

THE SRI LANKAN TAMIL DIASPORA AFTER THE LTTE

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THE SRI LANKAN TAMIL DIASPORA AFTER THE LTTE

EXECUTIVE SUMMARY

For the past quarter-century the Tamil diaspora has shaped the Sri Lankan political landscape through its financial and ideological support to the military struggle for an independent Tamil state. Although the May 2009 defeat of the Liberation Tigers of Tamil Eelam (LTTE) has dramatically reduced the diaspora's influence, the majority of Tamils outside Sri Lanka continue to support a separate state, and the diaspora's money can ensure it plays a role in the country's future. The nature of that role, however, depends largely on how Colombo deals with its Tamil citizens in the coming months and on how strongly the international community presses the government to enact constitutional reforms to share power with and protect the rights of Tamils and other minorities. While the million-strong diaspora cannot regenerate an insurgency in Sri Lanka on its own, its money and organisation could turn up the volume on any violence that might eventually re-emerge.

Following the defeat of the LTTE, the mood in the diaspora has been a mix of anger, depression and denial. Although many had mixed feelings about the LTTE, it was widely seen as the only group that stood up for Tamils and won them any degree of respect. The Tigers' humiliating defeat, the enormous death toll in the final months of the war and the internment of more than a quarter million Tamils left the diaspora feeling powerless, betrayed by the West, demanding justice and, in some cases, wanting revenge. A minority in the community is happy the LTTE is gone, since it directed much of its energy to intimidating and even killing those Tamils who challenged their rule.

Funding networks established by the LTTE over decades are seriously weakened but still in place. There is little chance, however, of the Tigers regrouping in the diaspora. LTTE leaders in Sri Lanka are dead or captured and its overseas structures are in disarray. Clinging to the possibility of victory long after defeat was inevitable damaged the LTTE's credibility and weakened its hold on the community.

Nonetheless, most Tamils abroad remain profoundly committed to Tamil Eelam, the existence of a separate

state in Sri Lanka. This has widened the gap between the diaspora and Tamils in Sri Lanka. Most in the country are exhausted by decades of war and are more concerned with rebuilding their lives under difficult circumstances than in continuing the struggle for an independent state. There is no popular support for a return to armed struggle. Without the LTTE to enforce a common political line, Tamil leaders in Sri Lanka are proposing substantial reforms within a united Sri Lanka. Unwilling to recognise the scale of defeat, and continuing to believe an independent state is possible, however, many diaspora leaders have dismissed Tamil politicians on the island either as traitors for working with the government or as too weak or scared to stand up for their people's rights.

Many now reluctantly recognise the need for new forms of struggle, even if they would still prefer the LTTE fighting. New organisations have formed that are operating in more transparent and democratic ways than the LTTE and that aim to pressure Western governments to accept an independent state for Tamils. These include plans for a "transnational government of Tamil Eelam", independent referenda among Tamils in various countries endorsing the call for a separate state, boycotts against products made in Sri Lanka and advocacy in support of international investigations into alleged war crimes by the Sri Lankan state. The new initiatives, however, refrain from criticising the LTTE or holding it responsible for its own crimes or its contribution to the shattered state of Sri Lankan Tamil society.

So long as this is the case, most Western governments will remain sceptical of the diaspora's post-LTTE political initiatives. All have kept the transnational government of Tamil Eelam at arm's length given its resemblance to a government-in-exile, even if the group does not claim this status. Western governments will have little choice but to engage with the dominant, pro-separatist Tamil organisations, even if officials would prefer to deal only with the handful of interlocutors with a record of criticising the Tigers. But until it moves on from its separatist, pro-LTTE ideology, the diaspora is unlikely to play a useful role supporting a just and sustainable peace in Sri Lanka.

Watching the devastation of the final months of the war and the seeming indifference of governments and the United Nations, many Tamils, particularly the younger generation born in the West, grew deeply disillusioned. Governments with large Tamil communities have been worried this might lead to new forms of militancy. In the last months of the war and months immediately following, there were self-immolations by Tamil protestors, vandalism against Sri Lankan embassies, and increased communal tensions between Tamils and Sinhalese abroad. While such events have grown less frequent, risks of radicalism in the diaspora cannot be dismissed entirely.

While Tamils have the democratic right to espouse separatism non-violently, Tamil Eelam has virtually no domestic or international backing. With the Sri Lankan government assuming Tamils abroad remain committed to violent means, the diaspora's continued calls for a separate state feed the fears of the Rajapaksa administration and provide excuses for maintaining destructive anti-terrorism and emergency laws.

To ensure the current peace is a lasting one, the Sri Lankan government must address the legitimate grievances at the root of the conflict: the political marginalisation and physical insecurity of most Tamils in Sri Lanka. Statements made by President Mahinda Rajapaksa since his January 2010 re-election suggest there is little chance the

needed political and constitutional reforms will be offered in his next term. Any significant improvement in the political position of Tamils and other minorities in Sri Lanka will thus come slowly and with difficulty, requiring significant shifts in the balance of political power within Sri Lanka as well as careful but tough persuasion from outside.

India, Japan, Western governments and multilateral organisations can do much more to assist the political empowerment of Tamils in Sri Lanka and press Colombo to address the causes behind the rise of the LTTE and other Tamil militant groups. There should be no blank cheque for Colombo to redevelop the north and east without first creating a political climate where Tamils and Muslims can freely express their opinions and have a meaningful role in determining the future of the areas where they have long been the majority. Donor governments and the UN should also press more strongly for an independent inquiry into the thousands of civilians, almost all Tamil, killed in the final months of fighting. Their aid should be tied to an end to impunity for human rights violations and abuses of political power that undermine democracy and threaten the freedoms of Sri Lankans from all ethnic communities.

Colombo/Brussels, 23 February 2010

THE SRI LANKAN TAMIL DIASPORA AFTER THE LTTE

I. INTRODUCTION

Since the outbreak of open war between Tamil militant groups and the Sri Lankan state in 1983, the Tamil diaspora has been a central actor in Sri Lanka's political life.¹ Diaspora contributions provided money for weapons, and Tamil organisations, generally closely linked to the Liberation Tigers of Tamil Eelam (LTTE), provided the political advocacy in Western countries in support of the struggle for an independent state of Tamil Eelam. At the height of the conflict, which claimed over 100,000 lives, the diaspora contributed an estimated \$200 million a year to the Tigers. Since the LTTE's military defeat in May 2009, the Tamil diaspora has been in crisis, forced to reorient itself in a much more difficult political context, without any clear leverage within Sri Lanka and with much reduced clout in its various host countries.

This report examines political dynamics within the diaspora since May 2009, as Tamils abroad adapt to the LTTE's defeat. It assesses the levels of support for continued militancy among Tamils outside Sri Lanka and whether more moderate voices have begun to speak up in the absence of LTTE coercion. It also looks at the potential for new forms of militancy within the diaspora, especially among the younger generations radicalised by the deaths of thousands of Tamil civilians in the final months of the war. While considering the views of Tamils abroad with a record of criticising the Tigers, the report focuses on the pro-Tiger elements, which constitute the vast majority of the diaspora.

This report is based on extensive interviews from across the diaspora conducted in twelve countries with significant Sri Lankan Tamil communities, as well as in Sri Lanka between May 2008 and February 2010. These included meetings with a wide range of Tamils including active and retired LTTE officials, numerous Tamil organisations, academics, students, journalists, members of the business community and elected politicians. Officials from governments with significant Tamil diaspora populations, as well as officers from those countries' civilian intelligence and law enforcement agencies, were interviewed. Officials from the UN, the Sri Lankan government, and foreign militaries familiar with Sri Lanka's insurgency were also consulted. Most interviewees asked to remain anonymous due to the sensitive nature of the subject.

¹ For background to Sri Lanka's war and LTTE militancy see Crisis Group Asia Reports N°124, *The Failure of the Peace Process*, 28 November 2006; N°134, *Sri Lanka's Muslims: Caught in the Crossfire*, 29 May 2007; N°135, *Sri Lanka's Human Rights Crisis*, 14 June 2007; N°141, *Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus*, 7 November 2007; N°146, *Sri Lanka's Return to War: Limiting the Damage*, 20 February 2008; N°159, *Sri Lanka's Eastern Province: Land, Development, Conflict*, 15 October 2008; N°165, *Development Assistance and Conflict in Sri Lanka: Lessons from the Eastern Province*, 16 April 2009; N°172, *Sri Lanka's Judiciary: Politicised Courts, Compromised Rights*, 30 June 2009; and Asia Briefing N°99, *Sri Lanka: A Bitter Peace*, 11 January 2010.

II. THE EMERGENCE OF THE TAMIL DIASPORA

One of the most significant consequences of Sri Lanka's civil war has been the upheaval of its Tamil² population both internally and through migration abroad.³ Formed by several migration waves since independence in 1948, the diaspora is estimated at one million in 2010, or approximately one quarter of the entire Sri Lankan Tamil population. Tamils abroad, despite their diversity – including date of arrival, length of stay and legal status in their host countries, gender, caste, region, socio-economic standing and political orientation – usually see themselves as belonging to the diaspora.⁴

² There are two distinct groups of Tamils in Sri Lanka. The largest, known as Sri Lankan Tamils, have for centuries been concentrated in what are now the Northern and Eastern Provinces, though many now live in Colombo. At the time of the last island-wide census in 1981, they made up about 12 per cent of the population. Hundreds of thousands have since emigrated, and it is impossible to know how many Sri Lankan Tamils currently live in Sri Lanka. The second group of Tamils, known as “Up-Country Tamils”, “Indian Origin Tamils”, or “Plantation Tamils”, were about 6 per cent of the population in 1981. They are descendants of bonded labourers brought from southern India in the nineteenth century by the British colonial authorities to work on the coffee and tea plantations. Up-Country Tamils still mostly live in the island's central highlands. The two groups have generally seen themselves as separate communities, and Up-Country Tamils have largely stayed out of the political and militant struggle of Sri Lankan Tamils for political autonomy in the north east. Finally, Sri Lanka's Muslims, 8 per cent of the population, consider themselves a distinctive ethnic group but are largely Tamil speakers. Both a linguistic and religious minority, Muslims have suffered some of the same discrimination as Sri Lankan and Up-Country Tamils, but have had difficult political relations with Tamil political parties and militant groups, especially the LTTE. Since the Tigers' defeat, Tamil and Muslim political leaders have worked more closely and increasingly speak of themselves as part of the same “Tamil-speaking people”. See “Tamil Parties Meeting in Zurich Recognize Need for Unity and Consensus for Durable Solution”, at http://transcurrents.com/tc/2009/11/tamil_parties_meeting_in_zurich.html.

³ For background on the Sri Lankan Tamil diaspora see Christopher McDowell, *A Tamil Asylum Diaspora: Sri Lankan Migration, Settlement and Politics in Switzerland* (Providence and Oxford, 1996); Øivind Fugerlud, *Life on the Outside: The Tamil Diaspora and Long Distance Nationalism* (London, 1991); and Sarah Wayland, “Ethnonationalist Networks and Transnational Opportunities: The Sri Lankan Tamil Diaspora”, *Review of International Studies*, no. 30 (2004), pp. 405-426.

⁴ Estimates of the size of the Sri Lankan Tamil diaspora vary and should be viewed as rough approximations only. Very few governments count the number of Tamils among their respective populations. In the rare case that Tamils are counted, no

Aside from the southern Indian state of Tamil Nadu, which is home to nearly 200,000 Sri Lankan Tamil refugees,⁵ there are substantial diaspora populations in Canada (200,000-300,000), Great Britain (180,000), Germany (60,000), Australia (40,000), Switzerland (47,000),⁶ France (40,000-50,000), the Netherlands (20,000), the U.S. (25,000), Italy (15,000),⁷ Malaysia (20,000), Norway (10,000), Denmark (7,000), New Zealand (3,000) and Sweden (2,000).⁸ There are also smaller communities in South Africa, the Gulf States, and in several South East Asian countries.

A. PRELUDE TO A DIASPORA

Building on the work of early Christian missionaries in Ceylon, British colonial officials in the first half of the twentieth century established a network of schools on the northern Jaffna Peninsula. Introducing Western education and the English language, these schools oriented a number of Tamils towards Europe. Teachers and “managers of British expansion recognised a diligence and application ideally suited to the colonial endeavour”.⁹ Thousands of Tamils voluntarily or involuntarily took up posts in colonial administration, particularly in British Malaya, keeping accounts and overseeing construction projects. Many elite Tamils emigrated to the UK to obtain professional or graduate degrees to ease their way into university positions and the Ceylon civil service.¹⁰ Nos-

distinction is made about their country of origin. The governments of Australia, Canada, Norway and Switzerland are notable exceptions and have made attempts to count and distinguish between Tamils from Sri Lanka and India.

⁵ This report deals primarily with Sri Lankan Tamil diaspora communities in Western countries. Issues related to Sri Lankan Tamils in India will be addressed in future Crisis Group reporting.

⁶ 16,000 of the 47,000 Tamils residing in Switzerland are Swiss citizens. Crisis Group interview, Swiss government official, Bern, June 2008.

⁷ Ranjith Henayaka-Lochbihler and Miriam Lambusta, “The Sri Lankan Diaspora in Italy”, Berghof Research Center for Conflict Management, September 2004.

⁸ The vast majority of Sri Lankans living in these countries are Tamils, but there are smaller Sinhalese diaspora communities in most of these countries as well. The exceptions are the Gulf States and Italy where Sinhalese are the majority. The Sinhalese diaspora is very much influenced by mainstream southern Sri Lankan politics and has very little impact on political decision-making on the island.

⁹ Crisis Group interview, Tamil academic, Los Angeles, September 2009. See also McDowell, *A Tamil Asylum Diaspora*, op. cit., p. 11.

¹⁰ E. Daniel Valentine, *Charred Lullabies* (Princeton, 1996), p. 155.

talgia for home was strong and very few had any intention of settling abroad.¹¹

From 1948 onwards, social, economic and political space for Tamils and other minorities in Sri Lanka inexorably narrowed, forcing those abroad to reconsider going home. It did not take long for ethnic and social tensions to overwhelm the inadequate safeguards built into the British-designed system of parliamentary democracy. Elections inevitably produced governments that favoured the Sinhalese majority,¹² which ignored the arguments of popular Tamil parties and immediately provided the Tamil minority with a genuine set of grievances. Successive Sinhala governments consistently discriminated against Tamils and other minorities by introducing measures, such as the 1956 Official Language Act, which mandated Sinhala as the sole official language of the state, and other constitutional manipulations and policies throughout the 1960s and 1970s. Many of these acts were designed to roll back the dominant position of Tamils in state employment and education.

B. THE DIASPORA TODAY

Ethnic tensions came to a head in July 1983, when Tamil militants ambushed and killed thirteen soldiers in Jaffna.¹³ In response, Sinhalese mobs killed many Colombo Tamils and burned their homes with the active involvement of senior members of the government. Conservative estimates say as many as 1,000 Tamils were killed during the pogrom, which marked the start of the conflict between Tamil separatists and the Sri Lanka state. In 1981, two years before the riots, the island's Tamil population was estimated at two million. By 1995 almost three quarters were displaced either as direct or indirect consequence

of war. Over 500,000 fled abroad.¹⁴ English-speaking countries like Canada and the UK were preferred destinations. Norway and Switzerland were also favoured due to their open immigration policies.¹⁵

The journey to reach the diaspora was financially and emotionally arduous even for wealthy Tamils. An American Tamil from an affluent family explained, "We were targeted because of our ethnicity. We left family, friends, and businesses behind. We left our homeland behind to protect our children's future. It doesn't matter how much money you have, it is still an incredibly painful thing to do".¹⁶ The majority, however, were poor and initially fled to the refugee camps in India's southern state of Tamil Nadu. For centuries, Tamil Nadu has been a first port of call for Sri Lankan Tamils seeking new opportunities beyond their island. As the conflict spread into civilian areas through the 1980s and 1990s, Tamil Nadu's cities and refugee camps would become home for many people; for others they would be stepping stones to the West.

Thousands sold whatever valuables they had, including land, to pay for journeys from Tamil Nadu to Europe. Others borrowed money from friends and relatives already in the diaspora, which was preferable to negotiating with human smugglers who typically charged from ten to twenty times the cost of a plane ticket. For example, in the 1990s the average cost of a journey to Europe was LKR 300,000 (\$7,500) while the average monthly income of a potential asylum seeker was LKR 2100 (\$52).¹⁷ Those who failed to make it past immigration authorities in Europe were sent back to Sri Lanka often with a lifetime's worth of debt to repay to a smuggler.¹⁸

During the 1990s Canada granted asylum to roughly 80 per cent of all Tamils who applied.¹⁹ Nowadays the Tamil population in the greater Toronto area is the largest concentration of Tamils outside of Sri Lanka. Community organisations formed in the 1980s and 1990s to assist new immigrants with the resettlement process have allowed

¹¹ Crisis Group interviews, London, July 2008, Los Angeles, September 2009 and Toronto, October 2009.

¹² In everyday usage, Sinhala and Sinhalese are often interchangeable. In this report, Sinhala will be used in all cases except when referring to the ethnic group as a collective noun, as in "the Sinhalese".

¹³ Before 1983 smaller waves of emigration occurred as a result of the anti-Tamil riots in 1977, 1979 and 1981 and Colombo's imposition of the Prevention of Terrorism Act (PTA) in 1979, a draconian law instituted in response to the separatism espoused by some Tamil politicians at the time. The PTA continues to be used disproportionately in Tamil areas, virtually making every young Tamil a suspected terrorist. For many young men after 1979, the choice became one between fleeing the Sri Lankan security forces and joining one of the many militant groups. During this period mostly young male political activists, and a smaller group of militants, sought asylum abroad on the grounds of harassment and abuse from state security forces. For more on the PTA, see Crisis Group Report, *Sri Lanka's Judiciary: Politicised Courts, Compromised Rights*, op. cit.

¹⁴ McDowell, *A Tamil Asylum Diaspora*, op. cit.

¹⁵ Crisis Group interviews, 2008 and 2009.

¹⁶ Crisis Group interview, Los Angeles, September 2009.

¹⁷ McDowell, *A Tamil Asylum Diaspora*, op. cit., p. 217. In 1990 \$1 bought about LKR 40.

¹⁸ Some reportedly even disappeared along the way. Rumours circulated about Tamil girls raped in transit and trafficked to Karachi brothels. Fugerlud, *Life on the Outside: The Tamil Diaspora and Long Distance Nationalism*, op. cit., p. 63. A Canadian Tamil, who surreptitiously brought his only sister to Toronto last year, said that such rumours prevented him doing so earlier. Crisis Group interview, Toronto, June 2008.

¹⁹ Crisis Group interview, former Canadian immigration official, Toronto, June 2008.

many Tamils to prosper.²⁰ These organisations would later start a trend throughout the global Tamil diaspora by sending funds to rebuild schools and colleges in the north east of Sri Lanka that were destroyed or damaged by the war.²¹

C. AN ASYLUM DIASPORA

There has been considerable debate over the years about whether Sri Lankan Tamils are indeed genuine refugees who have had no choice but to flee political violence, or economic migrants who are in no personal danger but choose to leave because of financial considerations. The Sri Lankan government insists most Tamils are economic migrants and that those who wanted to flee violence in the north and east could have found refuge within the country, particularly in the capital with its large Tamil population.²²

Few Tamils share this assessment. While the situation has improved since the end of the war, a climate of fear still pervades the Tamil community in Colombo. Many are routinely subjected to arrest or humiliating searches. Young men still “disappear” – often after being picked up by government security forces not only in the country’s north and east but also in the capital.²³ While some may be members or supporters of the LTTE, this does not justify their secret detention without due process. Most of the missing Tamils are feared dead. Simply put, many do not see Colombo as home. Even if forced to return there is little incentive for the repatriated to stay; it is likely that they would simply migrate once more.

While some Tamil migrants flouted asylum procedures by fabricating grounds for flight, a majority were legitimate asylum seekers. This is underscored by the large Tamil populations in the West, comprised of thousands of people whose asylum cases withstood intense scrutiny

by immigration authorities in Europe, North America and elsewhere.

D. CREATING ONE VOICE

The interplay between diaspora Tamils and the LTTE has been complex and is often misunderstood. The diaspora is not a monolithic entity that acted solely as the fundraising and political wing for the Tigers as is commonly believed, particularly in Colombo. As one Tamil politician explained, “It [the diaspora] is certainly not the LTTE’s Sinn Féin”.²⁴ Not every diaspora Tamil donated funds to the Tigers, not everyone supported them politically, and countless people were their victims.

For example, the LTTE’s violence and intolerance of dissent also forced Tamils to seek refuge abroad. Throughout the late 1980s, Vellupillai Prabhakaran, the LTTE’s founder and leader, waged war on rival militants in order to consolidate his outfit as the sole voice of Tamil grievances and aspirations. Right up until its defeat in May 2009, the LTTE conducted a campaign of assassinations and bombings in Sri Lanka to silence moderate Tamil voices, including politicians and journalists.²⁵ It is also responsible for the murder of hundreds of Tamil-speaking Muslims and forcible displacement of tens of thousands more.²⁶ Even in the West, Sri Lankan Muslims are still vulnerable to the LTTE’s authoritarianism; many continue to report harassment by Tiger sympathisers.²⁷

Those that did support the Tigers were caught between a complex range of emotions and experiences. As a result of their exile many Tamils justifiably feel a strong sense of victimisation and injustice. They are torn between a desire to maintain a cultural identity tied to the land they left while living up to the civic responsibilities and cultural demands of their host country. A palpable sense of guilt pervades the Tamil diaspora. Privately, some express shame for leaving Sri Lanka while other Tamils fought and died for the cause or fell victim to government violence. Many blame and hate the Sinhalese and want re-

²⁰ Wolfram Zunzer, “Berghof Occasional Paper Nr. 26: Diaspora Communities and Civil Conflict Transformation”, Berghof Research Center for Constructive Conflict Management, September 2004.

²¹ Zunzer, “Berghof Occasional Paper Nr. 26: Diaspora Communities and Civil Conflict Transformation”, op. cit.

²² For example, in response to Australia’s November 2009 decision to treat a group of Tamil asylum seekers as refugees, Palitha Kohona, Sri Lanka’s Permanent Representative to the UN, said: “Personally, I don’t think they are refugees. Unless you use that expression in a rather loose manner, they are economic refugees looking for greener pastures elsewhere”. See Toby Jones, “Sri Lanka’s UN representative joins Lateline”, 11 November 2009, available at www.abc.net.au/lateline/content/2008/s2740297.htm.

²³ See “Recurring Nightmare: State Responsibility for “Disappearances” and Abductions in Sri Lanka”, Human Rights Watch, 5 March 2008.

²⁴ Crisis Group interview, Tamil politician, London, July 2008.

²⁵ A young man in Switzerland explained how he left Sri Lanka out of fear of the LTTE: “Many of us were with the LTTE because we were afraid of being with any other group then [the late 1980s]. If we joined another group or the LTTE thought we did, there was a good chance we’d be hurt badly or even killed. My brother was with one and he was killed. That’s why I first told the LTTE that I would fight with them, but then I escaped to Colombo then to Germany and then here [Switzerland]”. Crisis Group interview, Zurich, July 2008.

²⁶ See Crisis Group Report, *Sri Lanka’s Muslims: Caught in the Crossfire*, op. cit.

²⁷ Crisis Group interviews, Geneva, 2008 and Toronto, June 2008 and October 2009.

venge. Most have abandoned any hope that the Sri Lankan state would ever accommodate Tamils socially, economically, culturally or politically.

In the late 1980s, Prabhakaran devised a strategy to manipulate these sentiments to financially and politically promote his goals by establishing networks of LTTE cadres within the diaspora.²⁸ For example, it was a well-known secret among Tamils that LTTE cadre monopolised positions as interpreters within the immigration bureaucracies of Canada, Norway and Switzerland.²⁹ Since the LTTE saw itself as the ultimate voice of Tamils – and given its use of violence against those who did not – its activity was something that all exiles were forced to take a stand on. Most chose the path of least resistance. An American Tamil activist explained,

The LTTE had such a tight hold on the diaspora, that when an ordinary Tamil irrespective of his or her stand on the Tigers wanted to express their dissatisfaction with the Sri Lankan government, they were forced to do so through the LTTE.³⁰

The LTTE's 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.

E. MONEY AND WEAPONS

Money will continue to be one of the most significant aspects of the relationship between the Tamil diaspora and the Sri Lankan state. Tamils abroad play a vital role in sustaining the country's economy. Remittances from all Sri Lankans abroad stood at roughly \$2.8 billion in 2009, constituting one of the largest sources of foreign exchange.³¹ While much of this money is from Sinhalese and Muslims working abroad, the figure excludes the

large amount of Tamil funds remitted through informal channels.³²

During the conflict, 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 shifted away from humanitarian aid towards sustaining the insurgency.

Different parts of the diaspora served different functions for the Tigers. "Generally speaking they [the LTTE] saw the West as a goldmine and an almost inexhaustible source of cash".³³ Money raised in North America and Europe was often sent to operatives in Asia to procure weapons and other war-related materials. The LTTE scoured countries with reservoirs of weapons from previous conflicts. Weapons were shipped via Malaysia, Thailand, Singapore and India where Tiger operatives could blend into Tamil communities. Front companies for weapons purchased were also allegedly established in other parts of Asia, like Cambodia and Bangladesh.³⁴

³² Many diaspora Tamils remit money to Sri Lanka through an informal money transfer system popularly known as *undiyaal*. In other parts of South Asia and the Middle East the same system is referred to *hawala* and *hundi*. In Toronto there are roughly 100-150 *undiyaal* outlets. In 2005 some outlets were handling an estimated \$25,000-\$50,000 per month. For more on the Tamil diaspora's use of informal remittance channels see R. Cheran and Sharryn Aiken "The Impact of International Informal Banking on Canada: A Case Study of Tamil Transnational Money Transfer Networks (Undiyaal), Canada/Sri Lanka", 2005, available at www.apgml.org.

³³ Crisis Group interview, Western academic, London, July 2008.

³⁴ Crisis Group interviews, Bangladeshi intelligence official, Dhaka, August 2009, and Western security analyst, Bangkok, November 2009. Weapons procured by the LTTE generally travelled along clear transportation routes. Consignments procured in North East Asia went via Malacca and Singapore to the Bay of Bengal and then on to Sri Lanka. Arms from Cambodia, Vietnam and Burma transited through Thailand and were loaded onto vessels at the southern port of Ranong for the trip across the Bay of Bengal. Weapons from Eastern Europe, Ukraine and the Middle East went through the Suez Canal, around the Horn of Africa and across the Arabian Sea to Sri Lanka. Munitions acquired in Africa used ports in Liberia, Nigeria and Angola. After rounding the Cape of Good Hope, these vessels used Beira in Mozambique and ports in Madagascar, before crossing the Indian Ocean to Sri Lanka. In 2008 Canadian intelligence sources suggested that Singapore and Hong Kong formed the communication hub of the LTTE weapons procurement network where cells in Thailand, Pakistan and Burma were coordinated, "effectively plugging the LTTE into the booming arms bazaars of Southeast and Southwest Asia". See Peter Chalk, "Commentary No. 77: Liberation Tigers of Tamil Eelam's International Organization and Operation – A Preliminary Analysis", Canadian Security Intelligence Service,

²⁸ Crisis Group interviews, Canada, July 2009 and Malaysia, December 2009.

²⁹ Crisis Group interviews, Tamil immigrants, New York, 2008 and Toronto, 2008-2009. Also see Fugerlud, *Life on the Outside: The Tamil Diaspora and Long Distance Nationalism*, op. cit., p. 82.

³⁰ Crisis Group interview, New York, September 2009.

³¹ See World Bank Remittance Data November 2009, available at <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/0,,contentMDK:21352016~pagePK:64165401~piPK:64165026~theSitePK:476883,00.html>.

U.S. State and Treasury Department officials estimate that during the war the LTTE earned between \$100-\$200 million a year worldwide.³⁵ The Tigers depended on a complex global network of managers to raise funds, which were often invested in legal operations like restaurants and real estate.³⁶ Funds were generated through other activities, such as passport forgery, narcotics and human trafficking.³⁷ Significant funds also came from individual contributions through community temples, cultural and political events such as *Thaipongal*³⁸ or *Pongu Tamil*,³⁹ and other activities held in support of Tamils in Sri Lanka. For large events in Toronto and London, such as Prabhakaran's Heroes' Day speech, organisers rented banquet halls for as much \$50,000 a day. Donations during the events however could earn the Tigers four to five times that.⁴⁰ A London police officer who attended one event explained that, "Buckets were passed around at these events and Tamils were expected to fill them up with cash and coins. There were a lot of buckets".⁴¹

Substantial amounts were also collected through systemised donations or "taxes" to ensure a regular flow of income. In Canada the minimum tax was roughly \$30 per person or family per month depending on an indi-

1999. See also Anthony Davis, "Tamil Tiger arms intercepted", *Jane's Intelligence Review*, February 2004, pp. 6-7 and "Group profile: Liberation Tigers of Tamil Eelam", *Jane's Security News*, 27 March 2007.

³⁵ Crisis Group interviews, U.S. State Department and Treasury officials, Washington DC, July 2008. Other estimates put the figure between \$200 and \$300 million a year, with some Tamils familiar with the Tiger's finances putting the number as high as \$1.5 billion. Crisis Group interviews, 2009. Also see John Solomon and B.C. Tan, "Feeding the Tiger", *Jane's Intelligence Review*, August 2007.

³⁶ A Tiger activist said, "LTTE fundraising always has had a criminal element to it". Crisis Group interview, September 2009.

³⁷ The LTTE's fundraising strategies in the diaspora have been well documented elsewhere. For example, see "Funding the 'Final War'", Human Rights Watch, 14 March 2006; Daniel Byman et al., "Trends in Outside Support for Insurgent Movements", RAND, 2001; and Shanaka Jayasekara, "LTTE Fundraising and Money Transfer Operations", 24 October 2007 available at www.apgml.org.

³⁸ *Thaipongal* is a Hindu festival celebrated mostly by Tamils on the full moon in the Tamil month of Thai, which falls in January and February.

³⁹ *Pongu Tamil* (Tamil Uprising) is an annual event held in support of Tamil political rights and often associated with a separate Tamil state. Jaffna University students, working closely with the LTTE-controlled groups, first organised the event in Jaffna in early 2001 as a peaceful protest in response to alleged disappearances, deaths and abuses committed by the Sri Lankan military.

⁴⁰ Crisis Group interviews, London, July and September 2008 and Toronto, October 2009.

⁴¹ Crisis Group interview, London, September 2008.

vidual's income, while in Switzerland it ranged from \$50 to \$100.⁴² Commenting on its fundraising efficiency, a Swiss Tamil said, "The LTTE has the best [financial] network after the Catholic Church here".⁴³ In the U.S., funds were raised among a small group of wealthy Tamils. U.S. officials estimated their contribution at roughly \$10-\$20 million a year.⁴⁴ The Tigers were also notorious for siphoning off contributions from relief NGOs and charitable organisations. But not all the money went to Sri Lanka. Much of it was used to support political activities in the West.

Most fundraising occurred in the open until Western and Asian governments cracked down on LTTE activity. In 1997, roughly a year after an attack on Sri Lanka's central bank that killed some 100 people and injured over 1200 more, including two Americans,⁴⁵ the U.S. State Department designated the LTTE as a Foreign Terrorist Organisation (FTO).⁴⁶ Over the following decade other countries followed suit. In 2001, the UK government officially designated the LTTE as a terrorist organisation, forcing it to shut down its lucrative London office. Front organisations, like the Tamil Rehabilitation Organisation (TRO), were later disbanded by the U.S. Treasury Department⁴⁷ for terrorist financing and de-listed as charitable organisations by the UK Charities Commission.⁴⁸ In June 2008, Canada's public safety minister added the World Tamil Movement, a Toronto-based non-profit group, to Ottawa's official terrorist list making it the country's first community group to be proscribed as a terrorist organisation.

⁴² Crisis Group interview, Toronto, June 2008 and Zurich, July 2008.

⁴³ Crisis Group interview, Swiss Tamil, Zurich, July 2008.

⁴⁴ Crisis Group interview, U.S. counterterrorism official, Washington DC, June 2008.

⁴⁵ The attack occurred on 31 January 1996.

⁴⁶ The LTTE was originally designated as an FTO on 8 October 1997. FTO designations are valid for two years, after which they must be re-designated or they automatically expire. The LTTE has been re-designated every two years since 1997.

⁴⁷ The TRO was named a Specially Designated Global Terrorist (SDGT) under Executive Order 13224 on 15 November 2007. The designation is aimed at financially isolating terrorist groups and their support networks. Upon designation, all assets of the group held under U.S. jurisdiction are frozen and anyone within the U.S. is prohibited from dealing with the group.

⁴⁸ On 10 August 2004 the British Charity Commission delisted the TRO. Its investigation into the TRO revealed that the trustees had almost no control over money that was sent to Sri Lanka for relief work. The commission concluded that the TRO representatives had liaised with the LTTE, a proscribed organisation under the UK's Terrorism Act 2000, to make decisions about where funds should be spent. Crisis Group interview, British Charity Commission official, London, July 2009.

The terrorist designations and the global focus on anti-terror initiatives following the 11 September 2001 attacks significantly weakened the Tigers' ability to raise funds and proved crucial in their demise. Many Tamils became reluctant to give to the LTTE or its front groups for fear of being arrested on terrorism-related charges. For others it was a convenient excuse to spurn monthly LTTE tax collections. According to some accounts, Tiger fundraisers became more aggressive to compensate for many Tamils' increasing reluctance to contribute. Although they were still able collect funds, the bans made it harder for the Tigers to transfer the money abroad without attracting the attention of banking authorities. In 2006, Prabhakaran allegedly admitted the bans were hampering his ability to purchase materials to fight.⁴⁹

The arrest in August 2009 of the LTTE's top overseas operative Selverasa Pathmanathan, known as KP (see below), has probably done more to dismantle the Tigers' financial network in the past several months than the combined efforts of the Sri Lanka and other governments over decades. The Rajapaksa administration claims that KP has revealed the whereabouts of over 600 LTTE overseas bank accounts.⁵⁰ This figure is a downward revision of an earlier government statement, which claimed that KP revealed the location of 1582 accounts. This has raised suspicion over whether government officials are hiding bank information in order to line their own pockets.⁵¹

Pro-Tiger elements in the diaspora continue to raise funds in order to carry forward the struggle for a separate state in new, non-violent forms. Several new organisations are fundraising for this purpose (see Section IV). It is fair to assume, however, that most of the money collected in the diaspora since May 2009 has been for humanitarian and relief efforts. A number of organisations such as the International Medical Health Organisation (IMHO), a U.S.-based NGO comprised of mostly Tamil physicians,

have raised over \$500,000 to build health-care facilities and provide basic health care in Sri Lanka.⁵² A Western development official said, "It's absurd that diaspora has to fund things like basic health care, when it is clearly the government's responsibility".⁵³

⁴⁹ Crisis Group interview, Dr Palanisamy Ramasamy, deputy chief minister of Penang, November 2009. Dr. Ramasamy is also a Malaysian Tamil academic and an adviser to the Transnational Government of Tamil Eelam (TGTE). For more on the TGTE see Section IV.

⁵⁰ There are allegations that these confessions came as a result of torture. See "KP tortured", *Sri Lanka Guardian*, 3 November 2009.

⁵¹ Crisis Group interviews, 2009. Opposition leader Ranil Wickremasinghe alleged that LTTE funds and assets recovered by the government were misappropriated by the members of President Rajapaksa's family. See "LTTE's arms procurer KP in limelight again", *The Nation*, 6 December 2009. The government denied the allegations as well as claims the president used money from these accounts to fund his re-election campaign. B. Muralidhar Reddy, "Colombo denies misuse of LTTE funds", *The Hindu*, 18 January 2010.

⁵² Crisis Group interview, IMHO official, September 2009.

⁵³ Crisis Group interview, Brussels, October 2009.

III. THE LTTE AND THE DIASPORA

A. LTTE REGROUPING IN THE DIASPORA

Within Sri Lanka, the LTTE has stopped functioning. Its leadership is mostly dead and thousands of former fighters and suspected supporters are in detention camps. However, some reportedly escaped before the end of the war and others have since bribed their way off the island.⁵⁴ While largely dismantled in Sri Lanka, the LTTE's overseas network – although significantly weakened – remains intact, causing consternation that it is regrouping in the diaspora. But it is unlikely the organisation could remobilise as a guerrilla force outside of Sri Lanka any time soon.

India, the most convenient place for the Tigers to regroup and rearm, is unwilling to play host. Other countries with Tamil populations that could provide cover are too distant to be viable alternatives. Lack of readily accessible funds and expertise also pose problems. Western governments continue to prosecute cases of LTTE terrorist financing while fundraising operatives from Canada to Cambodia have reportedly disappeared with large sums of cash.⁵⁵ KP's arrest has almost certainly made procuring new weapons for another fight extremely difficult, if not impossible, in the near future.⁵⁶

1. KP's arrest

KP's arrest at a Kuala Lumpur hotel in August 2009 deflated hopes that the Tigers could regroup after Prabhakaran's death. In January 2009, Prabhakaran had appointed KP as head of the LTTE's newly constituted Department of International Relations, making him the most senior Tiger abroad and the most likely to take control of the organisation in the event of the leadership on the island being captured or killed.⁵⁷ During the final days of the fighting, when the Tigers were confined to a narrow strip of sand, KP was tasked with negotiating their survival. Following the Sri Lankan military's victory, the LTTE's Executive Committee indirectly confirmed Prabhakaran's death and promoted KP to lead the organisation.

KP's promotion was seen by some senior operatives in the diaspora as a unilateral move to assume Prabhakaran's mantle, sparking infighting among overseas Tigers. Internal Tiger politics are opaque at the best of times, but allegedly at the centre of the dispute is control of the organisation's lucrative fundraising apparatus.⁵⁸ As a result, two loose factions have reportedly developed. One is comprised of KP loyalists and led by Visvanathan Rudrakumaran,⁵⁹ the LTTE's former legal adviser. Nediyanan⁶⁰ leads the other, which is comprised of supporters of the Tigers' previous overseas chief, Castro, and is the more hardline of the two, though it has not openly called for renewed violence.⁶¹ Some believe the Nediyanan faction is beating out the more moderate Rudrakumaran faction in the battle for hearts and minds of diaspora Tamils.⁶² There is speculation among KP supporters that the Nediyanan faction tipped off Colombo on their leader's whereabouts, which led to his arrest and rendition to Sri Lanka.

⁵⁴ Crisis Group interviews, Bangkok, Kuala Lumpur, Colombo, November 2009.

⁵⁵ Crisis Group interviews, Boston, Toronto, Bangkok and Kuala Lumpur, September-December 2009.

⁵⁶ Crisis Group interview, Malaysia, 27 November 2009. Credible information on KP is hard to come by. But he was rumoured to travel often between Malaysia, Thailand and elsewhere on numerous counterfeit passports and under a number of aliases. He was married to a Thai citizen. There was considerable speculation in the press that KP was arrested in Bangkok rather than Kuala Lumpur as result of an earlier incident in 2007. At that time it was rumoured that the Thai authorities in Bangkok had secretly arrested KP who was set to be extradited to Sri Lanka. But public discussion by Gotabaya Rajapaksa, Sri Lanka's defence minister, of the incident allegedly upset the Thais who preferred to handle KP's arrest discreetly to avoid derailing related criminal investigations underway. Crisis Group interview, Bangkok, 21 November 2009. As a result the Thais were rumoured to have let KP go. However, Malaysian authorities confirmed that KP was indeed arrested at Kuala Lumpur hotel on 5 August 2009 under the alias Anthony Silverstar. Crisis Group interview, Kuala Lumpur, November 2009. See also D.B.S. Jeyaraj, "Operation KP: Extraordinary Rendition of New Tiger Chief", 7 August 2009, available at <http://dbsjeyaraj.com>.

⁵⁷ A copy of Prabhakaran's letter appointing KP as head of the LTTE's Department of International Relations is available at <http://eelaminexile.com>.

⁵⁸ Crisis Group interviews, Los Angeles, Toronto, Bangkok and Malaysia, October-November 2009. See also D.B.S. Jeyaraj, "Operation KP: Extraordinary Rendition of New Tiger Chief", op. cit.

⁵⁹ Rudrakumaran is a New York-based lawyer and the head of the TGTE. For more on his role in the TGTE see Section IV.

⁶⁰ Nediyanan is widely believed to be living in Norway. Crisis Group interviews, Los Angeles, September 2009, and Colombo, November 2009.

⁶¹ In 2002 Prabhakaran replaced KP, the Tigers' chief overseas administrator at the time, with Veerakulasingham Manivannan also known as Castro. Castro allegedly replaced the KP loyalists in the LTTE's overseas structure with his own, including Nediyanan.

⁶² Crisis Group telephone interviews, January 2010.

While KP's arrest was a setback for transnational crime and terrorism networks, particularly if he reveals information leading to more arrests and criminal prosecutions, it could also have negative side effects. Analysts have suggested that although KP continued to espouse separatism, he saw militancy as a dead end.⁶³ Before his arrest, he expressed a desire to rebrand the Tigers as a non-violent political organisation. In an interview shortly before his arrest, KP said, "We [the LTTE] will continue our fight through political means".⁶⁴ A respected anti-LTTE Tamil analyst published the following on his blog site: "With KP gone the chances of the LTTE making this much-needed transition seem remote".⁶⁵

2. Rhetoric versus reality

There are other signs that the LTTE may be unable to regroup. For a number of Tamils abroad, the Tigers' defeat exposed the hollowness of their propaganda, which consistently said that victory was near. A Tamil in Toronto explained her frustrations with the pro-LTTE leadership in her community:

For twenty years the LTTE showed us photographs of them standing with presidents, prime ministers and politicians from everywhere. They told us that powerful people supported Tamil Eelam and that it was only a matter of time before it was created. And we believed them.

But where were all those powerful politicians a few years or even a few months ago, those friends of Eelam, when we needed them? All those pictures were proof of the LTTE's lies and just ways to take money from poor Tamils. We were just as stupid for believing them as they were for believing politicians.⁶⁶

Prior to the Tigers' defeat, criticisms like this would have been confined to private conversations or voiced publicly by the few brave enough to confront them. "In the last months of the war, no one would dare say anything against the LTTE. Even people that never came to rallies or supported the LTTE before came around to them out of necessity. They were understood to be the only one sticking up for the Tamils. No one would defy them, no

one wanted to be called a traitor", explained an American Tamil.⁶⁷ Although public disparagement of the LTTE is still rare within Tamil communities, there is less fear of harassment and more space for critical views and alternative voices.

The erosion of its power is evident elsewhere. For example, Tamils in Toronto accuse pro-LTTE community leaders and organisers of pocketing their donations.⁶⁸ One explained that he sought out his local LTTE money collector to retrieve his contributions after the Tigers were defeated in May. "I didn't get a return on my investment; I wanted my money back. So I went to his house but the neighbours said he was gone. He hasn't been back for months". "A year ago", he continued, "I would have been too afraid to go [to his house]".⁶⁹ Others in Toronto are reportedly demanding their money back as well, as are some in Switzerland.⁷⁰

3. Terrorism and organised crime

The leadership vacuum could hasten the drift of remaining operatives towards political violence or, for those driven more by profit than ideological commitment to Tamil Eelam, towards organised crime. According to an Indian academic familiar with the LTTE, "Whatever your stand on Prabhakaran, the fact is he brought discipline to the LTTE and he attempted to keep its overseas violence and criminal activity to a minimum".⁷¹ While there are no signals yet that the rump LTTE is planning a terrorist act, it only takes a handful of committed cadre in the diaspora bent on violence to have a deadly impact. For example, Canadian law enforcement officials have been concerned that, if left unchecked, LTTE activities could result in an event similar to the terrorist bombing of an Air India jet in 1985, which was planned and funded by Sikh separatists in Canada.⁷² A Canadian security official said,

⁶⁷ Crisis Group interview, New York, July 2009.

⁶⁸ Crisis Group interviews, Toronto, June 2008 and October 2009.

⁶⁹ Crisis Group interview, Toronto, 15 October 2009.

⁷⁰ Crisis Group telephone interviews, October and December 2009.

⁷¹ Crisis Group interview, Indian academic, Washington DC, September 2008.

⁷² Members of the Sikh diaspora linked to an armed separatist movement for an independent homeland called Khalistan in India's Punjab province in the 1980s conceived, planned, financed and executed in Canada the bombing of an Air India commercial passenger jet which killed 329 civilians over Ireland in 1985. Similar to the Tamil community, the movement for secession of the Punjab was supported by sections of the Sikh community in the U.S., the UK, Germany and Canada. There were also persistent allegations that money, arms and false passports flowed from Sikh extremists in these countries to India. For more information on the bombing of

⁶³ On 29 July 2009, KP sent a letter to Eelam in Exile, a pro-Tiger website, in which he explained, "The Liberation Tigers of Tamil Eelam have resolved to silence our weapons and take forward the next steps to achieve our freedom through political and diplomatic means". A copy of the letter is available at <http://eelaminexile.com>.

⁶⁴ Rajesh Sundaram "LTTE to continue fight through political means", *India Today*, 25 June 2009.

⁶⁵ "Operation KP": Extraordinary Rendition of New Tiger Chief", op. cit.

⁶⁶ Crisis Group interview, Toronto, 14 October 2009.

We can't ignore what's happening in our Tamil community particularly the fundraising for the [Tamil] Tigers. Because of what we learned from Canada's connection with Khalistan we're compelled to look at issues concerning the Tamil Tigers here differently. As much as it's a law and order issue in some regards, we also compelled to treat the Tamil Tigers as a national security issue because we don't want another Air India disaster.⁷³

B. THE SRI LANKAN STATE AND THE DIASPORA

The diaspora's support for the LTTE's separatism has been a thorn in the side of governments in Colombo for three decades. All have tried to neutralise its impact on the war, but none more so than the Rajapaksa administration. Under his government, Sri Lankan embassies and consulates have been more active in countering LTTE propaganda abroad while supporting Sinhalese diaspora groups to do the same.⁷⁴ The government has also retained a lobbying and law firm in Washington DC to assist with these efforts.⁷⁵ Embassy and consular staff, often with the assistance of Sinhalese diaspora groups, report back to Colombo on suspected pro-Tiger individuals and organisations.⁷⁶ Some Tamils allege that information has been used to identify and harass their relatives in Sri Lanka.⁷⁷

Colombo's paramount concern about the diaspora has always been its financial support for the Tigers. Although Colombo has provided Western governments with intelligence on Tiger financing, law enforcement officials suggest it is more often allegations rather than firm evi-

dence.⁷⁸ A European law enforcement official said, "We do not always entertain the information we receive from the Sri Lanka government. It does not have much credibility because of its human rights record".⁷⁹ European diplomats say that Colombo rarely, if at all, provided their governments with credible information leading to an arrest.⁸⁰ A European official said, "Despite all the noise, we've never received a notice from a single Sri Lankan government for release of the LTTE funds here. Before KP's arrest, the government did not have a clue where the LTTE stored its money".⁸¹

Since the war's end the government has sought to reduce tensions with the diaspora, but the effort has been largely cosmetic and designed to appease the donor community. While the Rajapaksa administration has sponsored the visit of hundreds of expatriate Tamils in Sri Lanka to highlight its efforts to improve security and resettle over 300,000 displaced Tamils, visitors have come away unsatisfied and sceptical about the future.⁸² Other efforts like the Sri Lankan Expatriate Forum 2009 have been short-sighted and geared towards encouraging the diaspora to invest without first addressing any of its grievances. While the government's charm offensive has changed a few minds, most remain hesitant. A forum participant said, "They are putting the cart before the horse. No one will invest if they do not fix the politics first. Bad politics is bad for business".⁸³

C. A NEW WAVE

The post-war policies of President Mahinda Rajapaksa have deepened rather than resolved the grievances that generated and sustained LTTE militancy. Thousands of Tamils bribed their way out of overcrowded internment camps plagued by poor sanitation, insufficient bathing and drinking water, and inadequate food and medical care.⁸⁴ Former insurgents reportedly escaped to avoid detection while civilian men fled out of fear of being labelled Tiger sympathisers by the army. Women also reportedly bought their freedom to avoid rape or other sexual abuses in the camps.⁸⁵ Unable or unwilling to return home, many sought

Air India Flight 182 see the Honourable Bob Rae's report, "Lesson to be Learned", 2005, available at www.cbc.ca/news/background/airindia/pdf/rae-report.pdf.

⁷³ Crisis Group interview, federal enforcement official, Toronto, June 2008. Different Canadian law enforcement officials reiterated the same concern in interviews conducted in Toronto in October 2009. Similar concerns were also expressed by French and British government law enforcement agencies to Crisis Group researchers during interviews in Paris and London in July 2008 and more recent interviews with U.S. officials in Washington DC and New York in April and September 2009.

⁷⁴ Crisis Group interview, Sri Lankan embassy official, London, July 2008.

⁷⁵ In 2008 the Embassy of Sri Lanka in Washington DC retained Patton and Boggs LLP for their U.S. lobbying efforts. More recently, the Sri Lanka government has hired public relations firms Qorvis Communications in the U.S. and Bell Pottinger Group in Britain to promote their post-war achievements and parry demands for investigations into alleged war crimes.

⁷⁶ Crisis Group interview, member of the Sinhalese diaspora, Toronto, October 2009.

⁷⁷ Crisis Group interviews, London, 2008, and Toronto, 2008-2009.

⁷⁸ Crisis Group interview, Sri Lankan embassy official, London, July 2008.

⁷⁹ Crisis Group interview, July 2008.

⁸⁰ Crisis Group interviews, 2008-2009.

⁸¹ Crisis Group telephone interview, 2 December 2009.

⁸² Crisis Group interviews, Toronto, October 2009, and Kuala Lumpur, November 2009.

⁸³ Crisis Group interview, November 2009.

⁸⁴ "Freedom at high price", *The Sunday Times*, 6 September 2009.

⁸⁵ For a brief overview of camp conditions, including reports of sexual abuse perpetrated against female inmates, see Crisis Group Briefing, *Sri Lanka: A Bitter Peace*, op. cit.

passage to India and South East Asia in the hope of eventually reaching the diaspora in the West.

An American Tamil described how he sent money to friends and relatives to escape from the Manik Farm camp. He wired money to Colombo where it was collected by a friend and employee of an aid agency with access to the camps. Several days later it was passed through the camp's barbed-wire fence to the recipients, who eventually bribed their way to Colombo.⁸⁶ For those who can afford the trip, escapees fly from Colombo to cities like Bangkok and Kuala Lumpur where they can register for assistance with UNHCR. Former camp detainees in Thailand said they paid traffickers roughly \$5,000 for their trip, which included a pay-off to the camp authorities, covert passage to Colombo through army checkpoints, and agents' fees to arrange plane tickets, passports and bribes to airport and immigration officials at both ends of their journey.⁸⁷ From Bangkok some migrants travel south to Malaysia where they are smuggled by ship to the West.

Between October 2009 and February 2010 at least seven boats carrying asylum seekers set out for Australia's Christmas Island, most likely from Malaysia's Johor state. Two boats with 32 and fourteen passengers respectively made it, while the others were intercepted in Indonesian waters. Following a phone call from Australia's prime minister to Indonesia's president, the Indonesian navy intercepted one vessel with 253 people on board, taking it to Merak port on Sumatra. The *Ocean Viking*, an Australian customs vessel, took on board 78 passengers from the other boat after its engine failed. Passengers of both boats refused to disembark in Indonesia, demanding instead to immigrate to Australia as they intended. Those in Indonesian custody even threatened to explode their vessel with cooking canisters if they were not taken to Australia. To end the standoff with Tamils on board the *Ocean Viking*, Canberra agreed to resettle all 78 people in a third country within three months.⁸⁸

⁸⁶ Crisis Group interview, Los Angeles, September 2009.

⁸⁷ Crisis Group interviews, Bangkok and Kuala Lumpur, November 2009.

⁸⁸ Of the 78 Tamils rescued by the *Ocean Viking*, 44 will be resettled in the U.S. and Canada and eighteen in Australia. Norway and New Zealand have also agreed to resettle some of the refugees remaining onboard the ship, which is docked at Tanjung Pinang, Indonesia. However, Canberra deemed four asylum-seekers on the *Ocean Viking* a threat to national security, allegedly due to their links with the LTTE. According to an immigration department spokesperson, the four will be refused visas to resettle in Australia and will be detained "while Australia continues to explore resettlement options or they choose to depart voluntarily". See Paul Maley, "ASIO rejects four Viking Tamils", *The Australian*, 12 January 2010.

A spokesperson for the 253 Tamils still on board their boat docked at Merak port said his fellow passengers were mostly from Jaffna and included 27 women and 31 children, all of whom had hid in a Malaysian jungle for a month while awaiting a boat to Christmas Island.⁸⁹ He denied any were former insurgents and instead claimed they were "a boat full of tourists, or people looking for a job" and "people who are running from genocide".⁹⁰ The spokesperson explained each passenger had paid \$15,000 to a people smuggler for the journey and that they chose Australia because it was the cheapest option on offer.⁹¹ The head of the Australian Federation of Tamils, a pro-Tiger organisation, said the high price of the passage suggested that the asylum seekers were receiving money from the diaspora.⁹²

On 17 October, Canadian authorities seized the vessel *Ocean Lady* off the coast of British Columbia. Canadian and Sri Lankan authorities believe it to be the *Princess Easwary*,⁹³ an LTTE vessel suspected of transporting arms for the Tigers.⁹⁴ It too most likely set off from Malaysia; passengers described paying for the trip in Malaysian ringgit while others had documentation issued in Kuala Lumpur.⁹⁵ There were 76 migrants on board, several of whom, according to the Canadian Tamil Congress, a pro-LTTE organisation, had relatives in Canada.⁹⁶ One passenger told journalists that the LTTE killed many people in his family.⁹⁷ Ottawa believes at least 25 of the 76 migrants are members of the Tamil Tigers, which it proscribed as a terrorist organisation in 2006.⁹⁸

⁸⁹ Tom Allard, "Tamil boat people fleeing 'genocide'", *Sydney Morning Herald*, 15 October 2009.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Paul Maley and Paige Taylor, "Tamil Tigers join race for asylum", *The Australian*, 26 October 2009. For a valuable video portrait of one Sri Lankan Tamil seeking passage to Australia, see "Hell or high water", Australian Broadcasting Company, 2 February 2010, at www.abc.net.au/foreign/content/2009/s2811292.htm?site=brisbane.

⁹³ The *Princess Easwary* was registered in Cambodia.

⁹⁴ "Two Tamil migrants named as 'terrorists'", CBC News, 5 November 2009.

⁹⁵ Stewart Bell, "Officials allege Tamil refugee ship smuggling explosives", *National Post*, 2 November 2009.

⁹⁶ See "Ocean Lady Newcomers Reach Out To Community", press release, Canadian Tamil Congress, 27 October 2009.

⁹⁷ "Two Tamil migrants named as 'terrorists'", CBC News, 5 November 2009.

⁹⁸ Jane Armstrong and Colin Freeze, "Fate of Tamils being decided in closed hearings", *The Globe and Mail*, 5 January 2010.

IV. THE DIASPORA IN A POST-LTTE WORLD

Most of the pro-Tiger elements in the diaspora have acknowledged – albeit reluctantly – that militancy has failed and the struggle for an independent Tamil state should proceed non-violently. This change of perspective, however, should not be confused with a change of heart; many would still prefer the LTTE to be fighting for Tamil Eelam. Rather it is an acceptance that the LTTE is a spent military force. An influential American Tamil explained, “We tried *satyagraha*,⁹⁹ we tried party politics, and we tried armed struggle. The sad truth is that they all failed. Although we are back to the drawing board, it is clear the next phase will be political rather than violent struggle”.¹⁰⁰ Tamils from varying backgrounds across the globe and political spectrum echo these sentiments.

It is still unclear what form the non-violent political struggle will ultimately take. Notwithstanding the apparent shift in strategy, the goal of an independent Tamil state remains the same. Very few Tamils abroad believe that their people’s fundamental rights and security can be guaranteed within the framework of the Sri Lankan state. The diaspora’s sense of abandonment by the West, Colombo’s internment of nearly 300,000 Tamils at the war’s end and the military’s continued occupation of the north reinforce this belief among separatists and wins new supporters to the cause daily.

Privately, however, some diaspora leaders suggest that the idea of Tamil Eelam has been as much a metaphor for justice as a concrete goal, a separate state being the only space where justice seemed possible for Sri Lanka’s Tamils.¹⁰¹ Many leaders believe that the diaspora is not wedded to separatism itself, but rather to a state where their collective identity is recognised and their physical security guaranteed. If Colombo could guarantee equal treatment for its minorities within a united Sri Lanka, then the diaspora would be willing to abandon Tamil Eelam.¹⁰²

As the diaspora grapples with the new political realities, several efforts have begun to take shape to carry forward

the LTTE’s struggle. Chief among them are the Transnational Government of Tamil Eelam (TGTE) and the Global Tamil Forum (GTF). These initiatives were born of the belief that Tamil politicians in Sri Lanka cannot express their real political views – including continued support for a separate state – and that is up to the diaspora to push the ideas they cannot safely espouse. The immediate aim is to convince Western governments to pressure Colombo to negotiate a political deal with Tamils. Their primary target is the Obama administration and the U.S. Congress, which they believe has the most leverage over Colombo among all the Western governments – and the most likely to act in favour of the Tamils.¹⁰³ However, the efforts underway are disjointed, uncoordinated and unlikely to achieve much on their own or collectively. Indeed, the new initiatives seem motivated as much by leaders’ desire to consolidate the diaspora’s resources – its money, its institutions, the energy of its youth – and its capacity to mobilise for a new struggle, as they are coherent strategies to effect positive changes within Sri Lanka.

A. TRANSNATIONAL GOVERNMENT OF TAMIL EELAM (TGTE)

Still in the planning stages, the TGTE is an ambitious attempt to rebrand the LTTE as a non-violent democratic political body in the diaspora. Strategically invoking Tamil Eelam to mobilise diaspora support, once formed, it will serve as “the highest political entity to campaign for the realisation of the Tamils’ right to self-determination”.¹⁰⁴ Based on arcane political theories of transnational governance, the TGTE aims to consolidate the diaspora and its resources into an elected governance structure. Its architects hope that elections held throughout the diaspora will eventually provide it with the democratic credentials and moral authority to compel the international community to support an independent state for Sri Lanka’s Tamils.¹⁰⁵ TGTE founders increasingly see the endeavour as a long-term political project, achieving its ultimate goal within 30-60 years.¹⁰⁶

At present, New York lawyer Visvanathan Rudrakumaran is the acting head of the TGTE’s executive committee until elections are held for a more permanent one.

⁹⁹ Taken from Sanskrit, *satyagraha* literally means the “force born out of truth”. It was the doctrine of nonviolent resistance originated by Mohandas Gandhi and used in the opposition to British rule in India. It was practiced off and on by Tamil politicians, most notably S.J.V. Chelvanayakam, and others to protest against Colombo’s discriminatory policies towards Tamils and other minorities in the decades before violent conflict began.

¹⁰⁰ Crisis Group interview, Los Angeles, September 2009.

¹⁰¹ Crisis Group email exchange, Tamil academic, 16 February 2010.

¹⁰² A prominent diaspora leader said, “Tamil Eelam is our opening bid”. Crisis Group interview, 24 September 2009.

¹⁰³ Crisis Group interviews.

¹⁰⁴ “A Booklet on the Transnational Government of Tamil Eelam”, The Committee for the Formation of a Provisional Transnational Government of Tamil Eelam, 15 September 2009, available at <http://eelaminexile.com/eelam-in-exile/govt-of-tamil-eelam/92-a-booklet-on-the-transnational-government-of-tamil-eelam.html>.

¹⁰⁵ Crisis Group interviews, TGTE officials, September and November 2009.

¹⁰⁶ Crisis Group email interview, Tamil academic, 16 February 2009.

Polls are scheduled for April 2010, which will also elect a constituent assembly to draft a constitution.¹⁰⁷ In the meantime Country Working Groups (CWG) have been established to build support for the TGTE within the diaspora, as well as civil society groups and political leaders outside of Tamil communities. Once a voter registry is completed, “an independent Election Commission conforming to international standards will hold elections to elect representatives to the TGTE”.¹⁰⁸ Only diaspora Tamils will be eligible for election, though the TGTE will work “hand-in-hand with anyone working for the well-being of the Tamil people”.¹⁰⁹ However, a Tamil political analyst said, “It is arrogant and dangerous for the diaspora to be deciding the future of the Tamil struggle without giving Tamils in Sri Lanka a veto over its [TGTE] actions because Tamils there [on the island] will inevitably bear the brunt of government’s anger”.¹¹⁰

Controversy and confusion has plagued the TGTE since the idea was made public. Originally proposed by KP before his arrest, the TGTE name smacks of a government in exile with a separatist agenda, something its founders insist is not the case. “The word ‘government’ was chosen to convey a sense of authority; we wanted it to be more than just a political or cultural organisation”, said an executive committee member.¹¹¹ A January 2010 report published by its advisory committee states the TGTE “will be formed very much like a transnational corporation or a non-governmental organisation (NGO)”.¹¹² However the same document also indicates it will be “parallel to a government” and will establish “ministries or legislative committees”.¹¹³

Western governments – the target audience – have already distanced themselves from the TGTE before it is

even off the ground. Frustrated by the TGTE’s vacillation on separatism, one diplomat called it “just another LTTE front and just another example of LTTE double-speak”.¹¹⁴ Canadian Tamils affiliated with the TGTE privately admit that Ottawa is cool on the initiative while the U.S. government has publicly declared that it does not recognise the transnational government despite its democratic overtures.¹¹⁵

Tamil views are more mixed. Hardline elements, which still prefer militancy to peaceful politics, disparage the TGTE for not unequivocally supporting Tamil Eelam. For example the editors of the influential online news service and LTTE mouthpiece, TamilNet, called the TGTE, “a remote controlled transnational corporation for collaboration”.¹¹⁶ Rudrakumaran, who has taken a less rigid stance on separatism, is reportedly considering resigning from the TGTE under heavy pressure from the more extreme Nediyan faction.¹¹⁷ Tamils at the other end of the political spectrum dismiss the endeavour as “the last gasp of the LTTE”.¹¹⁸ While many between the two extremes say they have heard of Rudrakumaran and the TGTE, none profess to understand what the TGTE is – even executive and advisory committee members expressed confusion and scepticism.¹¹⁹ Some TGTE supporters, who were hoping for a body that could articulate the immediate needs of Sri Lankan Tamils to Western governments, are also reportedly disenchanted with its 30-60 year timeline.¹²⁰

B. REFERENDA

Between late 2009 and early 2010 a series of privately funded referenda were held in the Tamil communities in Norway, France, Canada, Germany, Switzerland, the Netherlands and Britain, to gauge support for an independent Tamil Eelam.¹²¹ Participants were asked to support the Vaddukoddai Resolution, which called for the creation of Tamil Eelam. The resolution was originally adopted in 1976 by a coalition of Tamil political parties known

¹⁰⁷ “A Booklet on the Transnational Government of Tamil Eelam”, op. cit.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Crisis Group interview, September 2009.

¹¹¹ Crisis Group interview, November 2009.

¹¹² The report states, “It is evident that the TGTE is not a government in exile ... the TGTE will be located in a state in which large concentrations of the Tamil Diaspora live. It will be formed very much like a transnational corporation or a non-governmental organisation (NGO) for the present, in complete accordance with the laws of the state in which it is located. Since the pursuit of the goals of the TGTE is through non-violent means, there should be no legal difficulty in locating the TGTE within any liberal democracy committed to the freedoms of association and expression”. See “Formation of a Provisional Transnational Government of Tamil Eelam Report”, TGTE Advisory Committee, 14 January 2010, available at http://tamilwritersguild.com/TGTE_Report_English_14_Jan.pdf.

¹¹³ Ibid.

¹¹⁴ Crisis Group telephone interview, Western diplomat, 22 November 2009.

¹¹⁵ Crisis Group interview, 2009. Also see U.S. Department of State, Bureau of International Information Programs, Webchat Transcript, CO.NX Chat: Sri Lanka and the Maldives Q&A, 23 June 2009, available at <http://srilanka.usembassy.gov/tr-23june09.htm>.

¹¹⁶ “TGTE: 45 degrees polity for Tamils or ramp for powers?”, TamilNet, 15 January 2010.

¹¹⁷ Crisis Group telephone interview, Tamil academic, 22 January 2010.

¹¹⁸ Crisis Group interview, journalist, Toronto, 10 October 2009.

¹¹⁹ Crisis Group interviews, October-November 2009.

¹²⁰ Crisis Group email exchange, 16 February 2010.

¹²¹ Tamil communities in Australia and Denmark also plan to hold referenda later in the year.

as the Tamil United Liberation Front (TULF) in Sri Lanka. Thousands of Tamils indirectly supported it by voting for the coalition in Sri Lanka's 1977 general election. Tamils across the globe, including the LTTE, have anchored their separatist agenda to the resolution ever since.¹²²

Roughly 99 per cent of votes cast in the 2009 and 2010 referenda were in favour of Tamil Eelam.¹²³ To be eligible to vote Tamils had to be eighteen years or older, a native Tamil speaker born in Sri Lanka, or a spouse or descendant of one. Turnout was high relative to organisers' estimates of the population of eligible voters, though one British politician called the 65,000 British Tamil voters "disappointing" given that people were being asked merely to formalise their unquestioned attachment to Tamil Eelam.¹²⁴ The referenda were conducted by independent elections professionals, but were organised and sponsored by pro-LTTE organisations. For example, in Canada the poll was organised by the Coalition for Tamil Elections Canada, which claims Velupillai Thangavelu as a leading member. Thangavelu is the former vice president of the World Tamil Movement, which was shut down by Ottawa in 2008 for financing the LTTE.

Along with the TGTE, the referenda are the most significant political development in the diaspora since the LTTE's defeat. The results underscore the vast support for an independent state in the diaspora and the fact that the polls were held when the LTTE's grip on Tamils was at its weakest since the start of the war adds greater legitimacy to them. The polls indicate that, at least in the short term, pro-LTTE elements in the diaspora will use non-violent politics to continue the struggle for Tamil Eelam. The polls were expensive, which means the diaspora still has the ability to raise funds for the separatist cause even without the LTTE. And the relatively high turnout reiterates the diaspora's enduring ability to mobilise, as well as its resilience in face of the Tigers' humiliating defeat.

However, the referenda could put Tamil communities on a collision course with their governments. The polls risk creating false expectations within the diaspora for positive international action on an independent Tamil state at a time when there is no support for one, especially within the UN Security Council. There is a risk that rather than facing this harsh reality, Tamils could head back down a path of supporting violent separatism. To prevent this, Western governments have to be clear with their Tamil populations as to why they do not support a separate state. Politicians, particularly those with Tamil constituencies, have to acknowledge that uncritical support of the diaspora's politics in return for votes only lends false hope to separatists. Just as important though, the larger international community has to pressure Colombo to take immediate steps to address the political and economic marginalisation and insecurity faced by Tamils and other minorities in Sri Lanka.

C. GLOBAL TAMIL FORUM (GTF)

The GTF is billed by its founding members as a major new effort by the diaspora to advocate on behalf of Tamils in Sri Lanka. It is a conglomerate of elite personality-driven pro-LTTE organisations from fourteen countries that all claim to speak on behalf their respective Tamil populations. The GTF aims to be a quasi-advocacy and humanitarian organisation based in London.¹²⁵ It is a markedly less ambitious effort than the TGTE, but equally equivocates on separatism in public. GTF personalities say the organisation will focus Western government attention on the immediate humanitarian concerns of Tamils in Sri Lanka, such as closure of the internment camps, rather than get bogged down in larger political questions. However, hardliners in the GTF, such as the British Tamil Forum (BTF), have reportedly forced out the GTF president, Dr Nagalingam Ethirveerasingam, for moderating his stance on separatism.¹²⁶

Months after its formation in July 2009, the GTF has yet to announce its board members or establish an office. According to GTF supporters, infighting over procedural and membership rules stalled progress. One said, "The BTF nearly upended the whole thing by acting against the democratic spirit of the forum. Some members wanted looser membership rules while the BTF wanted tighter ones. The BTF was afraid of losing power".¹²⁷ As a result of the delays another said, "The GTF has missed a lot of opportunities to help Tamils. A lot of Tamils still do not know what the GTF is".¹²⁸ Although disorganised, the

¹²² A copy of the Vaddukoddai Resolution can be found at www.vkr1976.org.uk.

¹²³ In all the referenda conducted thus far, Tamils were asked to accept or reject the following statement based on the Vaddukoddai Resolution: "I aspire for the formation of the independent and sovereign state of Tamil Eelam in the North and East territory of the Island of Sri Lanka on the basis that the Tamils in the Island of Sri Lanka make a distinct nation, have a traditional homeland and have the right to Self-Determination". An example of a ballot is available at www.tamilelections.ca/voting.html.

¹²⁴ Crisis Group interview, London, February 2010. Turnout percentages are hard to calculate with any confidence, given the lack of firm numbers of Tamils in the relevant countries. The same politician estimated the total number of British Tamils to be 180,000.

¹²⁵ Crisis Group interview, September 2009.

¹²⁶ Crisis Group telephone interviews, January 2010.

¹²⁷ Crisis Group interview, September 2009.

¹²⁸ Crisis Group interview, November 2009.

GTF's strength is the support it has among well-heeled diaspora Tamils, many of whom genuinely want to help Tamils on the island. If the political situation improves, their wealth and professional skills could be important resources for the island's reconstruction.

D. DOCUMENTING WAR CRIMES AND "GENOCIDE"

Diaspora groups aligned with the TGTE and GTF are collecting evidence on alleged war crimes and other abuses committed by the Sri Lankan government and military officials during the war. These efforts are largely political and "appear to be more concerned with reinforcing feelings of victimisation within the diaspora than seeing justice served".¹²⁹ For example, Tamils Against Genocide (TAG), a U.S.-based NGO, reportedly raised over \$500,000 to retain Bruce Fein,¹³⁰ a former U.S. Associate Deputy Attorney General, to compile a report charging the Sri Lankan defence secretary and U.S. citizen, Gotabaya Rajapaksa, and former army chief and U.S. permanent resident, Sarath Fonseka, with genocide, war crimes and torture.¹³¹ The report, which TAG submitted to the U.S. Justice Department, aimed to initiate a grand jury investigation focused on documenting the alleged crimes of Sri Lankan officials while ignoring evidence of LTTE abuses.¹³² The overt political bias of TAG's project has undermined its credibility rather than promoted accountability. A U.S. official familiar with the report said, "That [political bias] makes it [TAG] hard to take seriously".¹³³

In a separate initiative, organised with the support of TAG and other Tamil activists, the "People's Permanent Tribunal" held two days of hearings on Sri Lanka in Dublin, Ireland in January 2010. Drawing on a wide range of publicly available evidence as well as in-camera evidence from alleged victims and eyewitnesses, the tribunal found that "the Sri Lankan Government and its military are guilty of War Crimes ... [and] crimes against human-

ity".¹³⁴ The credibility of the quasi-judicial process was undermined by the absence of any attention to violations committed by the LTTE and the lack of input from representatives or advocates of the Sri Lankan government and military.¹³⁵

E. ELECTORAL POLITICS

Even while the LTTE was active, pro-Tiger elements in the diaspora focused on working within the system in the West by getting Tamils elected to office and using electoral clout and money to influence policymakers. Tamil communities, particularly the large ones around Toronto and London, recognised early on the political power of their numbers. For the past several years, organisations like the BTF and Canadian Tamil Congress (CTC) have organised Tamil votes for parliamentary candidates sympathetic to their cause. A Canadian MP explained that, "Dense concentrations of Tamils in Toronto area constituencies make it almost impossible for politicians seeking election to ignore Tamil issues".¹³⁶ A London MP said that the organisational skills of the Tamil community enable it to wield influence beyond its size, occasionally determining the outcome of elections.¹³⁷

Tamils are also seeking public office themselves. Several have already been elected to a variety of local government bodies in Canada, Norway and France. In 2007 Lathan Suntheralingam, who sought asylum in Switzerland ten years earlier, was elected to the Lucerne Cantonal parliament. But, as of yet, no Tamil of Sri Lankan descent has been elected to the national legislature of any Western country. However a British MP believes, "It is only a matter of time before Tamils have their own MP. They are organised and represented at the local levels, which will ultimately translate into Tamil representation at higher levels".¹³⁸

There is a good chance that could happen soon. Although she failed to win a seat, Janani Jananayagam, who ran in the June 2009 European Parliamentary elections, received over 50,000 votes, which was more than the combined vote for all other independent candidates in the UK.¹³⁹ Jananayagam, a banker and spokesperson for TAG, ran in London where thousands of Tamils saw her as a

¹²⁹ Crisis Group interview, American Tamil, September 2009.

¹³⁰ Tamils For Justice (T4J), an organisation with similar goals to TAG, originally retained Bruce Fein's legal services. A dispute between T4J's founders over money and objectives resulted in some of them withdrawing support from T4J and redirecting funds to start a new organisation called TAG. TAG then retained Bruce Fein. Crisis Group interview, September 2009.

¹³¹ See TAG's "Model Indictment for Genocide against Gotabhaya Rajapakse and Sarath Fonseka Proposed to the U.S. Justice Department", available at www.tamilsagainstgenocide.org.

¹³² The United States Genocide Accountability Act 2007 makes it a crime for U.S. citizens or permanent residents to engage in genocide anywhere in the world.

¹³³ Crisis Group interview, Washington DC, April 2009.

¹³⁴ The findings of the tribunal are available at www.ifpsl.org.

¹³⁵ For the Sri Lankan government's reaction to the tribunal, see "Suspicious political motivations of so-called Permanent People's Tribunal", 15 January 2010, at www.priu.lk.

¹³⁶ Crisis Group interview, MP, Toronto, June 2008.

¹³⁷ Crisis Group interview, MP, London, 16 July 2008.

¹³⁸ Crisis Group interview, British MP, London, 16 July 2008.

¹³⁹ See "European Election 2009: UK Results", BBC, 8 June 2009 available at http://news.bbc.co.uk/2/shared/bsp/hi/elections/euro/09/html/ukregion_999999.stm.

vote for Tamil Eelam. Sen Kandiah, a senior member of the pro-Tiger BTF, could be the first diaspora Tamil elected to a national legislature. Kandiah, a British Labour party member, is considering a run for parliament in the 2010 general election. He is also the head of Tamils for Labour, a fundraiser for the Labour party, which, according to an MP, lobbied the party to lift the UK's ban on the LTTE.¹⁴⁰

F. BOYCOTTS

In January 2008, the BTF announced a boycott on the government-owned Sri Lankan Airlines and Sri Lankan products exported to the West after President Rajapaksa withdrew from the Norwegian-brokered ceasefire between the government and the LTTE. The BTF claimed that British Tamils spent approximately \$19 million a year flying Sri Lankan Airlines and roughly \$160 million on groceries, garments and other items imported from Sri Lanka.

In 2009, the Say No to Sri Lanka campaign was launched to refocus the BTF's boycott on the internment camps.¹⁴¹ Organised by young Tamils affiliated with the CTC and its American counterpart, the United States Tamil Political Action Council (USTPAC), the campaign targets Sri Lanka's lucrative garment industry by urging consumers to boycott clothing with a "Made in Sri Lanka" tag.¹⁴² A second campaign targeted at U.S. consumers, "No Blood for Panties", was launched by Boycott Sri Lanka, a group of American Tamils. No Blood for Panties attempts to raise public awareness about human rights abuses against Tamils in Sri Lanka through a series of sexually provocative internet ads linking female undergarments to the island's militarisation and the government's treatment of minorities.¹⁴³ Although the boy-

cott movement has garnered support from public officials, like a British MP,¹⁴⁴ organisers report that it is having only limited success.¹⁴⁵

¹⁴⁰ Crisis Group interview, Labour MP, London, July 2008.

¹⁴¹ See the Say No to Sri Lanka campaign's website at www.notosrilanka.com/about-us.

¹⁴² Over 50 per cent of the island's export earnings come from the \$2.7-billion garment industry, which employs around 300,000 Sri Lankans whose earnings support another million people. The industry supplies well-known brands such as Victoria's Secret, GAP, Levi's and Marks & Spencer in the U.S. and Europe. The U.S. market is particularly important to the island's garment industry. For example nearly 50 per cent of Sri Lankan overall garment exports are destined for the U.S. market. For more information on Sri Lanka's garment industry see Saman Kelegama, "Ready-Made Garment Industry in Sri Lanka: Preparing to Face the Global Challenges", *Asia-Pacific Trade and Investment Review*, vol. 1, no.1 (2005); Zainab Ibrahim "Playing Tough", Lanka Business Online, 1 January 2007; and "Background note: Sri Lanka", U.S. Department of State, July 2009, available at www.state.gov/r/pa/ei/bgn/5249.htm.

¹⁴³ For more on the No Blood for Panties campaign see the Boycott Sri Lanka's website at www.boycottsrilanka.com.

¹⁴⁴ Siobhain McDonagh, a British MP, voiced support for the boycott at the Labour party conference in October 2009. See "McDonagh on Sri Lanka: 'Watch Channel 4 News'", Channel 4 News, 1 October 2009.

¹⁴⁵ An organiser believes the boycott's strategy is flawed. He explained, "Only a fraction of the value of a Marks & Spencer garment is retained in Sri Lanka but almost all of the value of grocery items produced there stays there", he said. He continued, "So before we tell Westerners not to buy knickers made in Sri Lanka we should be telling our own Tamils not to buy Sri Lankan goods in our own grocery stores. We should be telling storeowners to import Indian goods instead. We can cook the same meals with those ingredients". Crisis Group telephone interview, 10 November 2009.

V. CAN THE DIASPORA MOVE FORWARD?

A. DIVERGENT VISIONS

Very few of the efforts of those in the diaspora who wish to carry forward the LTTE's fight have registered with Tamils in Sri Lanka, exposing the gap between Tamils overseas and those on the island. While in principle many Tamils in Sri Lanka support a separate Tamil state, very few – if any – are currently prepared to fight and die for it.¹⁴⁶ Most appear to be pragmatic and willing to accommodate Sinhala interests so long as their lives, culture and lands can be guaranteed. As one Tamil politician said, "Forget Tamil Eelam. We just want some autonomy and self-governance so we can move on and have a life".¹⁴⁷

Diaspora leaders who remain deeply committed to Tamil Eelam have criticised Tamils on the island who express such views as too weak to stand up for their rights or as traitors to the liberation struggle. Some argue that since "within Sri Lanka, Tamils can't articulate their views freely, but outside Sri Lanka they can", it falls on the diaspora to speak in their place.¹⁴⁸ To which a young Tamil activist in Jaffna replies, "Let these people come tell the Vanni IDPs that they are speaking on their behalf for a separate state. They will be physically assaulted for sure".¹⁴⁹

Sri Lanka's presidential election on 26 January 2010 gave the clearest example of the emerging dissonance between diaspora and island Tamils. Too weak to put up their own contender, the Tamil National Alliance (TNA), the most important Tamil political party, was forced to choose between Mahinda Rajapaksa, the head of the government that ordered attacks which killed thousands of Tamil civilians, and Sarath Fonseka, the head of the army that carried them out. While diaspora organisations clamoured for a boycott on ethical and political grounds, the TNA did its best to take advantage of the small political space that briefly emerged thanks to the contest between the

candidates.¹⁵⁰ In eventually backing Fonseka, the TNA's decision reflected a strong desire among Tamil leaders to avoid repeating a 2005 mistake when, under pressure from the LTTE and the diaspora, most Tamils in the north and east boycotted the polls, helping propel Rajapaksa into the presidency.¹⁵¹

The TNA's break with the diaspora drew fire from overseas groups such as the GTF.¹⁵² It has also sparked fears that Tiger activists abroad may seek to undermine Tamil politicians willing to settle for autonomy in the north and east rather than a separate state, perhaps by financing rival political parties.¹⁵³ TNA leader R. Sampanthan addressed diaspora criticisms when campaigning in Jaffna: "the diaspora can suggest things to us. We will consult with them. But they cannot make decisions on their own and enforce it on people here. That is unacceptable".¹⁵⁴ According to an American Tamil activist, the diaspora's "boycott calls and its willingness to ditch Tamils who disagree on strategy show how out of touch we are with Tamil politics and how the hardliners among us are winning out". He said, "It is clear that Tamil Eelam is off the table and that Tamils in Sri Lanka just want to get on with their lives; for them it is the politics of survival now. As long as we remain inflexible to reality by continuing talk about a separate state we undermine the chances of

¹⁴⁶ In the words of one young Tamil activist, "I think the Tamil people will never go back to taking up arms however impatient they get with the government because they have suffered so much from the war that they will never forget. The beating has been that hard, especially from this government. Hence however angry they get the community just won't have the will power for another armed campaign". Crisis Group email interview, February 2010.

¹⁴⁷ Crisis Group interview, 14 October 2009.

¹⁴⁸ Crisis Group interview, Tamil community leader, London, January 2010.

¹⁴⁹ Crisis Group email interview, January 2010.

¹⁵⁰ For more on Tamil politics in Sri Lanka after LTTE's defeat see Crisis Group Briefing, *Sri Lanka: A Bitter Peace*, op. cit.

¹⁵¹ According to several Tamil activists the lack of physical interaction between diaspora and Sri Lankan Tamils is partly to blame for diaspora's misreading the island's politics. Despite safety assurances from Colombo, many diaspora Tamils are hesitant to return to Sri Lanka out of fear of government harassment. Some Tamil activists are concerned that without reestablishing the physical connections between the two communities, the gap will widen, possibly becoming unbridgeable. Crisis Group interviews, 2009-2010.

¹⁵² TamilNet reported that the GTF told the TNA that, "[The] GTF stands in support of fundamental principles of the 1976 Vaddukoddai Resolution which was supported and overwhelmingly voted through a democratic election in 1977 by the Tamils of the island nation. Whilst we appreciate that any candidate cannot espouse the resolution in full in words due to the unreasonable restrictions levied by the sixth amendment of the Sri Lankan constitution, we will stand in solidarity with a candidate who will espouse the spirit of the resolution within the constraints". See "Sampanthan: Majority of TNA MPs back Fonseka", TamilNet, 6 January 2010. According to TNA leaders, their decision to back Fonseka had the support of at least some prominent diaspora leaders. R. Sampanthan, campaign speech, Nallur, Jaffna, 23 January 2010.

¹⁵³ "Next Year in Jaffna", *The Economist*, 21 January 2010.

¹⁵⁴ Campaign speech, Nallur, Jaffna, 23 January 2010.

Tamil politicians securing anything positive for people in the country”.¹⁵⁵

Sri Lankan Tamils largely ignored the diaspora’s boycott calls and voted in large margins for Fonseka, as did most Muslims in the east. While turnout was low, it was not as low as the published figures imply given that many Tamils on official voter lists no longer live in the country. Furthermore, the low turnout was not significant enough to amount to a de facto boycott, as some diaspora Tamils have suggested; many who wished to vote were unable to do so.¹⁵⁶ Tamil and Muslim parties and districts that backed Fonseka fear they could be punished for voting against the president, further narrowing space for political reconciliation and reforms – even those far short of a separate state.¹⁵⁷ The arrest of Fonseka on 9 February 2010 for conspiring against the government while still commander of the army is only the most spectacular of a broader clampdown by the Rajapaksa administration on those who challenged its power during the election campaign.

B. THE POLITICS OF DENIAL

The loss of the LTTE has left much of the diaspora in a state of shock and denial. Large numbers continue to deny that the LTTE’s chief, Velupillai Prabhakaran, is dead and dismiss images of his corpse as propaganda. Among

those who accept that the Tigers are finished, few are willing to hold them responsible for the near collapse of Tamil society. Despite evidence to the contrary, Tamils throughout the diaspora also deny that the LTTE forcibly recruited children, carried out political assassinations or were responsible for scores of civilian deaths. Many dismiss evidence of these war crimes as propaganda or justify them by citing the government’s brutal counter-insurgency tactics. Tiger tactics, particularly suicide bombings, are defended as “weapons of the weak” – despite the LTTE’s arsenal being the envy of any number of small states.

Many Tamils also refuse to acknowledge that the terrorist label, which numerous governments attached to the LTTE, was a direct result of its wartime tactics. Instead, the bans are generally seen as a consequence of Sinhala propaganda and the international community’s capitulation to Sri Lankan government pressure. An influential pro-Tiger activist in the U.S. believes that Washington’s ban on the LTTE “had nothing to do with the Tigers’ methods. They were banned because the State Department was being labelled anti-Muslim so they wanted to balance out all the Islamic terrorist groups on the [FTO] list with a non-Muslim one”.¹⁵⁸ Some even blame New Delhi and Washington, the first to ban the LTTE, for strong-arming the EU and Canada to follow suit. However, as a U.S. counter-terrorism official said, “Countries do not do something like proscribe an organisation as a terrorist entity as a favour to another government. They do it because it is in their national security interests”.¹⁵⁹

Perpetuating the diaspora’s state of denial are influential media outlets like the hardline TamilNet, which espouse the LTTE’s separatist agenda while ignoring its glaring failure. Diaspora Tamils worldwide rely on TamilNet for news and information about developments on the island – albeit from a Tiger perspective. However, some pro-LTTE Tamils abroad complain that the website has become a “source for Tamil Eelam propaganda rather than news”.¹⁶⁰ TamilNet’s editors also routinely take aim at Tamil and non-Tamil activists, NGOs and politicians promoting moderation in Sri Lanka’s politics.

Privately funded radio and television stations broadcasting in Tamil, such as Canada Multicultural Radio (CMR) and Tamil Vision International (TVi) reach thousands of people, but also isolate the diaspora from the realities of Sri Lanka’s politics through biased programming. For example, in the run-up to December’s referendum, both CMR and TVi urged Tamils to vote in favour of a separate state without any discussion about the implications

¹⁵⁵ Crisis Group telephone interview, January 2010. A senior Western diplomat in Colombo interviewed for a previous Crisis Group report similarly noted: “The fact that the TNA and the SLMC and others can talk now is a sign of improvement and an effect of the LTTE’s absence. It gives the TNA more manoeuvrability. But still they are between a rock and a hard place: between the diaspora and the government.... Many in the TNA are apprehensive about the diaspora putting up obstacles to negotiating something here. Going back to Vaddukoddai Resolution makes the TNA’s job impossible. A united Sri Lanka is a given for any reasonable settlement.... But at the same time, the TNA will find it difficult to accept even the Thirteenth Amendment”. Crisis Group interview, November 2009. See Crisis Group Briefing, *Sri Lanka: A Bitter Peace*, op. cit. The thirteenth amendment to the Sri Lankan constitution, adopted in 1987 under pressure from the Indian government, established provincial councils with modest devolved powers. The amendment’s provisions have been largely ignored by the central government. The Eastern Provincial Council was established in 2008. The Northern Provincial Council is yet to be constituted.

¹⁵⁶ Turnout ranged from 65 per cent in Tamil districts in the east to about 25 per cent in the northern Jaffna peninsula and even lower in other parts of north. For a useful analysis of the election results from the north and east, see Aachcharya, “The loud and clear message from the voter turnout and the voters in the North and East”, Groundviews, 29 January 2010, at www.groundviews.org.

¹⁵⁷ Crisis Group email interviews, February 2010.

¹⁵⁸ Crisis Group interview, September 2009.

¹⁵⁹ Crisis Group interview, Washington DC, April 2009.

¹⁶⁰ Crisis Group interviews, Toronto, October 2009.

for their counterparts on the island. According to Tamil activists in Toronto, the failure of both CMR and TVi to offer their listeners and viewers a broader range of opinions only “promotes very narrow political ideas in the name of multicultural activities, cornering the [Tamil] community into ghetto politics”.¹⁶¹

Years of uncritical support for the LTTE have reinforced perceptions that the diaspora was more concerned with the future of the Tigers than the fate of the Tamils – particularly in the final months of the war when it was clear that the Tigers were defeated, and yet their refusal to surrender caused immense human suffering. Silence on the LTTE’s contribution to the terrible cost of the conflict led many people normally sympathetic to Tamil grievances to dismiss the diaspora as extremist, and in some cases fuelled a spiteful – and false – stereotype encouraged by Sinhalese extremists that all Tamils are terrorists. However, a Tamil activist said diaspora leaders acknowledged these issues are a problem. He said, “We are caught between a rock and hard place. The Tigers have become an integral part of our culture. To deny the LTTE would be to deny our history. It is something we cannot do. But if we remain uncritical, we look callous and out of touch. This is the dilemma we are working through now”.¹⁶²

C. WEAK LEADERSHIP

The LTTE’s authority has weakened but its psychological hold remains strong, preventing diaspora leaders from breaking with its legacy. The international community’s inability to prevent the shelling of civilians during the war reinforced the belief that the LTTE is the only organisation willing to defend Tamils. Their fight to the death has also cemented their image as martyrs and heroes among many in the diaspora. According to a Sri Lankan journalist, “At this stage it would be political suicide for any aspiring Tamil leader to challenge the mantle of the LTTE as the defender of the Tamil people”.¹⁶³ Religion is also an obstacle. “The LTTE inserted itself in our culture and blurred the lines between what is Tamil, Tiger and Hindu”, said an academic.¹⁶⁴ Repu-

diating Prabhakaran could be misconstrued as disrespecting the dead.

Leaders are unwilling to repudiate the LTTE for the time being, in part because they believe that doing so would lose them the diaspora’s support. Leaders “must demonstrate a continuity with Prabhakaran and the LTTE. That is the only way to get people and their money on their side”.¹⁶⁵ This could be why leaders like TGTE head Rudrakumaran have been reiterating their rebel credentials. For example, despite the U.S. ban on Tigers, he addressed a Heroes’ Day¹⁶⁶ event in New York in November while standing behind a podium draped in the LTTE flag. Heroes’ Day events were traditionally big fundraisers for the LTTE. However, this should not by itself cause concern, according a Western diplomat:

Realistically, LTTE leaders like Rudrakumaran may be the only ones with the credibility to move the organisation away from its past. As long as their non-violence and overtures to democracy are sincere, and their fundraising and other dealings are above board, they should be given a chance to succeed.¹⁶⁷

To do this, leaders will have to demonstrate that they can improve the lives of Tamils in Sri Lanka. A pro-LTTE activist said, “The only way a leader can make a clean break with the Tigers is if they practically deliver more for the Tamils than Prabhakaran and the LTTE did ... as long as they deliver, no one will care if they criticise them”.¹⁶⁸ Diaspora Tamils say they will need the international community’s support for this to happen. This means that Western governments and their major opposition parties will have to be clear with their Tamil populations that they do not support the LTTE’s separatism. At the same time, they need to do more to aid Tamils in Sri Lanka and push Colombo to address the causes of the LTTE’s rise. A Tamil leader in Toronto said,

Right now [diaspora] leaders are doing exactly what the LTTE did; they are building false expectations, like telling us that governments are supporting the TGTE

¹⁶¹ Crisis Group email exchange, 16 February 2009.

¹⁶² Crisis Group interview, Los Angeles, September 2009.

¹⁶³ Crisis Group interview, Sri Lankan political analyst, Bangkok, November 2009. A Tamil in New York said, “To publicly renounce Prabhakaran would be treason in the community”. Crisis Group interview, September 2009.

¹⁶⁴ Crisis Group interview, Tamil academic, Bangkok, December 2009. For useful analyses of how Hindu ideas and imagery were reworked in the LTTE’s cult of suicide and martyrdom, see Michael Roberts, *Confrontations in Sri Lanka: Sinhalese, LTTE and Others* (Colombo, 2009). At the same time, the LTTE, and Tamil nationalism more generally, has drawn on the institutional resources of the Catholic church and other Christian

churches in northern Sri Lanka, especially during the worst years of the war. Catholic priests and Christian ministers are important community leaders throughout the Tamil north and east. Roughly 10 per cent of Tamils are Christian.

¹⁶⁵ Crisis Group interview, Tamil academic, Penang, November 2009.

¹⁶⁶ *Maveerar Naal* or Heroes’ Day is annual event started by Prabhakaran for Tamils to pay tribute to LTTE cadre killed in war. It is held every 26 November in Tamil communities around the world. Heroes’ Day was well attended in November 2009 despite the LTTE’s defeat.

¹⁶⁷ Crisis Group interview, senior Western diplomat, November 2009.

¹⁶⁸ Crisis Group telephone interview, December 2009.

when they do not. If [Western governments] tell us what they want and help us get that message out in the community, it will empower leaders to steer us away from repeating the mistakes of the past. If they do not then we are all set up for more failure.¹⁶⁹

Some Tamil activists, however, doubt there is a quick solution to the leadership dilemma. A generation of conflict and the near collapse of Tamil society have resulted in a dearth of capable political leaders, which, in their view, could keep the society weak, divided and prone to conflict. One said, “The biggest problem we face as a community is not the legacy of the Tigers, but that our leaders are too weak to confront it”.¹⁷⁰ Tamils from the younger generation born in the West are concerned that the current leadership of diaspora organisations, such as the TGTE and the GTF, “do not have the vision, charisma or understanding of global politics to lead us in the direction we need to go”.¹⁷¹

D. YOUNGER GENERATIONS

The younger generation could play a role in filling the leadership vacuum. Raised and educated in the West and armed with advanced university degrees, many young Tamils have become increasingly active in diaspora politics and are seen by TGTE and GTF leaders as one of the diaspora’s most precious resources.¹⁷² While many younger Tamils share a similar political outlook with their parents, particularly their support for a separate state, they have a better understanding of the political process.¹⁷³ For example, organisations like People for

Equality And Relief in Lanka (PEARL), comprised of American students from elite universities, have been trying since 2005 to influence U.S. policymakers by using professional advocacy techniques rather than the bullying tactics of other Tamil groups.¹⁷⁴

Political activity by younger diaspora Tamils is often a consequence of their visits to Sri Lanka during the cease-fire where they saw firsthand how relatives had suffered through years of war, as well as the impressive administrative structures of the LTTE’s de facto state in the Northern Province. For others, the brutality of the final months of the war stirred them into action. Diaspora youth were the driving force behind demonstrations and campaigns to persuade the international community to broker a ceasefire agreement between the LTTE and the Sri Lankan army in early 2009. Some students even dropped out of school to campaign full time.¹⁷⁵ Younger Tamils continue to lead diaspora efforts, such as pressing for closure of the internment camps and the right for Tamils to return to their land. According to a GTF leader, “The younger leaders are becoming increasingly influential and even setting the agenda for the movement”.¹⁷⁶

However, there is a growing divide within the younger generation. While some want the diaspora to move away from the Tigers, others see militancy as the only way forward. In the closing months of the war, many young Western Tamils believed that if they played by the rules of their democracies, the West would ultimately broker a settlement between the LTTE and the government, saving thousands of lives. That this did not happen was a demoralising lesson in democracy for young, first-time protesters. As a result, a number of Tamils lost faith in the West and the democratic process ever delivering anything for Tamils. A young Tamil activist in Toronto explained that many “have lost trust in their government and no longer feel primarily Canadian”.¹⁷⁷ He said that, “There’s fear in the community of where this will lead”.¹⁷⁸

E. RADICALISATION

While some leaders attempt to steer the diaspora towards nonviolent politics, others have drifted to the opposite extreme. During the early years of the conflict, Tamil political activity in the West was fairly inconspicuous and mostly limited to low-key engagement with public officials. When protests did occur, they were almost always peaceful and their organisers went to great lengths to ensure they respected local laws.

¹⁶⁹ Crisis Group interview, Toronto, October 2009. Another young Tamil echoed similar sentiments: “The LTTE does not have a foothold in Sri Lanka anymore and it is unclear if Tamils there will ever support them again because they failed. The international community can help steer the process in such a way that militancy can be marginalised forever. The international community has to work with Tamil leaders [in the diaspora] to ensure they are strong enough to negotiate with the government without resorting to violence. If leaders can deliver on their promises then Tamils will follow. If they do not support us and we cannot deliver, then a return to militancy will be the Tamils’ only option. If that is the case then we will be right back at the beginning. We will have gone full circle and be right back at the reasons why the LTTE rose in first place”. Crisis Group interview, December 2009.

¹⁷⁰ Crisis Group interview, September 2009.

¹⁷¹ Crisis Group interview, September 2009.

¹⁷² Crisis Group email interview, Tamil academic, February 2010.

¹⁷³ A first generation American Tamil activist said that, “As full blown products of open societies that value justice and human rights, they [younger generations] have better of understanding the political process, the media and the importance of advocacy in promoting our cause than we do”. Crisis Group interview, Los Angeles, September 2009.

¹⁷⁴ See PEARL’s website at www.pearlaction.org.

¹⁷⁵ Crisis Group interviews, New York and Toronto, October 2009.

¹⁷⁶ Crisis Group interview, Los Angeles, September 2009.

¹⁷⁷ Crisis Group interview, Toronto, October 2009.

¹⁷⁸ Crisis Group interview, Toronto, October 2009.

However, much of this changed in 2009 during the closing months of the war. As the situation for Tamils in the Vanni – and for the LTTE – become more dire, diaspora organisations and individuals mobilised in numbers not seen since the beginning of the conflict. Protests took on more radical – and sometimes illegal – forms, which were, as a Canadian Tamil put it, “signals of the frustration and helplessness that many felt about what was happening to our people”.¹⁷⁹

For example, the Mercy Mission to the Vanni, a ship en route to Vanni that was privately funded and stocked with humanitarian supplies donated by the diaspora, underscored the new risks some were willing to take. One Tamil affiliated with the Mercy Mission said, “They indeed took a huge risk ... had the boat made it to Vanni before the war ended, it would have sailed right into an active war zone and could have been mistaken by the [Sri Lankan] navy for a LTTE ship”.¹⁸⁰

Others pushed the bounds of civil disobedience closer to home by displaying a newfound willingness to disobey police orders. In May, thousands of protesters blocked a busy Toronto highway putting both motorists and themselves at risk. According to one of the organisers, in the days before the demonstration, Tamil radio broadcasts encouraged parents to bring their children on the highway. Some were even placed among the front lines of the protesters to face oncoming traffic. “The [radio broadcasts] were telling the community that if they brought their kids they were less likely to be arrested”.¹⁸¹ Demonstrators in Canada and Europe were also arrested for altercations with police officers. A Swiss government official expressing surprise said, “This is really a new thing here [in Switzerland]. Tamils rarely have problems with the police”.¹⁸²

More extreme forms of protest included:

Hunger strikes. Between January and May 2009, a number of young Tamil students in India, Europe and the U.S. held public fasts to call attention to the situation in Sri Lanka. None of the protesters starved to death but several in India were arrested and forcibly hospitalised after seven days.¹⁸³ In February 2009, the U.S. organisation PEARL waged its “Starving for Peace” campaign, a nineteen-day hunger strike by eight Tamil activists, including a seventeen-year-old secondary school student. In May, 28-year-old Prameswaran Subramaniam, who

apparently fled Sri Lanka for the UK several months earlier, broke his fast after 24 days in front of the House of Commons.

Self-immolation. At least seven Tamils burned themselves alive in protests between January and May 2009. Most self-immolations occurred in Asia, five in India and one in Malaysia. But on 12 February 2009, a 26-year-old Britain-based Tamil named Murugathasan Varnakulasingham, a computing graduate and part-time grocery store employee, doused himself in petrol and set his body on fire outside the United Nations offices in Geneva.¹⁸⁴ The note left by Varnakulasingham explaining why he had chosen to die clearly blamed the international community:

We Tamils displaced all over the world, loudly raised our problems and asked for help before [the] international community in your own language for three decades. But nothing happened ... So I decided to sacrifice my life.... The flames over my body will be a torch to guide you through the liberation path.¹⁸⁵

Several days later, another UK-based Tamil allegedly tried to set himself alight outside the prime minister’s residence, but was arrested before he could do so.¹⁸⁶

Violent attacks. Police in various countries suspect that Sri Lanka’s conflict prompted several instances of vandalism and arson last year. In April 2009, Tamil protesters broke into the Sri Lankan embassy in Oslo, smashing windows and destroying office equipment.¹⁸⁷ Tamil protesters also vandalised the Indian High Commission in London.¹⁸⁸ In May, suspected LTTE supporters vandalised the Sri Lankan embassy in The Hague, as well as the Chinese embassy in London.¹⁸⁹

¹⁸⁴ According to media reports, Varnakulasingham spent two years in a refugee camp in Kilinochchi after the fighting forced him to leave his village in Jaffna in 2002. According to his younger brother this may have been a factor in his decision to commit suicide. The brother told the UK’s *The Guardian* newspaper that his dead sibling was obsessed with the suffering of Tamil civilians and was consumed by reports and images of the conflict. He said, “He [Varnakulasingham] always worried about the people who were going through what he had gone through”. See Sam Jones, “Tamil killed himself ‘to guide others to liberation’”, *The Guardian*, 19 February 2009.

¹⁸⁵ For excerpts of the Varnakulasingham’s suicide note see Jones, “Tamil killed himself ‘to guide others to liberation’”, op. cit.
¹⁸⁶ Ibid.

¹⁸⁷ “Protesters break into Sri Lankan embassy in Oslo”, Reuters, 12 April 2009.

¹⁸⁸ “UK Tamils hit Indian, Sri Lankan embassies”, *The Times of India*, 27 April 2009.

¹⁸⁹ “LTTE supporters attack Chinese embassy in London”, *The Times of India*, 7 May 2009.

¹⁷⁹ Crisis Group interview, Canadian Tamil, October 2009.

¹⁸⁰ Crisis Group interview, Los Angeles, September 2009.

¹⁸¹ Crisis Group interview, Toronto, 15 October 2009.

¹⁸² Crisis Group telephone interview, 3 December 2009.

¹⁸³ Attempted suicide is a criminal act in India. Section 309 of the Indian Penal Code.

The same month, five Tamil men forced their way into the home of two Sinhalese students in Sydney. The intruders vandalised the house and doused the students in acid. One was also stabbed in the abdomen and the other was burnt so badly that he slipped into a coma. The attack followed a fight the day before between members of Sydney's Tamil and Sinhalese communities. The fight allegedly started when a Sinhalese man vandalised a LTTE flag attached to a Tamil's car.¹⁹⁰

In November, a fire damaged a Buddhist temple used by Toronto's Sinhalese community for the second time in six months.¹⁹¹ In both cases police classified the fires as arson and are examining whether they were connected to Tamil nationalists. The November attack coincided with Heroes' Day. Suspected LTTE sympathisers are believed to be behind the attacks on Buddhist temples in London and Paris as well.

Still, almost all of the diaspora's radical actions took place in the final brutal months of the war, when Tamils outside Sri Lanka watched thousands of their fellow Tamils being killed and were desperately searching for ways to pressure governments and the UN to end the slaughter and save the LTTE. While it is clear that many Western Tamils still hold tightly to the LTTE line, there is little to suggest that it will translate into terrorism. Some, however, point to the cases in which Tamil youth are suspected of attacking Buddhist temples in Canada and Europe as worrying signs of radicalisation. Tamil community leaders in Toronto and London as well as law enforcement officials say they are keeping a close eye on this issue but, as a Tamil Canadian journalist said, "The size of the Tamil communities in Toronto and London is so big that it is hard to know what is going on at all times".¹⁹²

F. RADICALISATION IN INDIAN TAMIL COMMUNITIES

There were also signs that the war may have radicalised the politics of the Indian Tamil communities.

India. The southern Indian state of Tamil Nadu is home to roughly 60 million Tamils. While the prominence of the Sri Lanka Tamil struggle has ebbed and flowed in the state's politics, it has always been a sensitive issue. Among the state's political parties and the public there has been consistent support for Tamil Eelam – if not for the LTTE.

¹⁹⁰ "Sri Lankans 'petrified' after Sydney acid attack", ABC News, 18 May 2009. Also see "Sydney acid attack link to Tamils", *Sydney Morning Herald*, 18 May 2009.

¹⁹¹ Alexandra Posadzki and John Rieti, "Arson suspected in latest Scarborough Buddhist temple fire", *The Toronto Star*, 27 November 2009.

¹⁹² Crisis Group interview, Toronto, 12 October 2009.

For example, a survey in August 2008 by the influential Tamil Nadu weekly *Ananda Vikatan* found that over 55 per cent of Indian Tamils in the state supported a separate Tamil state, while nearly 35 per cent supported a federal system in Sri Lanka.¹⁹³

For decades, Indian Tamils have demonstrated and been arrested in support of their Sri Lankan counterparts. However, there were signs of radicalisation among a section of the Tamil Nadu population in response to the war, most notably a spate of self-immolations mentioned earlier. In May 2009, Congress President Sonia Gandhi had to cancel election rallies in Chennai, the state capital, due to demonstrations against New Delhi's support for Colombo. In November, in Coimbatore, Tamil Nadu's second city, police arrested more than twenty Tamil activists carrying photographs and banners of the slain LTTE chief Prabhakaran and demonstrating in favour of a separate state.

Malaysia. Malaysia's Tamil community has come to identify with the Sri Lankan Tamil struggle in recent years.¹⁹⁴ Pro-Malay policies of successive governments and the strong influence of the Chinese in the economy have meant that Tamils have lost out economically, fueling a strong sense of discrimination.¹⁹⁵ Politically, the community has been weakened by the government's ban on the country's largest Tamil rights organisation. According to an academic, "Tamils here felt left out, marginalised and exploited. They saw another group of Tamils in Sri Lanka suffering something similar and automatically began to identify with them".¹⁹⁶

The Tamil community's perception that the Malaysian state is purposefully marginalising them has led many, particularly youth, to view the LTTE and Prabhakaran as symbols of resistance. Some youth have privately

¹⁹³ For a detailed summary of the survey in English see "Tamil Nadu Survey finds support for Tamil Eelam and LTTE but also for arresting its leader", transCurrents.com, 2 August 2008.

¹⁹⁴ Tamils are roughly 10 per cent of Malaysia's population. While there are Sri Lankan Tamils in Malaysia the vast majority are of Indian origin. Both groups arrived during the British colonisation of Malaya. Generally speaking, Indian Tamils worked the plantations while Sri Lankan Tamils occupied positions in the colonial administration. Today, Tamils of Sri Lankan origin on the whole are better educated and wealthier than their Indian counterparts. Because of their socio-economic status they are partly insulated from the discrimination that Indian Tamils experience and do not share the same opinions of the LTTE.

¹⁹⁵ According to a Malaysian academic, "The economic situation of Indian Tamils here [Malaysia] remains very close to where it was at independence". Crisis Group interview, Kuala Lumpur, November 2009.

¹⁹⁶ Crisis Group interview, Penang, November 2009.

voiced a desire to have an organisation like the Tigers in Malaysia. However, Malaysian Tamils are quick to point out that they do not support the LTTE's militancy, but wish to emulate its commitment to Tamil rights. As one man said with a hint of warning, "Unlike the Tamils in Sri Lanka, we are not being persecuted, only denied. Our struggle does not require violence at this stage".¹⁹⁷

VI. CONCLUSION

Without major shifts in their political strategies, Tamil diaspora organisations are unlikely to play a positive role in post-war Sri Lanka or effectively promote the interests of Tamils and Tamil speakers in Sri Lanka. Most Tamils abroad still believe an independent state is possible and many are even clinging to the belief that the Tiger leadership is still alive. While pro-LTTE elements in the diaspora have reluctantly accepted that armed struggle has failed, many would still prefer the Tigers to be fighting for Tamil Eelam and would be willing to fund a resurgent LTTE. New diaspora initiatives attempt to carry forward the struggle for an independent state in more transparent and democratic ways, but they are still pursuing the LTTE's agenda, just without its guns. Even these activities are out of step with the wishes and needs of Tamils in Sri Lanka.

Recent diaspora activities are unlikely to gain traction among publics and governments of their adopted countries unless they make a break with the policies of the LTTE. For many governments a simple rejection of violence by diaspora groups is a "welcome first step", as an Indian diplomat said, but insufficient for them to wholeheartedly back diaspora efforts.¹⁹⁸ In order for that to happen, not only would leading diaspora individuals and organisations have to reject violence as well as the separatist and illiberal politics of the LTTE, but also recognise the damage that the LTTE did to all communities in Sri Lanka and to the Tamil struggle for rights. A senior European diplomat said, "If [diaspora] efforts at organising the transnational government, like GTF and others are truly designed to leave the LTTE behind in order to build consensus among diaspora groups to engage with the Sri Lankan government and the international community, then indeed they would be significant, welcome and deserving of support".¹⁹⁹

Many Tamil diaspora organisations, however, are embracing the LTTE's separatism rather than breaking with it. This will further erode their credibility and perpetuate their self-isolation, limiting their ability to help Tamils in Sri Lanka. It will also give host governments an excuse to ignore legitimate Tamil grievances on the island, as well as reduce pressure on the Rajapaksa administration to undertake reforms necessary to improve the political and socio-economic conditions of all Sri Lankans. While it is the democratic right of Tamils to non-violently espouse separatism, Tamil Eelam faces overwhelming domestic and international opposition. With the Sri Lankan

¹⁹⁷ Crisis Group interview, Kuala Lumpur, November 2009.

¹⁹⁸ Crisis Group interview, New York, July 2009.

¹⁹⁹ Crisis Group interview telephone interview, senior European diplomat, 3 December 2009.

government assuming Tamils abroad remain committed to violent means, the diaspora's continued calls for a separate state feed the fears of the Rajapaksa administration and provide excuses for maintaining destructive anti-terrorism and emergency laws. Such calls could lead to more bloodshed and risk perpetuating the severe underdevelopment of Sri Lankan Tamil society. Rather than remain wedded to the LTTE's failed separatist agenda, diaspora efforts should focus instead on the promotion of other, more realistic forms of political accommodation for Tamils on the island.

While the LTTE is unlikely to regroup in the diaspora, governments concerned with Sri Lanka need to remain vigilant against any re-emergence of the Tigers as a militant force and to other potential forms of radicalisation and violence within the diaspora. Governments with sizeable Tamil populations need to be clear with their Tamil citizens that a separate state is neither feasible nor desirable. They should do their best to support moderate, non-separatist, voices within the diaspora, including by pressing the Sri Lankan government to address their grievances in good faith, while realising the diaspora as a whole is unlikely to help much in the quest for a sustainable and just peace in Sri Lanka. This does not mean the diaspora is irrelevant to post-war Sri Lanka, but its importance is likely to remain a negative force backing separatism.

There is little hope of limiting these effects and encouraging positive political changes within the diaspora without the international community pressing Colombo much more strongly for reforms that will empower democratic Tamil and minority political forces within Sri Lanka. To this end, donors should insist that money given to Colombo to redevelop the north and east is tied closely to the demilitarisation and democratisation of the region, including a meaningful process of consultation with Tamils and Muslims whose families have lived in those areas for generations. Donor governments and the United Nations must also insist on an independent investigation into the thousands of Tamil civilians killed in the final months of fighting in 2009, as well as press for an end to the government's routine disregard for its own constitution and the rule of law. Failure to address the institutionalised impunity by which agents of the state violate the rights of all Sri Lankans increases the risk of an eventual return to violent conflict.

Ultimately, however, it will be up to President Rajapaksa and the next parliament to reinforce the island's fragile peace. The violent crackdown on independent media and political opposition that has followed Rajapaksa's 26 January re-election bodes ill for a sustainable and just peace. Continued reliance on anti-terrorism laws and special powers granted under the state of emergency to control dissent and political opposition increases the risk

of future militancy. The only way to reach a lasting peace is for the government to address the longstanding sense of marginalisation, disrespect and insecurity that gave rise to the LTTE and other militant groups in the first place, while reforming the state to better respect the democratic rights of all its citizens. Tamils in Sri Lanka currently have little appetite for a return to armed struggle. But should the Sri Lankan state continue to fail to respond to their collective aspirations, some may eventually seek a solution through violence, even in the face of severe repression. Should that happen, they could find willing partners in the diaspora.

Colombo/Brussels, 23 February 2010

APPENDIX A MAP OF SRI LANKA



APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates nine regional offices (in Bishkek, Bogotá, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina and Tbilisi) and has local field representation in fourteen additional locations (Baku, Bangkok, Beirut, Bujumbura, Damascus, Dili, Jerusalem, Kabul, Kathmandu, Kinshasa, Port-au-Prince, Pretoria, Sarajevo and Seoul). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo,

Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Bangladesh, Burma/Myanmar, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, Russia (North Caucasus), Serbia and Turkey; in the Middle East and North Africa, Algeria, Egypt, Gulf States, Iran, Iraq, Israel-Palestine, Lebanon, Morocco, Saudi Arabia, Syria and Yemen; and in Latin America and the Caribbean, Bolivia, Colombia, Ecuador, Guatemala, Haiti and Venezuela.

Crisis Group raises funds from governments, charitable foundations, companies and individual donors. The following governmental departments and agencies currently provide funding: Australian Agency for International Development, Australian Department of Foreign Affairs and Trade, Austrian Development Agency, Belgian Ministry of Foreign Affairs, Canadian International Development Agency, Canadian International Development and Research Centre, Foreign Affairs and International Trade Canada, Czech Ministry of Foreign Affairs, Royal Danish Ministry of Foreign Affairs, Dutch Ministry of Foreign Affairs, Finnish Ministry of Foreign Affairs, French Ministry of Foreign Affairs, German Federal Foreign Office, Irish Aid, Japan International Cooperation Agency, Principality of Liechtenstein, Luxembourg Ministry of Foreign Affairs, New Zealand Agency for International Development, Royal Norwegian Ministry of Foreign Affairs, Swedish Ministry for Foreign Affairs, Swiss Federal Department of Foreign Affairs, Turkish Ministry of Foreign Affairs, United Arab Emirates Ministry of Foreign Affairs, United Kingdom Department for International Development, United Kingdom Economic and Social Research Council, U.S. Agency for International Development.

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February 2010

APPENDIX C

CRISIS GROUP REPORTS AND BRIEFINGS ON ASIA SINCE 2007

CENTRAL ASIA

Turkmenistan after Niyazov, Asia Briefing N°60, 12 February 2007

Central Asia's Energy Risks, Asia Report N°133, 24 May 2007 (also available in Russian)

Uzbekistan: Stagnation and Uncertainty, Asia Briefing N°67, 22 August 2007

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Kyrgyzstan: The Challenge of Judicial Reform, Asia Report N°150, 10 April 2008 (also available in Russian)

Kyrgyzstan: A Deceptive Calm, Asia Briefing N°79, 14 August 2008 (also available in Russian)

Tajikistan: On the Road to Failure, Asia Report N°162, 12 February 2009

Women and Radicalisation in Kyrgyzstan, Asia Report N°176, 3 September 2009

Central Asia: Islamists in Prison, Asia Briefing N°97, 15 December 2009

Central Asia: Migrants and the Economic Crisis, Asia Report N°183, 5 January 2010

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North Korea-Russia Relations: A Strained Friendship, Asia Briefing N°71, 4 December 2007 (also available in Russian)

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China's Thirst for Oil, Asia Report N°153, 9 June 2008 (also available in Chinese)

South Korea's Elections: A Shift to the Right, Asia Briefing N°77, 30 June 2008

North Korea's Missile Launch: The Risks of Overreaction, Asia Briefing N°91, 31 March 2009

China's Growing Role in UN Peacekeeping, Asia Report N°166, 17 April 2009 (also available in Chinese)

North Korea's Chemical and Biological Weapons Programs, Asia Report N°167, 18 June 2009

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