Self-Determination: a Ceylon Tamil Perspective

"...the Tamils of Ceylon by virtue of their great language, their religions, their separate culture and heritage, their history of independent existence as a separate state over a distinct territory for several centuries ... and above all by their will to exist as a separate entity ruling themselves in their own territory, are a nation distinct and apart from the Sinhalese."

from the 'Vaddukoddai Resolution' of the first National Convention of the Tamil United Liberation Front, 14 May 1976

The longest struggle for self-determination in post-independence Sri Lanka is that of the Ceylon Tamils. It began in earnest in the mid-1950s as a response to discriminatory language policy and was fuelled by further discrimination in access to state employment and higher education. Between the mid-1950s and the mid-1970s, the Ceylon Tamil national movement sought self-determination within the framework of the existing state. The principal objective was to establish a federal government structure through which the Ceylon Tamil nation could defend its rights in a power-sharing arrangement with the Sinhalese.

At this stage, the Ceylon Tamil national movement focused on non-violent resistance and launched a series of satyagrahas (peaceful protests) in the Gandhian tradition. The coalition government (1960-1965), led by the Sri Lanka Freedom Party (SLFP), struck the first violent blow against the Tamil national movement when the predominantly Sinhalese armed forces were deployed in the Jaffna peninsula in 1961 to repress these peaceful protests. Thereafter, state violence against Tamil activists escalated. To add insult to injury, the SLFP-dominated United Front government introduced a new constitution in 1972 which categorically rejected the Tamil
demand for internal self-determination. This constitution confirmed Sri Lanka as a unitary state and forbade Parliament to ‘abdicate, delegate or in any manner alienate its legislative power nor ... set up an authority with any legislative power other than the power to make subordinate laws’.

The reaction of the Ceylon Tamil national movement to these developments was two-pronged. On the one hand, it increasingly articulated a demand for self-determination within an independent state of Tamil Eelam. On the other, an armed liberation movement emerged, adding a revolutionary dimension to the national struggle.

In 1976, a new parliamentary party of Tamils was formed, the Tamil United Liberation Front (TULF), which sought to make political capital out of the changing aspirations of the Tamil movement, committing itself to the goal of Eelam through its founding ‘Vaddukoddai Resolution’.

**National rights in Sri Lanka**

National rights can be seen as distinct from individual or aggregate rights in that they cannot be subordinated through the exercise of state power. In Sri Lanka, the 1936 ‘Sinhala Only’ Act denied the individual and aggregate rights of Tamil citizens to use their language in certain circumstances. It also undermined Tamil national rights, however, relegating the Tamil language to a subordinate position within the state. Under the 1972 constitution, Buddhism, the religion of most Sinhalese, was granted the foremost place in the life of the state. While the individual and aggregate right to practice other religions was not put in question, the national rights of Tamils were further undermined by this provision, as their religion was categorized within the state as hierarchically subordinate.
The Ceylon Tamil people endorsed the resolution at the 1977 parliamentary elections and voted en masse for the TULF. In subsequent years, however, the TULF abandoned its radical mandate, collaborated in a half-hearted and ill-resourced government decentralisation scheme and lost significant popular support.

Meanwhile, a new generation of young Ceylon Tamils, economically marginalised by discrimination in employment and higher education and brutalised by state repression, saw no way forward without armed resistance. The militants formed five major guerrilla organisations in the middle to late 1970s, including the Liberation Tigers of Tamil Eelam (LTTE), and launched their campaign to establish Eelam throughout the Tamil-speaking majority districts of north and east Sri Lanka.


**Self-determination and decolonisation**

The Ceylon Tamil nation is one of many hundreds existing today within multi-national states. A majority of these states were carved out through European military conquest, their constituent nations politically dis-empowered and lashed together within colonial boundaries. As the European empires crumbled, the first phase of de-colonisation was external de-colonisation, a process which formed the majority of states currently represented in the United Nations. Spearheaded by anti-colonial movements, this phase typically saw the dissolution of direct colonial rule and the transfer of power to the largest or otherwise dominant nation within each newly independent state.

While external de-colonisation is well-advanced, some new states have entered a second phase, that of internal de-colonisation. Internal de-colonisation is sought within ‘post-colonial’ states where certain nations continue to experience repression and now demand their own right to self-determination within or outside existing state parameters. The global preponderance of such movements is often obscured by a semantic sleight of hand which subsumes them within the all-inclusive term ‘ethnic conflict’. A first step in appreciating the principle of self-determination is to distinguish national movements from ethnic conflicts.

Ethnic conflicts, like national movements, are confrontations between cultural groups within the borders of an individual state. They arise out of competitive interactions over such things as employment, land and entrepreneurial opportunities. They are rationalised, at least in part, with reference to cultural difference, and can involve the manipulation of cultural symbols such as historical myths, flags and anthems. Crucially, however, ethnic conflicts do not involve formal demands for state power, and can therefore be addressed through institutional arrangements and legislative provisions to protect individual and aggregate rights. In response to ethnic conflict, human rights organisations are formed and legislative safeguards introduced.

In contrast, national movements do involve a struggle for state power. They are political movements launched by nations against repressive states. National movements demand political solutions, such as a federal system, to gain access to state power and thereby to defend national rights.

While national struggles and ethnic conflicts are clearly distinct entities, the two are too often confused. This is partly because ethnic and national conflicts genuinely share many characteristics. A second reason for confusion,
though, is that, while nationalist struggles are pitted emphatically against states, the identification of states with dominant nations muddies the waters somewhat and enables naïve or hostile groups to mis-represent or de-legitimise national struggle as communal agitation.

**Self-determination and geopolitics**

While many contemporary analysts have slurred over the right of self-determination to focus on ‘ethnic conflict and integration’, powerful political actors have generally recognised demands for national self-determination and stoked or suppressed them according to geopolitical interest.

At the end of the First World War, for instance, Britain and the United States invoked the principle of ‘each nationality its state, each state its nationality’, promoting their own perceived interests among the Eastern European nations formerly dominated by the Ottoman Empire. In south Asia in the late 1960s, Punjabi-controlled Pakistan repressed the Bengali demand for external self-determination. The Indian government, meanwhile, promoted the liberation movement in the then East Pakistan, hastening Bangladeshi independence in 1971 and strengthening its regional dominance.

More recently, during the Gulf War, the United States encouraged elements of the Kurdish liberation movement within Iraq in order to undermine President Saddam Hussein’s rule, only to reduce its support at the war’s end.

Perhaps the most blatant instance where a national movement for self-determination was exploited for geopolitical ends was the case of Eritrea. At first the United States backed Emperor Haile Selassie of Ethiopia and rejected Eritrean independence claims, while the Soviet Union supported the Eritrean liberation movement as an important component of the African anti-imperialist struggle. When a pro-Soviet regime was installed in Ethiopia by Colonel Mengistu, however, Moscow switched allegiance, aligned with Addis Ababa and rejected Eritrean national claims. The United States, meanwhile, also switched sides, aligning with Eritrea in its struggle against ‘communism’.

**Self-determination and conflict reproduction in Sri Lanka**

The foregoing arguments demonstrate that the Ceylon Tamil national movement in Sri Lanka is part of an established global phenomenon, that the right to national self-determination is generally appreciated by international powers and that its promotion or suppression is typically determined by political considerations. It follows that the question is not whether the Ceylon Tamil nation possesses the right of self-determination; that it does is beyond doubt. What is at issue, and needs to be confronted, is the continuing denial of that right by the Sri Lankan government.

When Ceylon Tamils demanded self-determination within the Sri Lankan state, this was emphatically rejected by the government. After the Tamil demand escalated to external self-determination, successive regimes have created the illusion that internal self-determination is available and dismissed the national liberation movement as unnecessary and illegitimate. The deception was attempted twice by the 1977-88 UNP regime: first when the District Development Councils (DDCs) were set up in 1981; and next when the Provincial Councils (PCs) were formed in 1988 under the 1987 Indo-Lanka Accord. Both proposals set the framework for new institutions of local government, but excluded the repeal or amendment of crucial constitutional provisions which denied Tamils’ national rights.

The Peoples Alliance (PA) coalition government (1994 to the present), led by the SLFP, has also promised internal self-determination through three versions of its so-called ‘peace package’. With the 1995 devolution proposals, it showed unusual vision, declaring Sri Lanka a ‘Union of Regions’ and proposing the repeal of Article 76 (which forbade the central Parliament to devolve its legislative powers). With the 1997 draft constitution, however, Article 76 has been
Language policy in the 1997 draft constitution

While the 1997 draft constitution seems to satisfy the language demands of the Ceylon Tamil national movement, it is by no means certain that it does so. Article 32 of the draft constitution states that "the official languages of the Republic shall be Sinhala and Tamil, the two languages having been treated equally. Nevertheless, later articles modify the sense of this provision and significantly qualify its implementation.

Though Article 36, Sinhala is retained as the sole language for the maintenance of public records in any district where Tamil speakers comprise less than one-twelfth of the population. Article 36(i) provides that prospective employees must speak Sinhala for any government job which cannot be discharged 'otherwise than with a sufficient knowledge of such language'. Article 36(ii) provides that any authority enacting written laws will determine which translation of such laws is to be considered authoritative, while Article 36(iii) determines that Sinhala shall remain the language of court records and proceedings in all of Sri Lanka outside the north and east.

re-incorporated as Article 92, so precluding internal self-determination for the Ceylon Tamil nation. Moreover, the draft constitution confirmed the inferior status of Tamils by reiterating the primacy of Buddhism in the spiritual life of Sri Lanka while proposing the formation of a Supreme Council of Buddhist clergy which would enjoy privileged access to government.

It is evident, therefore, that for more than four decades, Sinhalese-controlled governments have refused to concede the national rights of Ceylon Tamils. Moreover, their obstinacy has contributed to the emergence and reproduction of the armed conflict which rages today with unprecedented ferocity.

In the immediate future, the Sri Lankan government has no intention of seeking a political settlement with the LTTE-led Tamil national liberation movement. Sooner or later, however, it will have to face the undeniable facts that (a) the costs of war are unsustainable; and (b) peace is a product of justice. Once it is serious in recognising the right of Ceylon Tamils to self-determination, the government will need to prove as much by engaging in a political negotiations process which involves and satisfies the LTTE-led national movement. The exact parameters and outcome of this process cannot presently be determined. Should the government desire a political settlement while maintaining the integrity of the Sri Lankan state, however, the constitutional pre-conditions will be:

♦ Articles 2 and 76 of the constitution must be repealed, to permit the introduction of a confederal system of government.

♦ Article 18 must be amended to read 'the official languages of Sri Lanka shall be Sinhala and Tamil', enforceable throughout the country without qualification.

♦ Article 9 must be amended by deleting 'the foremost place' granted to Buddhism and declaring Sri Lanka a secular state.