



**AUSTRALIAN TAMIL
MANAGEMENT SERVICE**

International Laws and Powers of Sovereignty

I write in response to the **Sri Lanka Guardian**'s edited version of a talk given by Professor Damien Kingsbury at the Brigidine Asylum Seeker Project Discussion on 17 October 2012. The subject heading is reported to be '*Why are Tamils fleeing Sri Lanka?*'

As per our Australian Federal Government's report 'Sri Lanka (formerly Ceylon) is an island about the size of Tasmania in the Indian Ocean, lying east of the southern tip of the Indian subcontinent from which it is separated by the Palk Strait. The population of Sri Lanka is 20.27 million, with 2.3 million people living in the capital city of Colombo. Major districts include Gampaha (2.2 million people), Kurunegala (1.6million people) and Kandy (1.3 million people). Sri Lanka's official languages are Sinhala and Tamil, although English is commonly used in government and is spoken competently by about 10 per cent of the Sri Lankan population. The major ethnic groups are the Sinhalese (74 per cent) and Tamils (18 per cent). The major religions in Sri Lanka are Buddhism (69 per cent), Hinduism (15 per cent), Christianity (8 per cent) and Islam (7 per cent). The currency is the Sri Lankan Rupee.'

In terms of Human bodies - Sri Lanka is only one position less than Australia. But in terms of international status and power to influence the world – Sri Lanka ranks far below Australia. That is the most common reason why Australia looks attractive to most Sri Lankans. Living in Australia and its associate countries is however not a reality to majority Sri Lankans. Most of them go about their traditional way of life – adjusting to their changing environments. If Australia with proportionately less human power than Sri Lanka, could make it to the top at International level – then so could Tamils in Sri Lanka – with similar support and greater self-discipline. In other words, even though Tamils are less than the Sinhalese in numbers, their real powers need not be. As per my observations they are even/equally balanced in total powers. Every Tamil who feels Sri Lankan, contributes exponentially towards this. Likewise every Australian migrant who feels Australian.

Out of the Tamils whom I reside with during my frequent visits to Sri Lanka, only a small percentage think of leaving Sri Lanka – leave alone 'think of fleeing Sri Lanka'. Out of the group that is actually fleeing – a good proportion are Sinhalese. Hence it is inaccurate to state 'Tamils are fleeing Sri Lanka'. In an unreliable system, we need strong connections to the roots to feel and know. Once the problem is a part of us – we identify the opportunity at that depth.

We Tamils do find fault with the Government of Sri Lanka and this is immensely helped by those who have come outside the circle. But responses and reactions based on narrow / partial

views would weaken our real powers to influence the Universe. Real powers influence the Universe – which includes our ancestral powers.

Professor Kingsbury states *‘From 1983 until 2009, a number of Tamil groups, eventually coming under the banner of the Liberation Tigers of Tamil Eelam (Tamil Tigers), fought a bitter, bloody and often ruthless war to establish a separate ethnic Tamil state in Sri Lanka’s north and east. The war was a consequence of earlier anti-Tamil rioting.*

Many Tamils believed that, as a consequence of their structural exclusion from Sri Lankan society, through the imposition of a discriminatory language policy, job opportunities and education, they had no choice but to establish a separate state. Now many Tamils they have no choice but to leave.’

Many does not give us the authority of Majority Power. Many Tamils / Asians do believe that there is unjust racial discrimination here in Australia. But not so majority Tamil / Asian migrants living in Australia. Hence migrants accept this reality by Australians with weak investment in global principles and values. Likewise, Sri Lankan Tamils accept such reality in Sinhalese environments.

The following question is also being currently asked by some Sri Lankans with global investments *‘Can the Sri Lankan Foreign Minister, Human Rights Minister, and their Advisors (the AG, Mohan Pieries, Rajiva Wijesinha and Vas Gunawardena) be liable in the Future by ICJ Judgement?’* The background is published at - <http://ejil.oxfordjournals.org/content/13/4/853.full.pdf>

A small percentage (10% as per the above report by the Australian Government) of Sri Lankan population is driven by such thinking. The wider we invest – the greater the investment in our future/younger generation. The above trend of thinking is valid and to the extent Sri Lankans invest genuinely in global standards – we would value their work and thinking.

The above report by our Australian Government states also as follows: *‘Sri Lanka is characterised by high levels of literacy (91 per cent) and life expectancy (75 years) and a low rate of infant mortality (14 per 1,000 live births), figures comparable to those of developed countries’*

One could therefore conclude that 91% are the opportunity base for intellectual leadership. The rest are limited to faith based leadership. Within this 91% only a small percentage invest in lateral systems – including common languages, religions and professions. The rest would tend to use a combined system of faith and intellectual discriminative thinking on the basis of common principles and values. The greater the faith component in identifying right from wrong, the greater the need for Devolution.

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Be it the Tamil group of militants or the Sinhalese group of militants, their leadership did not fall within the 10% of English speaking Sri Lankans who took pride in global principles and values. As per my knowledge, the Tamil side did not have deep investment in Thesawalamai – the customary laws of Northern Tamils. I am now finding that the educated citizens of Vaddukoddai where the first political declaration for Separate Tamil State was made, have little wisdom in the values of Thesawalamai – Customary Laws of Northern Sri Lankans. Even lawyers who have for years practiced in Northern Sri Lanka – do not seem to appreciate the basis. Those who appreciate the root values of Thesawalamai and other customary laws that have withstood the test of time, would have little difficulty in relating to global principles and values. In other words those nations that have genuinely practiced the principles of Sovereignty would have little difficulty in satisfying International Laws. Likewise, those who have genuinely practiced autocracy based on common faith would have little difficulty adapting to democracy based on merit at that time and place and v.v. The system of Democracy requires one to consider all ‘outsiders’ as Equals until known otherwise on merit basis. Such a person would have little difficulty in standing ‘outside’ the circle of controversy and observing on the basis of commonly known outcomes. As per my observation, Professor Kingsbury was being less democratic than I (a person of Sri Lankan Tamil origin with strong investment in global standards and values) when Professor Kingsbury wrote to me in response to my article ‘*Professor Kingsbury’s eyes – Colonial or Global?*’ (at <http://www.srilankaguardian.org/2012/10/professor-kingsburys-eyes-colonial-or.html>)

‘Gaja,

I won't bother refuting the many inaccuracies in your report, except to say that I 'asked' you to remove me from your mailing list, which is otherwise relegated un-read to the rubbish bin. I did not 'tell' you. I again ask you to remove me from your mailing list. Many thanks in advance for your polite acceptance of my request.’

My response included the following: ‘*Thank you Damien. As I often say - events at the physical level are interpreted differently by different persons. This includes Sri Lankan war events. To the extent we are sincere - each interpretation is valid for the interpreter. Likewise your words about being removed from my email list would have different meanings to us - as per our investment in each other and/or the issue through which we engage. To you the stated words might mean that you 'asked'. In my mind, the essence of it is registered as you 'telling' me. This is due to my deep investment in Equal Opportunity protocols and values. Given that we have this ethnic issue as our common platform - I expect you to take me as being right until proven otherwise. As outsiders without any common link, our actions would not affect each other. To me in essence when someone asks me to do something that they can themselves do - they are taking higher position than I. Hence when they say 'asking' in words it is 'telling' in substance. Once words and actions come to open platform - even between just two persons - we are entitled to interpret as per our own investments for our purposes. To me as an interpreter through Equal Opportunity principles and values, you were 'telling'. It's that attitude Damien - that attitude! Whatever you say and hear by yourself is your problem. When another person is involved you need to include that person's feelings or common protocols / principles / laws for your statements and actions to deliver common outcomes. Otherwise it is a solo show and you need to keep it confidential and not ask or tell.’*

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Devolution is justly sought for the primary reason when majority within a group use the path of faith rather than discriminative thinking, and that group is governed by another group driven more by cultural influence and less by discriminative thinking on the basis of common principles and values. It is towards the above mentioned 'solo performance' which continues to have currency here in Australia even today at higher levels – including with academics who have not yet paid their dues to the system of Democracy. It works well when the government of the devolved is connected strongly to the governed by common faith – as between academics and students of one culture. Such a group would comfortably merge with other cultures through the leaders. Without strong common faith, devolution would lead to separation and weaken our efforts to prevent future wars.

Be it Sinhalese or Tamils – both sides in this war – have used global resources without commitment to (paying their dues) global principles and values. Hence devolution under such militant leadership or no devolution under such ruthless military leadership – would lead to separation in Sri Lanka - at least in the minds of Sri Lankans.

Global participants such as Professor Kingsbury need to look at the total picture and not spread the refugee matter to make out that that is the whole. In turn, Sri Lankan leaders on both sides need to be warned that if they wish to have it both ways – demand democracy from the other side whilst they themselves continue to be autocratic – they pass on that karma – the debt - to their descendents who may isolate themselves from the rest of the world – even if the Government has UN membership and militants have citizenship in western countries that look Democratic. Until the individual pays her/his dues to Democracy – s/he is dependent on others who are democratic to enjoy the fruits of Democracy. To me this includes – the likes of Professor Kingsbury.

Gajalakshmi Paramasivam 24 October 2012