, albeit in a democratic and non-violent way, but still serving LTTE's agenda sans sword. Thus it is absolutely needed that they are educated of the ground realities in present day Sri Lanka and also the irreversible damage that LTTE caused to Sri Lanka and to the Tamil struggle for rights. The onus of changing a 'Tiger into a Tamil' lies equally on diaspora and government.
- 3. Exercise self-restrain:** A section of the diaspora has voiced disenchantment with the new government, alleging that very little has transpired on ground compared to the promises made. This seems rather harsh and unfair to the new administration which has a president who got elected in January last year without a party of his own and has since been battling on many fronts including factionalism within SLFP; assuaging fears of the majority community and standing up to the international pressures. The diaspora needs to show restraint by possibly scraping the existing Transnational Government of Tamil Eelam which has been directly challenging a democratically elected government. No sovereign nation would find this acceptable. There can be no room for parallel government.

Challenges before Sirisena-Wickremesinghe Government:

1. **Continual Constructive Engagement:** Given their size, international clout and attachment to their homeland, Tamils will continue to remain a factor in shaping international community's Sri Lanka policy. Underplaying their existence can lead to polarizing the society rather than integrating the community. An inclusive approach on part of the government can be evolved by opening a separate channel of communication to seek their suggestions and also to keep them apprised on regular basis of the efforts being made to further delivery of justice and achieve reconciliation. Besides, to reduce dichotomy between aspirations of the diaspora and Tamils residing in Sri Lanka, government needs to ensure that the sentiments of latter are effectively and regularly communicated to the diaspora.
2. **Reaching out to the diaspora- Perception Management:** The two graphs below are not based on any statistics, but aims to translate the extent of Tamil and Sinhala extremism under pre and post MR regime alongside the government's position and subsequent stance adopted by the Tamil diaspora.

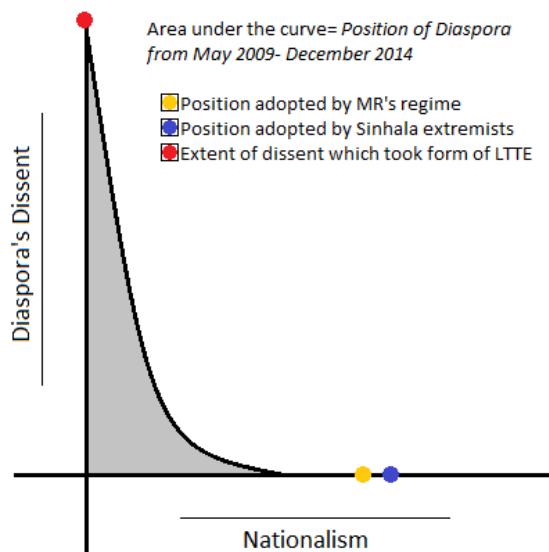


Figure 1: Political situation under Mahinda Rajapaksa's leadership

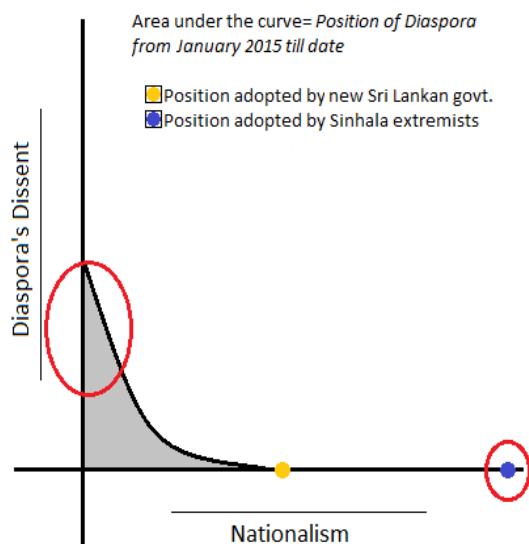


Figure 2: Political situation post January 8 regime change

X axis represents extent of nationalism.

Y axis represents extent of diaspora's dissent

Red and blue dots represents two extremes, in the form of dissent culminating into support for LTTE's terrorism and hardline Sinhala extremism which does not mind resorting to violence while championing majoritarianism.

Following equation unfolded in the post war era under MR's leadership,

$$\left(\text{Government's Authoritarianism \& Repression} \propto \text{Diaspora's Dissent} \propto \frac{1}{\text{Sinhala Extremism}} \right) \text{Eq.no. (1)}$$

Whereas, after change of leadership under President Sirisena, the following equation holds true:

$$\left(\text{Government's Initiatives for Inclusion \& Reconciliation} \propto \text{Sinhala Extremism} \propto \frac{1}{\text{Diaspora's Dissent}} \right) \text{Eq.no. (2)}$$

It is evident from a comparison of equations (1) and (2) that the relationship between Tamil diaspora and Sinhala extremists seems to have reached an impasse, as it is bound to remain inversely proportional irrespective of the government

actions. It is conspicuous that government's intended or perceived inclination either towards repression or reconciliation may assuage one extreme force but that will be at the cost of instigating other the extreme. And hence Sirisena-Wickremesinghe government's political maneuverability is narrowed due to existence of two mutually exclusive extremes. Therefore, as illustrated by red circles in figure 2, the two major challenges in front of present government are,

- a. Adopting Confidence Building Measures (CBMs) for assuaging concerns of that section of the diaspora whose continued dissent can otherwise take some undesirable form.
 - b. Taking Sinhala extremists into confidence or tackling them without generating fears in the minds of majority
 - c. Effectively managing such perceptions as propagated by government's opponents that government is heavily tilting towards one side or the other and not to let perceptions generate a parallel world of fear and ambiguity.
- 3. Managing asymmetry of immediate priorities:** While the Sri Lankan government and the diaspora agree that reconciliation and reconstruction can provide a viable solution, there seems to be a difference in their priorities. Diaspora's immediate priority is war crime justice and resolution of ethnic crisis, whereas government is focusing on reconstruction and development aspect as well. Government has to manage this mismatch of priorities. Government needs to reach out to the Tamils living in the Island before seeking out those living abroad. Those in Sri Lanka are the ones who have suffered most and need support and redress.
- 4. Make diaspora partner in healing process:** The Tamil diaspora has talent, wealth and international connections that can contribute to Sri Lanka's developmental aspirations if these are utilized for constructive purposes.⁶¹ Some individuals and group of diaspora, who have strong bonds with their homeland, are ready to adopt projects and invest in Northern and Eastern Provinces to give push to the developmental activities. This is laudable. The real challenge is to integrate their support with the programmes of the government.
- 5. Regrouping of LTTE:** The previous government was overly concerned over a possible risk of resurgence coming from diaspora(also quoted by Upper Tribunal of United Kingdom in GJ & Others). There could be an element of truth in this fear. However, as discussed earlier, the fact is that there is no popular support for return to armed struggle within the local Tamils and, if at all, only diaspora can

⁶¹JehanPerera, "Tamil Diaspora Is Becoming Part of Larger Sri Lankan Community", Colombo Telegraph, March 9, 2015
<https://www.colombotelegraph.com/index.php/tamil-diaspora-is-becoming-part-of-larger-sri-lankan-community/>

reinitiate/reorganize resources required to stage a separatist movement. Diaspora's unified opposition to MR on international platform added fuel to fire. US State Department's 'Country Reports on Terrorism for 2014,' acknowledged that though LTTE was inactive since May 2009, 'its financial network of support continued to operate throughout 2014.'⁶² Government has to be watchful of the isolated radical elements which romanticize with idea of armed struggle as some kind of a moral obligation towards the community, however small they be. The challenge lies in identifying and effectively neutralizing these elements along with convincing all stakeholders the devastating implications of such tendencies.

6. **Reaching out to youngsters in diaspora:** As discussed in the previous section, Sri Lankan Government has to shoulder the onus for de-radicalising the younger elements in the diaspora. Government can initiate youth exchange programme and encourage youngsters to visit their homeland. Reality is the strongest antidote to perception based world. This will not only ignite a sense of belonging but also a feeling of responsibility towards their country. It is imperative to "Study the politics of the Tamil diaspora well before plunging in. The Tamil diaspora issue is a complicated one with deep ramifications. Do not rely entirely on input provided by Tamil politicians or NGO personnel in Sri Lanka or diaspora representatives abroad on this issue. Proceed with the light of knowledge rather than the heat of passion".⁶³

Conclusion:

The Sri Lankan government's crucial and, in a way, conclusive victory over the 'Tigers' was overshadowed by allegations of human rights violations and war crimes. United Nations estimated that around 40,000 Tamil civilians were killed in the last few months of the war. Therefore, of the several challenges that subsequent governments faced after the end of final phase of Eelam war, the moot issues were reintegration, reconciliation and justice for Tamils.

The MR regime had promised reconciliation after defeating Tamil rebels. But it appeared to have done little to assuage the human rights agencies and the international community which were mounting serious pressure on the government. It was also evident that instead of investigating any organized activity, the culture of impunity and defiance for war crimes and torture was growing rampant in Sri Lanka. MR's government continued with policies that reflected a lingering fear of re-grouping of LTTE: This was done by MR and his brother, Defence Secretary, Gotabaya Rajapaksa with the political objective of keeping the Sinhala

⁶² 'Country Reports on Terrorism', United States Department of State Publication, Bureau of Counterterrorism, Released June 2015
<http://www.state.gov/documents/organization/239631.pdf>

⁶³ D.B.S.Jeyaraja, 'Govt Wants to Review Ban on Tamil Diaspora Organisations Listed as "Terrorists"', Daily Mirror, June 26, 2015
<http://www.dailymirror.lk/77795/govt-wants-to-review-ban-on-tamil-diaspora-organizations-listed-as-terrorists#sthash.ZchhMkFH.dpuf>

vote bank with them by playing upon their fears that LTTE could revive. Also their flawed idea of reconciliation that was entirely dependent upon economic restructuring and the promise of giving justice to the war victims, without the intent to do so, was not only conspicuous but made them pay politically in terms of electoral defeat in 2015 Presidential and Parliamentary elections. So despite the military conflict being over in May 2009, the basis of conflict remained unresolved during MR's rule.

The new government under President Sirisena and Prime Minister Wickremesinghe, has not only made a stated commitment to accountability and reconciliation, but was also taking steps in that direction. Sirisena is conscious of the electoral support of Tamils and this was immediately reflected by appointing R. Sampanthan as Leader of the Opposition in the new Parliament. But the fact cannot be brushed aside that differences of opinion still exist on the prevailing situation of Sri Lankan Tamils with many systemic issues yet to be addressed. Perhaps that is why human rights activists are asking for credible and independent investigation into war crimes. Thus, in the UNHCR resolution co-sponsored by Sri Lanka in September last year, the present government committed itself to a hybrid mechanism of justice. But the ambiguous nature of this mechanism has led to continued Tamils skepticism.

It needs to be acknowledged that Sri Lanka cannot have true and lasting national unity without genuine reconciliation; which in turn is contingent upon accountability. Justice may take some time, but establishing truth should be a priority. Both Tamils and Sinhalese have a good idea as to where they are starting from. The Tamils demand for accountability/investigation for alleged war crimes is not propelled by notion of retributive justice, but more likely a tool to pressurize Sri Lankan Government and International Community that their political aspirations are not brushed aside, post the decimation of LTTE. Another element in establishing truth, which is important from Tamil as well as Sinhalese stand point, is the extent of alleged involvement of Sri Lankan army in war crimes and human rights abuses. The blame needs to be fixed in a time bound frame, because the integrity of entire force comes into question. That is not good for any nation. Thus the present political dispensation has a long way to go in keeping up with the promise and fulfilling genuine aspirations of Sri Lankan Tamils.

Some believe that Tamil diaspora is keeping the movement alive even after the official closure of war. Many argue that there are problems with the way it conducts itself. For diaspora, it will be constructive to work with the new Sri Lankan Government by making it the nodal point rather than continue with a parallel trans-national government which is destroying their credibility. Diaspora's excessive activism in social media, TV debates and in the form of political protests, gives an impression that Tamils are winning the media war by incessantly hitting at the raw nerve of the issue- justice for victims of war crimes, or in their words, the state sponsored pogrom or genocide. Some of this activism might have

gone over the line but the very involvement of diaspora cannot be used as an excuse to delegitimize the whole issue. Sri Lankan authorities have to bear this indelible reality in mind that until and unless the truth is established, the final reconciliation in Sri Lanka may prove impossible.

Having said this, it is imperative for Tamils the world over to reflect upon their actions. It is absolutely essential to seek justice for crimes and take it to its logical end. But a fact of life which is excruciatingly difficult to digest is that- we live in a world where closure, however morally compelling, may not always be an option. After the end of World War 2, Japan had nowhere to go for justice, but still they converted all obstacles into opportunities to emerge as one of the most prosperous democratic nation in the world. Coming to our own subcontinent, the Sindhis, a community that suffered a great deal along with the others during partition- pulled themselves up to rise as one of the most successful and prosperous communities in India. Therefore, in the quest of seeking justice, Tamils should be careful not to halt their own progress, the progress of their nation and progressive policies of its elected government.

In one of the episodes of Mahabharat, Pandavas felt victimized as they were handed over with barren land of Khandavprastha over the resource rich Hastinapur. But they were reminded that very few possess the courage and capability to carry out rebuilding following this, the Pandavas converted sterile land into beautiful city of Indraprastha. A similar opportunity has been bestowed upon Sri Lankans. *'Where there is ruin, there is hope for treasure'* (Maulana Jalaluddin Muhammad Rumi). Now the onus is on Sinhalese and Tamils to close the war chapter with a healing touch to prevent any latent ambitions of separatist movement to revitalize.

The latest addition to the Mahavamsa, the great chronicle compiling history of Sri Lanka since 543BC, relating to modern history of Sri Lanka from 1978 to 2010 is already presented to the Parliament for its inclusion. It is for Sri Lankans, be them Sinhalese or Tamils or those occupying government offices or sitting in opposition, to discern the difference between what is temporary and what is lasting. The unavoidable was temporary, but the lessons of unavoidable are lasting. It is for Sri Lankans to choose what legacy they intend to pass on to the posterity through Mahavamsa- the lessons of unavoidable or the inheritance of conflict.

SRI LANKA

- National capital
- ⊙ Provincial capital
- Town, village
- - - Provincial boundary
- Main road
- Secondary road
- + Railroad
- ✈ Airport

The map displays the following provinces and their capitals:

- NORTHERN**: Jaffna
- NORTH CENTRAL**: Anuradhapura
- NORTH WESTERN**: Kandy
- CENTRAL**: Kandy
- EASTERN**: Trincomalee
- UVA**: Badulla
- WESTERN**: Colombo
- SABARAGAMUWA**: Ratnapura
- SOUTHERN**: Galle

Other notable locations include: Devipattinam, Rameswaram, Dhanushkodi, Adam's Bridge, Mannar, Vavuniya, Kilinochchi, Mullaitivu, Puthukkudiyiruppu, Manjulam, Nedunkeni, Pulmoddai, Madhu Road, Pankulam, Horuwopotana, Nilaveli, Trincomalee, Mutur, Kantalai, Kathiraveli, Polonnaruwa, Valachchenai, Chenkaladi, Batticaloa, Maha Oya, Paddiruppu, Kalmunai, Udhana, Amparai, Tirrukkovil, Okanda, Kumana, Hambantota, Kirinda, Tissamaharama, Embilipitiya, Kataragama, Telulla, Balangoda, Haputale, Monaragala, Buttala, Pottuvil, Nuwara Eliya, Badulla, Bibile, Mahiyangana, Kehelua, Pannala, Kurunegala, Kuliyapitiya, Chilaw, Ganewatta, Maho, Anamaduruwa, Puttalam, Maragaheva, Pomparippu, Medawachchiya, Kabitigollewa, Hamillewa, Anuradhapura, Vavuniya, Madhu Road, Silavatturai, Mannar, Talaimannar, Dhanushkodi, Rameswaram, Devipattinam, Karaitivu I., Pamban I., Adam's Bridge, Mannar I., Palk Bay, Palk Strait, Gulf of Mannar, Bay of Bengal, Indian Ocean, Laccadive Sea, Mount Lavinia, Moratuwa, Panadura, Kalutara, Matugama, Deniyaya, Akuressa, Tangalla, Matarra, Galle, Ambalangoda, Beruwala, Negombo, Negombo Lagoon, Ja-Ela, Gampaha, Kegalla, Pannala, Kurunegala, Kuliyapitiya, Chilaw, Ganewatta, Maho, Anamaduruwa, Puttalam, Maragaheva, Pomparippu, Medawachchiya, Kabitigollewa, Hamillewa, Anuradhapura, Vavuniya, Madhu Road, Silavatturai, Mannar, Talaimannar, Dhanushkodi, Rameswaram, Devipattinam.

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

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