



Reformed Global Tamil Forum, Inc.

(A Non-Profit Organization registered in the State of New York, USA)

Federation of Global Tamil Organizations : rgtf.org

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Honorable co-chairs James McGovern, Piero Tozzi, and Rep. Deborah Ross
Tom Lantos Human Rights Commission
Washington, D.C.

Eelam Tamils Did Not surrender their sovereignty to Sri Lanka

The Reformed Global Tamil Forum (RGTF) appreciates the recent focus of the Tom Lantos Human Rights Commission (TLHRC) on Accountability and Human Rights in Sri Lanka. We would like to draw your attention to the root cause of the problem: improper decolonization of the island of Ceylon in 1948, and continued by Sri Lanka's genocide against Tamils to the present day. The British merger of the Island's two sovereign peoples under one administration in 1833 for the purpose of administrative convenience, was not considered for review during the decolonization process of 1948. This led to the unitary state of Ceylon, known as Sri Lanka today.

Forcibly maintaining the unitary state after decolonization has led to the genocide of Eelam Tamils. Failing to recognize Sri Lanka's genocide and state terrorism has been the reason for the continuous human rights violation and failures in accountability.

In 1977, the self-determining Tamil people democratically agreed to create an independent State of Tamil Eelam, in the North-East region of the island of Sri Lanka, as defined in the Tamil United Liberation Front's election manifesto. Tamils gave a democratic mandate to their leaders to draft a Constitution and form a National Assembly for the new state. Since then, Tamils have not abandoned this aspiration.

Reformed Global Tamil Forum, Inc. was incorporated as a not-for-profit organization in the State of New York in the United States of America. Eight (8) prominent Tamil organizations from the USA, Canada, and Europe joined this registered organization in 2021. As a newly formed federation of Global Tamil Organizations, we would like to explain this root cause of the ongoing international conflict, which has resulted from Sri Lanka's repression of Tamils' struggle for self-determination. We recommend taking meaningful measures to address the root cause of improper decolonization, to benefit both the people of Sri Lanka and the people of Tamil Eelam.

Background:

Tamils historically governed the land of Tamil Eelam—the North-East region of the island of Sri Lanka—before European colonization and have never surrendered their sovereignty to Sri Lanka. Even though the Sinhalese are the majority under the current state structure, the Eelam Tamils are the majority in Tamil Eelam. Tamils have been living in the North-East regions of the island for over 2500 years continuously.

Colonization of Tamil Eelam began in 1619 when the Portuguese deposed and killed the sovereign Tamil king. The Dutch took over the territory from Portugal in 1658 and later lost their claim during a war between the Netherlands and France. Taking advantage of this moment, the British moved their forces into the island, placing it under their control in 1796. Ceylon was made a British colony, in accordance with the Treaty of Amiens between Britain and France, in 1802. At no time during these colonial changes did the Tamil people consent to the occupation of their land, by any foreign power, through a consensual treaty or democratic agreement.

Between 1619 and 1833, the Tamil homeland was administered separately from Sinhala territory by every new colonial power. In 1833, a British colonial decision—to administratively merge the traditional Tamil homeland in the North-East with the Sinhala homeland in the South took place. This resulted from the recommendation of the Colebrook–Cameron Commission. Even at the time, one author has noted, “the reforms adopted in Ceylon in 1832-34 were indeed far-reaching and unprecedented according to the standards of the day, especially in the East.”

Based on this history, we state emphatically that the island’s process of decolonization in 1948 was improper because the retreating British did not allow the population an option to reverse the Colebrook–Cameron merger. Like all colonial actions since 1619, the unitary state of Ceylon had been externally imposed without Tamils’ consent.

After independence, the new post-colonial state continued the old colonial policies, to the detriment of Tamils. It maintained the British borders for the island, and imposed majority rule on the Tamil people, without regard to Tamils’ inherent sovereignty.

From the time of Ceylon’s independence from the British in 1948, the Sinhalese, who constitute nearly 71 percent of the population, have acted towards the prejudice of the Tamil community.

In 1949, the Sinhala majority central Government of Ceylon disenfranchised over one million Tamil citizens. These were Up Country Tamils, the descendants of those brought from South India to work in the Tea Estates. They had enjoyed full rights of citizenship at the time of independence.

In 1956, the language of the majority, Sinhalese, was made the sole official language throughout the country disregarding the fact that the North and East had been

continuously Tamil speaking from prehistoric times. This forced the Tamils in government service to retire or resign from service. After 1956, many Tamils who had been working for the state fled or emigrated.

From the time of the State Council before the grant of independence, steady colonization of the Tamil-speaking areas with Sinhalese colonists from the South had been continuing. Today, colonization attempts to oust Tamils from their traditional areas of residence continue despite the Indo Sri Lankan Accord of 1987, which recognized the North and East as traditional Tamil-speaking areas and their traditional homeland.

The Census Reports from the time of the British would point out that Tamils were almost 92 percent of the population in the North and East until 1956. Steady expropriation of the lands in the North and East began around the time of Independence, where the Sinhala majority State brought in Sinhalese from elsewhere to occupy these Eelam Tamils lands, which is a state-sponsored Colonization.

In 1958, acts of Genocide were staged by the Sinhalese with Government support to drive the Tamils from the seven Provinces south of the North and East. The government acknowledged the existence of Tamil Eelam when they sent the internally displaced Tamils to the North and East by ships. Since Tamils started protesting against the anti-Tamil activities of the successive Sinhala majority governments, the military was sent to the North around 1961. Besides during the civil war when the LTTE was in control of the Tamil Homeland, the military has been stationed in the North and East.

In the early 1970s, a process called standardization in selecting students to the University was introduced. By this process, many qualified Tamil students were denied entry into universities while less qualified Sinhalese and Muslim students were admitted into universities. Acts of genocide against the Tamils continued even after 1958 in 1961, 1977, and so on until 1983 when many Tamils were chased out violently from the capital city Colombo and suburban areas by Government-sponsored goon squads making almost a million Tamils flee to foreign countries. During the 1983 pogrom, the Sri Lankan government provided a voters list to the Sinhalese gangs to find Tamils in Colombo and target them for violence, as their intention was always to eliminate or chase Tamils out of the country.

The 1977 Tamil democratic mandate called upon the Tamil youth to fight for freedom to form Tamil Eelam. When the Tamil youth took up arms, their struggle was mischaracterized as terrorism, and with the help of many countries, it was brutally crushed in May 2009 by the killing of over 100,000 Eelam Tamils. At the end of the war, inter alia crimes of genocides, war crimes, and crimes against humanity were committed by the Sri Lankan Military Forces. Many innocent Tamils handed over to the Sri Lankan Armed Forces simply disappeared or are unaccounted for.

Tamil's freedom struggle for self-determination:

Before the European colonizers breached the sovereignty of Eelam Tamils, there was a Tamil kingdom. When the British left on February 4, 1948, it became a black day for Eelam Tamils as it was the start of the genocide. Upon leaving the Island, the British granted the power to the Sinhala Buddhists to start its atrocities against Tamils. Sri Lanka's genocide against Tamils escalated with a pogrom in 1958 when hundreds of Tamils were killed by Sinhala thugs and armed forces. During that time, Tamils protested non-violently. Several pogroms and massacres pushed the Tamils to get a mandate for the formation of the independent state of Tamil Eelam. The western media conveniently hid this fact. Defying all odds, the Tamil freedom movement, Liberation Tigers of Tamil Eelam (LTTE), reestablished Tamil Eelam's sovereignty over part of its traditional territory, as a de facto-State in 1990. This state was tacitly recognized by Sri Lankan President Chandrika Kumaratunga, in a 2003 statement to The Hindu newspaper.

In 2002, the State of Tamil Eelam entered internationally facilitated peace talks. During these talks, the LTTE submitted its federal system-based interim solution proposal, ISGA, in 2004. Instead of honoring Tamil's self-determination, the world powers provided military and diplomatic cover to the Sri Lankan government to conduct a genocidal war against Tamils. On May 27, 2009, the UNHRC shamefully passed a resolution to congratulate the Government of Sri Lanka for successfully executing this genocidal war. It took a year for the UN to launch an internal investigation to determine war crimes and crimes against humanity leading to potential genocidal crimes were committed by the Sri Lankan government during the conduct of this war, according to its 2012 report. The UNHRC should expand its mandate to allow Tamil Eelam to be represented in the UN as the observer state.

Canagasabapathy Visuvalingam Vigneswaran, current Member of Parliament for Jaffna District in the Sri Lankan Parliament, former Chief Justice of Sri Lanka's High Court, and former Chief Minister of the Northern Provincial Council (NPC) initiated a resolution in the NPC on the genocide committed by the Sri Lankan state against the Tamils. It passed unanimously. Genocide against Tamils continues even today.

In 2018, 21 Tamil diaspora organizations around the world endorsed the resolution after two days of an academic conference and a final day presentation at the Canadian parliament. "No solution could be found within the unitary state structure of Sri Lanka. Therefore, we call upon Canada and the international community to intervene and enforce international law, to recognize the Tamil people as a nation and to acknowledge their right to self-determination," the resolution stated.

Accountability for 2009 genocide and atrocities :

After 2009, Tamil Diaspora called for a Nuremberg-like Tribunal to prosecute and hold prominent members of the political, military, judicial, and economic leadership of the Government of Sri Lanka (GOSL) accountable for the crime of genocide. Unfortunately, the International community has delayed and denied justice for the horrific events of May

2009, failing to deliver any tangible remedies to the Tamil people. Instead, the international community continues to silence and suppress Tamil diaspora voices through a criminal counter-terrorism lens by extending the listing of the Liberation Tigers of Tamil Eelam (LTTE) as a Terrorist organization.

Several of the GOSL armed forces and its military commanders were identified for their crimes against humanity and war crimes by the UN; however, still, there is no tangible action. We appreciated the travel ban on Sri Lanka's military chief by the USA in 2020; however, we would expect more sanctions against other Sri Lankan military and political leaders. GOSL promoted most of their commanders who committed war crimes and established war memorials after destroying Tamil heroes' cemeteries. GOSL built several Buddhist temples in the Tamil homeland to continue its process of cultural genocide and planned to settle Sinhalese around these Buddhist temples and viharas. Instilling fear among Tamils and showing their aggression shows a total elimination of Tamils from their homeland is GOSL's agenda. There is no accountability for these aggressions but only a continuous genocidal program by the successive Sri Lankan governments.

The current narrative is that both GOSL and LTTE committed crimes, but there is no mention of the quantitative aspect of the crimes. In fact, over 95% of the crimes were committed by the GOSL, while less than 5% were committed by LTTE. One hundred percent of the rapes were committed by GOSL as there were no rape allegations against LTTE. Also, only GOSL executed prisoners of war. The accusations against LTTE that it stopped civilians from leaving the warzone and forced conscription are false. Thousands of civilians were killed after the war ended on May 18, 2009. For those crimes, only GOSL should be held responsible. However, the International community has only applied sanctions and a ban on LTTE, and nothing has been done against GOSL. This way of accountability raises several questions about whether nations and institutions such as IMF and World Bank are protecting GOSL at any cost.

Current situation:

Today, the unitary state imposed by the British in 1833, and continued by Sri Lanka after improper decolonization of the island in 1948—continues to justify an ongoing genocide and military occupation of Tamil Eelam's people and territory. After the horrific events of 2009, according to the Oakland Institute, the traditional territory of Tamil Eelam has been forcibly occupied by a military force of one Sri Lankan soldier for every six Eelam Tamil civilians. Yet again, the Tamil people have not consented to this occupation: it has been illegally imposed by force of arms.

In Tamil Eelam, the voices for the right to self-determination are raised loud and clear. On February 4, protesters called for an international inquiry into the Tamil genocide, justice for the families of the disappeared, the unconditional release of political prisoners, and the removal of the Prevention of Terrorism Act (PTA). A similar rally was held in Mullivaikkal on the same day to mark Sri Lanka's 'Independence Day' as a "Black Day for the Tamil nation". On January 30, 2022, thousands of Tamils held a rally in Jaffna calling for a

political solution that recognized the Tamil nation, its sovereignty, and its right to self-determination. In 2021, the Tamil diaspora also declared common principles of Tamils, which calls for an internationally conducted and monitored referendum and repeal of Sri Lanka's notorious sixth amendment that prohibits separation and also violates international laws. The common principles of Tamils have been signed by six Tamil non-profit organizations in the USA and seven in Canada, and the rest of Tamil diaspora organizations are reviewing to sign.

On January 19, 2022, following a meeting with Britain's Minister for South Asia, Tariq Ahmad, People Uprising Movement (P2P) released two letters detailing the ongoing plight of Tamils in Sri Lanka and their demand for self-determination. "We Tamils have been fighting for over seventy years for self-determination. We are a nation of people living in the merged North and East in the island of Ceylon. We have the right to determine our destiny. Successive Sri Lanka Sinhala-Buddhist Governments have continually suppressed our right to self-determination and govern us employing brutal military force to eradicate, which amounts to Genocide" the statement read. Tamil people in Tamil Eelam continuously fight for freedom and self-determination to protect themselves from Sri Lanka's genocide. The Tamil diaspora calls the UN and western governments to recognize Tamil self-determination and aid in achieving it.

Our Recommendations :

1. An internationally conducted and monitored Referendum that allows people living in the north-eastern region of the island of Sri Lanka (Northern and Eastern province) prior to 1948 and their descendants to find a democratic, peaceful, and permanent political solution that meets Tamil people's aspirations.
2. An interim International Protection Mechanism in the north-eastern region of the island.
3. The Repeal of the Sixth Amendment to the Sri Lankan Constitution.
4. The referral of the situation in Sri Lanka to the International Criminal Court with respect to genocide, crimes against humanity and war crimes, and legal action against Sri Lanka before the International Court of Justice under the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention against Torture.

We firmly believe Tamils can not be protected under unitary Sri Lanka as the Sinhala-Buddhist government will continue to escalate genocide against Tamils. Erasing the memories is the last stage of genocide, and we believe this is the stage that Eelam Tamils are in now. While we encourage International protection mechanisms to stop or delay the genocide, we strongly request addressing the root cause by respecting the Tamils as indigenous people and they should govern themselves.