The Enduring Impact of Tamil Separatism

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In May 2009, the Sri Lankan military defeated the Liberation Tigers of Tamil Eelam (LTTE), a “most lethal and well-organized terrorist group in the world,” which had fought for nearly thirty years to establish a separate Tamil state in Sri Lanka.¹ Since that decisive victory in what was considered the “longest-running conflict in Asia,” significant steps have been taken towards the reconciliation and integration of the Tamil minority into the country’s political system.² Local government elections held in July 2011 brought the Tamil National Alliance into power in the Northern Province, which signified a return to democracy and normalcy in the north, as elections could not be conducted during the armed conflict.³ Despite possible dangers to national security, the current Sri Lankan government, which came into power in 2015, lifted the ban on Tamil separatist organizations, released imprisoned Tamil rebels charged with terrorist activities, and returned thousands of acres of land in the north and the east that the military confiscated during the thirty-year war.⁴

Members of the Tamil elite have taken important government positions, including Chief Justice and Governor of the Central Bank, notwithstanding ethical and legal controversies surrounding some of those appointments. A Tamil politician was appointed as the Leader of the Parliamentary Opposition, even though his Tamil National Alliance party won only sixteen seats as opposed to the fifty-one seats gained by the United People’s Freedom Alliance of the Sinhalese in the 2015 Parliamentary elections. In an effort to appease Tamil sentiments, Sri Lanka’s national anthem was sung in the minority Tamil language at the official Independence Day celebrations in 2016.

² Ibid.
Regardless of such efforts, Tamil separatism has not been halted. Since the military defeat of the LTTE, a faction of the Tamil diaspora in the West has regrouped, forming new initiatives to carry on the separatist struggle through political means. In June 2009, a “Transnational Government of Tamil Eelam” was inaugurated with New York-based attorney Visuvanathan Rudrakumaran, the international legal advisor to the LTTE, as its first prime minister. The Global Tamil Forum, a “conglomerate” of pro-LTTE diaspora organizations, has renewed the call for the creation of an “Autonomous Tamil Region” in the northern and eastern provinces through a “rearrangement of Sri Lanka’s governance structures.”

In Sri Lanka, the Northern Provincial Council, which is dominated by the Tamil National Alliance, has passed a resolution that the north and the east provinces should merge into one. A Northern Provincial Councilor (a relative of LTTE leader Velupillai Prabhakaran) has said that if constitutional reforms uphold the unitary state, “we will not be in a position to accept it...there will not be any room for reconciliation and the country will split into four or five parts.”

Internationally backed constitutional changes that focus merely on Tamil separatist interests overlook the interests of the Sinhala majority and the Muslim minority. By ignoring the island’s historical, demographic, and geopolitical evolution, they could reignite violent conflict, leading to ethnically based balkanization. The international community tends to see the Sri Lankan civil conflict simply as a case of Sinhala Buddhist majoritarian aggression and Tamil minority oppression. The various peace initiatives built upon this narrow perspective, such as the Indo-Sri Lanka Treaty imposed by India in 1987 and the peace initiative facilitated by Norway in 2002, sought to create a separate region for Tamils in the north of Sri Lanka. Given the marginalization of all groups opposed to separatism, those initiatives led to the intensification of the conflict and violence rather than to peace and conflict resolution. It is important, then, to develop a balanced historical and pluralist perspective and to consider the wisdom of international support for Tamil separatism, which threatens multiculturalism, peace, and stability in Sri Lanka and the South Asian region.

Evolution of Tamil Separatism

British colonial policies had differential impact on the diverse ethnic, religious, and caste groups. The colonial state’s grants-in-aid provided most of the Christian missionary schools to the Northern Province. As a result, the Vellala caste, dominant in the Jaffna Peninsula, gained disproportionate access to English language education,

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university science faculties, careers in the civil service, modern professions, and the trust of the colonial masters. The post-independence Sri Lankan government of the 1950s and 1960s introduced some language and university entrance policies to redress those ethnic, class, religious, and caste disparities established in the colonial era. The government has reversed those policies since then, and Tamil is now an official language, a status it does not have even in India where there is a much larger Tamil population.

When the shift towards electoral democracy beginning in 1921 first threatened the Vellala Tamil advantage, Ponnambalam Arunachalam, a Sri Lankan Tamil leader, turned to the idea of a pan-Tamilian state. At the inaugural meeting of the Ceylon Tamil League, he stated its objective: “to keep alive and propagate…throughout Ceylon, Southern India and the Tamil colonies…the union and solidarity of ‘Tamilakam,’ the Tamil Land.” In 1949, one year after the island became independent from the British, the Malaysia-born Tamil politician S.J.V. Chelvanayakam formed the Tamil Federal Party. In the Tamil language, it carries a distinctly separatist connotation as Illankai Tamil Arasa Katchu (the Tamil State Party). Chelvanayakam saw federalism as a stepping stone to eventual secession, the motto of his approach being “a little now, more later.” The traditional Tamil “homeland” that has been invoked since the 1950s constitutes the Northern and Eastern Provinces, which the British carved out largely from the Sinhala Kandyan kingdom for administrative convenience. The Sinhala origin of place names and extensive historical evidence reveal the existence of Sinhala Buddhist settlement and culture throughout the northern and eastern regions; it did not constitute a unified Tamil political entity that has existed from the “beginning of history.”

The militant movement for the creation of a Dravidian state, Dravidasthan, in South India, encompassing Tamil Nadu, Mysore, Kerala, and Andhra, where Dravidian languages are spoken, goes back to the late British colonial period. Tamils in South India, however, were compelled to give up the formation of a nation-state in their own country when the Indian government adopted the draconian anti-secessionist constitutional amendment in 1963 following the Sino-Indian War. Then, in conjunction with policies introduced in Sri Lanka to redress grievances of the Sinhala majority, South Indian Tamil support for a “surrogate” Tamil state in Sri Lanka expanded. The confluence of local and regional factors resulted in the armed conflict between the Sri Lankan state and Tamil militant groups in the mid-1970s, leading to the anti-Tamil pogrom of 1983. Increased terrorism and state violence followed.

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10 Ibid., 39-41.
Tamil militant separatists would not have had the ability to emerge as a strong threat to the Sri Lankan government without the arms and military training given by India starting well before the riots of July 1983. Prime Minister Indira Gandhi’s covert support for Sri Lankan Tamil insurgent groups, including the LTTE, stemmed from concern over India’s regional security and the importance of the electoral support of the Tamil Nadu region. When the Sri Lankan army was just about to vanquish the LTTE in May 1987, India intervened militarily and stopped the Sri Lankan advance.

The Thirteenth Amendment and Indian Intervention

The Thirteenth Amendment to the Sri Lankan Constitution emerged from the Indo-Sri Lanka Accord, signed in July 1987, and the arrival of the Indian Peace Keeping Forces (IPKF). The stated objective of this accord was “resolving the ethnic problem of Sri Lanka” by recognizing that “the Northern and Eastern Provinces have been areas of historical habitation of the Sri Lankan Tamil-speaking peoples.” In an attempt to create a Tamil-majority area, the accord resolved to join the Northern and Eastern Provinces to form one administrative unit with one elected provincial council. It also called for a referendum to determine if the people of the Eastern Province wished for their province to be joined to the Northern Province.

The hasty and confused process of adopting the Thirteenth Amendment violated the island’s democratic and legal traditions. The assertion of the existence of a unified “Tamil-speaking people” ignored the pluralism of the north and the east and the regional differences between the northern Jaffna Tamils and the eastern Batticoloa Tamils and marginalized the Muslims, who, though predominantly Tamil-speaking, do not identify themselves as Tamils. Given the failure to hold a referendum in the east and continued opposition to the Indian-imposed merger, the Northern and Eastern Provinces were de-merged by the Sri Lankan Supreme Court in 2006.

The Indian intervention gave rise to one of the bloodiest and most anarchic periods in the modern history of the island. Violent resistance by the Sinhala Janatha Vimukthi Peramuna (JVP) against Indian intervention turned into a horrific reign of terror in the south. Struggle against the IPKF allowed the LTTE—one of several Sri Lankan Tamil militant groups originally funded and armed by India—to emerge as the “sole representative of Tamils.” Tamil separatist violence and ethnic cleansing of Muslims and Sinhalese intensified. In March 1990, the Indian Army finally withdrew from Sri Lanka, leaving behind a trail of death and destruction. In addition to the thousands of soldiers, rebels, and civilians killed by the IPKF and the LTTE in the north and the

east, anywhere from 40,000 to 60,000 deaths occurred in the JVP-Sri Lankan government war in the south.\(^{17}\)

Although the LTTE was banned in India following its assassination of former Indian Prime Minister Rajiv Gandhi in Tamil Nadu in 1991, support for a separate Tamil state in Sri Lanka has persisted. It plays a major role in South Indian electoral politics; rival politicians and parties manipulate the issue for self-advancement. A pan-ethnic sense of relative deprivation has played a significant role in both regional and international Tamil support for the Tamil separatist struggle in Sri Lanka. Tamils—about eighty million people worldwide, with over sixty million in Tamil Nadu—consider themselves to be a “nation without a state” or a “trans-state nation.” LTTE leader Prabhakaran envisioned a “Greater Eelam,” going beyond just Sri Lanka.\(^{18}\)

**Post-LTTE Developments**

Since the defeat of the LTTE, Tamil diaspora groups have deflected international attention away from LTTE terrorism and its atrocities, including those toward Tamils. Using ample funds, lobbying, and media connections, they have cultivated access to the British, United States, and other Western governments and international non-governmental organizations (NGOs) and have succeeded in bringing war crime charges against the Sri Lankan government. These efforts have influenced the adoption of the UN Human Rights Council’s Resolution (co-sponsored by the current U.S.-backed Sri Lankan government) in Geneva in 2015 and the 2015 Report of the Office of the UN Human Rights Commissioner. They call for accountability and an international investigation into war crimes and human rights violations in the final stage of the armed conflict in Sri Lanka, as well as international monitoring of transitional justice and reconciliation. Clause 16 of the Geneva Resolution explicitly states that the Sri Lankan government must devolve power through constitutional means, namely the Thirteenth Amendment, which:

* Welcomes the commitment of the Government of Sri Lanka to a political settlement by taking the necessary constitutional measures, encourages the Government’s efforts to fulfil its commitments on the devolution of political authority, which is integral to reconciliation and the full enjoyment of human rights by all members of its population; and also encourages the Government to ensure that all Provincial Councils are able to operate effectively, in accordance with the thirteenth amendment to the Constitution of Sri Lanka.\(^{19}\)

The legitimacy of the UN to continue to intervene in and monitor Sri Lanka, however, is questionable given its admitted “systematic failure” to carry out its duties and uphold

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\(^{18}\) Ibid., 141-152.

\(^{19}\) Ibid., 4, 20-22.
humanitarian interests during the final phase of the Sri Lankan armed conflict. The former UN Secretary General Ban Ki Moon himself has admitted this failure. The “Report on Secretary General’s Internal Review Panel on UN Actions in Sri Lanka,” concludes:

…events in Sri Lanka mark a grave failure of the UN to adequately respond to early warnings and to the evolving situation during the final stages of the conflict and its aftermath, to the detriment of hundreds of thousands of civilians and in contradiction with the principles and responsibilities of the UN. The elements of what was a systemic failure can be distilled into…a UN system that lacked an adequate and shared sense of responsibility for human rights violations…an incoherent internal UN crisis-management structure which failed to conceive and execute a coherent strategy in response to early warnings and subsequent international human rights and humanitarian law violations against civilians.

Although UN documents refer to human rights violations by “both parties,” calls for accountability are directed solely at the Sri Lankan government, as the LTTE no longer exists as such. An international investigation that focuses merely on one party—the Sri Lankan government—and on just the final phase of the war, absolves the LTTE, the Tamil Diaspora that funded the LTTE, the IPKF, and various other parties of human rights violations. Indeed, is the ultimate objective of international pressure, humanitarian justice, or coercion of the Sri Lankan government to concede Tamil regional autonomy?

Tamil Regional Autonomy

Since the end of the armed conflict, Indian Prime Minister Narendra Modi has been pressing Sri Lanka to go beyond the Thirteenth Amendment and to devolve powers to provide for Tamil regional autonomy. The U.S. Ambassador in Sri Lanka, Atul Kesahap, stated on record that the United States supports a federal structure as the means for reconciliation between the Sinhala majority and the Tamil minority.

who led the failed Norwegian intervention into the Sri Lankan conflict, and the financier George Soros are among those in the West calling for federalism in Sri Lanka.25

These calls ignore the complex demographic realities, multiculturalism, and mutual co-existence in Sri Lanka. The majority of Tamils in Sri Lanka are estimated to be living in the southern regions of the island outside the disputed “Tamil Homeland.” The Eastern Province is the home to Tamils, Sinhalese, and Muslims, approximately one-third each. Even the overwhelmingly Tamil Northern Province had a significant Muslim population and a smaller Sinhalese population that was driven out by the LTTE during the course of the war. As U.S. geographer Robert Stoddard observed, the “distribution of ethnic populations in Sri Lanka cannot be regionalized to form a single, contiguous territory for each group. The final resolution to the ethnic conflict in the country will have to recognize this geographic reality.”26 A grant of regional autonomy to Sri Lankan Tamils could revive the call for a separate Muslim administrative unit in the east, as happened during the 2002 Norwegian-facilitated peace process which sought to establish LTTE control over the north and the east.

Similarly to developments elsewhere in the world, efforts to enforce regional autonomy along ethnic lines are leading to ethnic cleansing and new forms of conflict and violence in Sri Lanka. Recent examples of ethnic cleansing include the plight of Buddhist monks whom Tamil politicians have ordered to remove their historic temples from the Northern Province, attacks on Sinhala students at the University in Jaffna in July 2016, which compelled them to leave the campus after including a Sinhala dance form at a campus ceremony, and a Special Gazette notification on 21 August 2015 that transferred the only remaining Sinhala village in the Northern Province, Bogaswewa, to the North Central Province.27

Notwithstanding these disturbing ground realities, the Sri Lankan government is now forging ahead with proposals for constitutional reform in response to the Geneva Resolution’s demands for comprehensive judicial and non-judicial measures and political devolution. Zeid Ra’ad Al Hussein, UN High Commissioner for Human Rights, has stated that the constitutional reform process has “achieved significant momentum” and would provide “an opportunity to rectify structural deficiencies that contributed to past human rights violations, and reinforce guarantees of non-recurrence.”28 However, the recently released recommendations of the Sub-Committee on Center-Periphery Relations on constitutional reform are raising serious concerns over political destabilization.

28 Statement by Zeid Ra’ad Al Hussein.
and renewed conflict in Sri Lanka and the region.  

Constitutional Reforms and Devolution

The draft report of the Sub-Committee on Center-Periphery Relations refers to the present unitary character of the constitution as an “impediment” to devolution. It recommends going beyond the Thirteenth Amendment to transform the governance structures of the country by dismantling the powers of the central government and equipping and empowering each province to pursue full independence from the center and from each other.

Among the many recommendations of the draft report are: repeal of the center’s exclusive powers and giving the provinces power over land, finances (including the power to receive foreign direct investment), and police powers; abolition of the present Concurrent List (on subjects shared between the center and the provinces) and the reduction of the governor—the representative of the central government—to a nominal status; and limitation of the center’s powers to bring provincial administrations under direct judicial review. There is no provision in the draft proposals for retaining the center’s power to override provincial statutes with a two-thirds majority vote in parliament. Without such a provision, each province would be constitutionally independent and have the freedom to secede from the federal union through a provincial referendum or other mechanism.

The proposed constitutional changes pose a threat to the sovereignty and unitary character, as well as the territorial integrity, identity, and national security of Sri Lanka. Although only the northern region has been clamoring for separation, the proposed decentralized structure is likely to encourage political elites in other regions also to secede to augment their own powers. Such a situation could lead to multiple conflicts between the separated regions over boundaries, waterways, coastline, cultural heritage sites, etc. It would undermine the central government’s ability to respond to common threats to the environment and the security of the island as a whole.

The Sub-Committee on Center-Periphery Relations has not taken up the recommendations by Sinhala activists and organizations, such as the Global Sri Lankan Forum, to repeal the controversial Thirteenth Amendment and the failed Provincial Councils and establish district-based devolution. Rather, the current recommendations of the Sub-Committee would weaken existing district and village level authorities by bringing them firmly under the control of the vastly strengthened Provincial Councils. Devolution on the basis of smaller district units may better accommodate the regional

30 Ibid.
ethnic, cultural, and social heterogeneity of the island. It may allow local people greater control over land, water, and other natural resources and preclude many communities from turning into minorities within larger multi-ethnic provincial units. However, devolution at the provincial level, which is the stepping-stone to separatism, prevails over economic and political rights of people at the district level.

**Dangers Ahead**

The proposed political devolution in Sri Lanka could facilitate increased militarization and exploitation of national wealth, natural resources, and people by powerful countries. It could exacerbate fragmentation, destabilization, and conflict, requiring even greater foreign intervention by external actors, such as the UN. The enforcement of the Thirteenth Amendment and a grant of Tamil regional autonomy could result in a Tamil region in the north that is subservient to India. These concerns are aggravated by new projects planned by India, such as the sea bridge and tunnel to connect the southern tip of India with the north of Sri Lanka. While the proposed bridge could provide the basis for realizing the long-held Tamil separatist dream of “Greater Eelam” it could simultaneously threaten the stability and unity of India, as well as the environment.  

Proposed changes could also aggravate geopolitical competition in the region. India, China and the United States are all struggling for influence over Sri Lanka, which is strategically located in a major international trade route in the heart of the Indian Ocean. Sri Lanka is an active participant in China’s extensive network of ports and maritime facilities connecting the Pacific and Indian Oceans. There is a plan under way to cede the Hambantota deep-sea port and land for a massive economic zone in southern Sri Lanka to China. India is concerned about Chinese encirclement and is in turn expected to sign an accord to develop the Trincomalee Harbor in the east of Sri Lanka. In August 2016, the first joint operation between the United States and the Sri Lankan militaries took place in Jaffna with participation of Tamil National Alliance.

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politicians at the launch.\textsuperscript{35} Political devolution could contribute to making the island a stage for the foremost geopolitical struggle of the twenty-first century.

Ordinary Sinhalese and Tamil youth have spilled much blood over the Thirteenth Amendment, devolution, and separatism in recent Sri Lankan history. The Sinhalese, Tamil, and Muslim elites in Sri Lanka and the Indian and western elite must not let that happen once again. Mass discontent and protests against unjust policies and external intervention are growing in Sri Lanka. The volatile situation requires balanced perspectives and policies which transcend narrow ethnic and separatist interests and protect all communities and the island’s natural environment.

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