Diaspora dilemmas: Australia and the Sri Lanka conflict

Recommended Citation

"Diaspora dilemmas: Australia and the Sri Lanka conflict", APSNet Policy Forum, May 24, 2007, https://nautilus.org/apsnet/diaspora-dilemmas-australia-and-the-sri-lanka-conflict/

Contents

1. Introduction
2. Essay - Diaspora dilemmas: Australia and the Sri Lanka conflict
3. Nautilus invites your response

Introduction

Australian researcher Sam de Silva notes the recent arrests of two Melbourne men accused of being members of the Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers).

> "The arrests, and the Australian government's strong statement condemning both the government and the LTTE bring the Sri Lankan conflict closer to Australia, and present the Sri Lankan diaspora community with difficult choices."

De Silva sketches the background of the conflict and the Australian government's increasing concerns. The Tamil diaspora in Australia, de Silva argues,

> "faces three main options: continue to promote their claim that the men were raising funds for humanitarian work and not the LTTE's war machine; distance themselves from the arrests and remain silent; or to affirm the LTTE's fight as a liberation struggle and argue that it is valid for Tamils in Australia to support that cause."

Essay - Diaspora dilemmas: Australia and the Sri Lanka conflict

On May 1 2007, a joint operation by Australian Federal Police (AFP) and Victoria Police charged two

Sri Lankan Tamils living in Melbourne with terrorism related charges. They were accused of being members of the Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers) - an armed rebel organisation that is waging a separatist struggle in Sri Lanka. On 23 May, Alexander Downer, the Minister for Foreign Affairs, issued a strong statement condemning all parties in the conflict, including the Sri Lanka government, which he said are "violating international humanitarian law on a regular basis." "The Australian Government" said Downer, "is concerned by the trend towards increasing violence and the growing environment of impunity surrounding human rights violations in Sri Lanka."

The arrests, and the Australian government's strong statement condemning both the government and the LTTE, follow longstanding calls to proscribe the LTTE as a terrorist organisation. These developments bring the Sri Lankan conflict closer to Australia, and present the Sri Lankan diaspora community with difficult choices. During the early phase of Sri Lanka's long drawn out conflict, the Tamils Tigers could have been described as a liberation organisation, but after 25 years of violent conflict without resolution, describing their role has become problematic, because their methods use terror tactics. Now, with the chance of a negotiated solution to the conflict looking increasingly slim, the Sri Lankan Government is putting pressure on Australia to proscribe the Tigers and arrest others from the Tamil diaspora who appear to support the rebels.

The background

At a defence seminar in Canberra recently, the former US commander of US forces in the Middle East, General John Abizaid, suggested that part of "the problem is the five-second sound bite doesn't lend itself well to the type of conflicts of the 21st century". [1] The conflict in Sri Lanka involves its two main ethnicities - the Sinhalese, who are the majority population and live mostly in the south of the island and the Tamils, who identify with the north and east of the island. The British occupied Sri Lanka from 1815 and they ruled over the island by dividing the ethnicities and privileging the minority. Their departure in 1948 left a disproportionate number of Tamils in positions of administrative power.

Sinhalese nationalism flourished in the post-independent period, and in 1956 elections, an opportunistic politician got his party in to power by pledging to make Sinhalese - the language of the majority - the official language of Sri Lanka and the language of Government. This meant more jobs for the Sinhalese, and Tamil public servants who could not communicate in the majority language were forced to resign. Other discriminatory policies were introduced in subsequent years that directly or indirectly strengthened the position of the Sinhalese over the Tamil minority.

Tamil leaders tried to have these policies repealed through political dialogue and peaceful protest. But these efforts were unsuccessful and Sri Lanka headed toward a predictable majority-minority conflict. A number of Tamil militant groups emerged during the 1970s but ideological battles between them saw the Tamil Tigers become the dominant force, claiming to be the sole representative of the Tamil people leading the fight for a separate homeland - a Tamil Eelam.

A formal ceasefire was signed between the Government and the LTTE in 2002. Though major military confrontations stopped, a dirty shadow war continued. Both sides carried out targeted assassinations and the LTTE continued recruiting child soldiers [2]. Peace negotiations, though initially optimistic, bogged down. There was disagreement within the Government about the nature of the negotiations, and towards the end of 2004 the LTTE indicated their "freedom struggle" would recommence if the Government continued to delay the discussions [3] The tsunami in December of that year simply delayed the inevitable. The ceasefire broke down during 2006, when Sri Lankan forces attacked the Tigers to reclaim territory they controlled as part of the ceasefire agreement. A dispute over access to water triggered the clash.

In April 2007, the LTTE launched a surprise air attack. An Indian military analyst declared that them to be the first terrorist organisation to have an air force and there are rumours in the Sinhalese community that the aircrafts are from Australia.

Diaspora

The relationship between the Tamil diaspora in Australia [4] and the LTTE is complex and shifts in relation to the military activities of the Government forces and its impact. But it is difficult to quantify how much support the LTTE has outside of Sri Lanka. There is a history of intimidation and violence against those who oppose the LTTE and the diaspora tends not to be vocal about their position. There are the die-hard supporters as well as those who despise the separatist movement. Then there is a significant segment that support the idea of Tamil rights, but don't want to be seen to endorse the LTTE's methods - which have included brutal suicide attacks on civilians. The separatist group may be fighting on behalf of the Tamil people, but that hasn't stopped them from targeting and killing Tamils who are critical of them, or destroying groups they perceive to be acting against their cause. And they continue to recruit child soldiers.

In a recent article, Meena Nallainathan, writes that in Canada "the general impression is that the majority of the diaspora supports the Tigers, if not financially, then emotionally". He also writes about the Tigers manipulating the diaspora to fund their war effort through what is published in free Tamil language newspapers. Nallainathan quotes Namu Ponnambalam - a critic of the LTTE, who says that the content of the newspapers are "more into negative propaganda [against the Sri Lankan government] than taking a positive attitude toward a peace settlement" [5]

It is difficult to tell how much support the LTTE has in Australia. A representative of a leading Tamil association in Melbourne claims that a majority of the Tamil diaspora supports the Tigers - though this claim is not easy to verify. However, if the violence towards Tamils in Sri Lanka continues to intensify, the proportion that will support the Tigers armed struggle will only increase.

The Sri Lankan Foreign Ministry claims that up to 30% of LTTE's funding comes from the Tamil diaspora in Australia. Alexander Downer acknowledged that "small amounts do come from Australia", but suggests that 30% is "probably an exaggeration" [6].

In early May Aruran Vinayagamoorthy and Sivarajah Yathavan were charged, according to the AFP's media release, with "intentionally being a member of a terrorist organisation, knowing the organisation is a terrorist organisation" and with "providing support to a terrorist organisation, and intentionally receiving funds from or making funds available to a terrorist organisation, knowing the organisation is a terrorist organisation". [7]

Canada and the European Union proscribed the Tigers during 2006. The United States listed them in 1997. Australia has yet to formally label the LTTE a terrorist organisation under its domestic anti-terror legislation. [8]

On 22 May, the Eelam Tamil Association of Melbourne held a protest outside the Parliament of Victoria. Approximately 500 people held placards accusing the Sri Lankan Government of human rights violations and raising awareness of the deteriorating situation facing the Tamils. The Human Rights Commission of Sri Lanka has reported that "almost 100 abductions" had occurred during the first three months of this year and over "1,000 cases of abductions were reported in 2006". [9] A majority of the victims are Tamils, and the Government is being held responsible because most of the abductions are happening in the areas they control.

The Karuna faction split

An LTTE splinter group, known as the Karuna faction, broke away from the rebel organisation in 2004. According to some sources, the Government was instrumental in orchestrating the split. Karuna was the LTTE's commander in the east of the island, and claims the split was triggered because the Tigers were ignoring the people in the east. Now he and his band of cadres are working as a paramilitary unit - assisting the Government forces in the fight with the Tamil Tigers. [10]

The Karuna faction has also been accused of abducting children to fill their ranks. A report in November 2006 by Allan Rock, the Special Advisor to the United Nations Special Representative for Children and Armed Conflict, found "strong and credible evidence that certain elements of the government security forces are supporting and sometimes participating in the abductions and forced recruitment of children by the Karuna faction". [11]

The Sri Lankan Government denies any co-operation with the Karuna faction, however there is little doubt the ex-LTTE militants are heavily involved in the war against Tamil Tigers. [12]

Australia's heightened concern

In a recent media report, a World Food Program (WFP) official expressed concern over the "shrinking of humanitarian space for humanitarian actors and about a lack of respect for humanitarian principals and standards that are international, global and not uniformly respected by all parties here in Sri Lanka." [13]

Mr Downer's May 23rd statement echoed these concerns and went further:

> "Intensifying conflict in Sri Lanka has worsened an already grave humanitarian situation, with the north and east particularly affected. The hostilities have created food insecurity and other humanitarian needs in the civilian population of affected areas. Abductions, extra-judicial killings and forced recruitment occur daily. All parties to the conflict are violating international humanitarian law on a regular basis. The Australian Government is concerned by the trend towards increasing violence and the growing environment of impunity surrounding human rights violations in Sri Lanka. We call on all parties to the conflict in Sri Lanka to resume peace talks without delay to seek a solution which addresses the legitimate aspirations of all Sri Lankans."

Mr Downer committed Australia to make a contribution of just over $5 million "to provide life-saving and other essential humanitarian services for those affected by the intensifying conflict in Sri Lanka". [14]

Supporters of the two men who were arrested suggest they were transferring funds for urgent humanitarian work, and not for the LTTE's war effort [15]. Human rights organisations have also been publishing detailed reports for some time on the worsening conditions there. The situation, particularly in the north and east, is very dire and Australia would be aware of this.

The recent arrests in Melbourne have raised questions about the Australian Government's position relating to the LTTE. Despite considerable pressure from the Sri Lankan Government, Australia has yet to officially list the LTTE as a terrorist organisation. [16] But if they were proscribed, the Sri Lankan Government's military offensive against the rebel group would be vindicated, and it would weaken the efforts being made by the international community to get both sides to the negotiating table.

Solutions and dilemmas

The solution to the conflict that is being promoted by local and international non-government organisations is to change the governance structure of Sri Lanka from a centralised system to one that is based on a federal model.

But so far, any suggestion of a federal model for the island has been met with strong opposition from vocal and highly influential Sinhalese nationalist groups, who claim that federalism is the equivalent of separatism. The LTTE's position on a governance model is unclear, however, during peace discussions they agreed to explore a federal model. [17]

The real question is whether the opportunity for peace talks has been lost. Has Sri Lanka already gone down the road of no return towards war?

According to a member of the Tamil diaspora who wishes to remain anonymous, the LTTE has lost faith in the current Government's ability to conduct peace talks, and are frustrated by the responses of the international community to the actions of the Sri Lankan Government. They want countries like Australia and the United States to apply "serious pressure" on the Government to improve the humanitarian conditions affecting the Tamil people in the north and the east. Dolling out criticisms and aid funds is viewed by the Tigers as "the West looking after its own interests".

The arrests in Melbourne creates a dilemma for the Tamil diaspora, which faces three main options: continue to promote their claim that the men were raising funds for humanitarian work and not the LTTE's war machine; distance themselves from the arrests and remain silent; or to affirm the LTTE's fight as a liberation struggle and argue that it is valid for Tamils in Australia to support that cause. If they decide to go with the third option, they will need to justify some of the tactics the LTTE uses, such as the suicide bombings and the recruitment of children as soldiers, which are unacceptable to Australians.

So far, the community in Melbourne appears to be highlighting the human rights violations of the Government and the need for Tamils to be treated as equals, while remaining silent on their position on the LTTE and its tactics.

Australia's most recent statement about Sri Lanka sends a strong message to "all parties to the conflict". But it could have gone further. Sri Lankan human rights organisations have been calling for independent human rights monitors for some time. In November 2006, the Sri Lankan Government established its own commission to investigate violations, observed by international experts. But civil society groups fear the commission is vulnerable to Government influence and continue to call for an "independent international monitoring mechanism and field based presence for human rights protection". [18]

Australia should add its voice to this call and put real pressure on the Sri Lankan Government to accept an international monitoring body. The conflict can only be resolved through dialogue, but peace talks won't happen until there is effective and continued pressure applied by Australia and the international community to stop the human rights violations committed by all sides.

Information about the author

Sam de Silva is an Australian researcher. During the past two years, he has been investigating Sri Lanka's violence. He has an interest in the conflicts of the 21st century.

End notes

[1] West 'must adapt' to modern terror, The Australian, 16 May 2007. Accessed 18 May 2007.

http://www.theaustralian.news.com.au/story/0,20867,21739382-2702,00.html

[2] Tamil Tigers Forcibly Recruit Child Soldiers, Human Rights Watch, 1 Nov 2004. Accessed 22 May 2007.

http://hrw.org/english/docs/2004/11/10/slanka9651.htm

[3] Tamils will launch freedom struggle, 27 Nov 2007, Tamilnet. Accessed 23 May 2007.

http://www.tamilnet.com/art.html?catid=13&artid=13487

[4] "In the 2001 Census, the top three ancestries that Sri Lanka-born persons reported were, Sinhalese (36,410), Tamil (4,150) and Dutch (1,690)." The Sri Lanka-born Community, Community Information Summary, DIMIA, 2003.

http://www.wesleycollege.org/lankans_in_oz.pdf

[5] Staring Down the Tigers, Meena Nallainathan, Ryerson Review of Journalism, Spring 2007. Accessed 18 May 2007.

http://www.rrj.ca/issue/2007/spring/674/

[6] Doorstop interview with Alexander Downer - Foreign Minister, Australia, 2 May 2007. Accessed 20 May 2007.

http://www.foreignminister.gov.au/transcripts/2007/070502_SA_Rudd_AlQaeda.html

[7] Two men charged with terrorism offences, AFP Media Release, 1 May 2007. Accessed 18 May 2007.

http://www.afp.gov.au/media_releases/national/2007/two_men_charged_with_terrorism_offences

[8] "On 21 December 2001 Australia gazetted the LTTE as a terrorist organisation for asset freezing purposes in accordance with Australia's obligations under United Nations Security Council Resolution 1373 of 28 September 2001." Sri Lanka Country Brief - April 2007, DFAT.

http://www.dfat.gov.au/geo/sri_lanka/sri_lanka_country_brief.html

[9] Sri Lanka: Spectre of abductions by the security forces officially admitted, Asian Centre for Human Rights (ACHR) Weekly Review, 7 Mar 2007, Accessed 21 May 2007.

http://www.achrweb.org/Review/2007/157-07.htm

[10] On Karuna, also known as Vinayagamoorthi Muralitharan, see Colonel Karuna, Wikipedia; and Karuna In A No-Win Situation, R Hariharan, South Asia Analysis Group, SAAG Paper 1165, 13.11.2004.

http://en.wikipedia.org/wiki/Colonel_Karuna

[11] Statement from the Special Advisor on Children and Armed Conflict, 13 Nov 2006. Accessed 22 May 2007.

http://www.un.org/children/conflict/pr/2006-11-13statementfromthe127.html

[12] Sri Lanka's Shadow War, SBS Dateline, 19 April 2006. Accessed 20 May 2007.

http://news.sbs.com.au/dateline/index.php?page=transcript&dte=2006-04-19&headlineid=1101

[13] WFP official calls for improved humanitarian access, 18 May 2007, Accessed 23 May 2007.

http://www.irinnews.org/Report.aspx?ReportId=72239

[14] Australia Responds to Growing Humanitarian Emergency in Sri Lanka, Ausaid Media Release, 23 May 2007, Accessed 23May 2007.

http://www.ausaid.gov.au/media/release.cfm?BC=Media&ID=466_1465_4353_892_5329

[15] Australia arrests will jeopardize humanitarian help- AFTA, Tamilnet, 2 May 2007. Accessed 21 May 2007.

http://www.tamilnet.com/art.html?catid=13&artid=22046

[16] For an Australian Tamil dispora view on the case against proscription, see: Australian-Tamil Rights Advocacy Council, Submission to Parliamentary Joint Committee On Intelligence and Security, Review of the listing provisions of the Criminal Code Act 1995 - the operation, effectiveness and implications of section 102.1(2), (2A), (4), (5), (6), (17) and (18). January 2007

http://www.aph.gov.au/house/committee/pjcis/proscription/submissions/sub8.pdf

[17] The Breakthrough to a Federal Solution, Jehan Perera, Himal Magazine, 9 Dec 2002. Accessed 23 May 2007.

http://www.himalmag.com/sri_lanka/dm120902.htm

[18] A statement by the Centre for Policy Alternatives, Daily Mirror Opinion, 12 May 2007. Accessed 23 May 2007.

http://www.dailymirror.lk/2007/05/12/opinion/2.asp

Nautilus invites your response

The Austral Peace and Security Network invites your responses to this essay. Please send responses to the editor, Jane Mullett: austral@rmit.edu.au. Responses will be considered for redistribution to the network only if they include the author's name, affiliation, and explicit consent.

Produced by the Nautilus Institute at RMIT, Austral Peace and Security Network (APSNet). You can review the 2007 archives. You might like to subscribe to the free Twice weekly newsletter.

View this online at: https://nautilus.org/apsnet/diaspora-dilemmas-australia-and-the-sri-lanka-conflict/

Nautilus Institute
608 San Miguel Ave., Berkeley, CA 94707-1535 | Phone: (510) 423-0372 | Email: nautilus@nautilus.org