

## OPINION

# The Diaspora as genocide resisters

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THE Tamil case for genocide has been extensively discussed in a series of articles in this paper among others. We have shown structural similarities between the genocide of the Tamils and other historic genocides including the Nazi and Rwandan examples.

Last issue we looked at the continuing failure of the United States, and its diplomatic allies, the co-chairs of the Sri Lankan Peace Process and leading European governments to comply with their obligations to the Tamil people under the 1948 UN Convention on Genocide. In this second part, we look at what 'Genocide Resisters' - particularly the Tamil Diaspora - can do to achieve compliance.

Under the International Criminal Court (ICC) rules there is no time limit (statute of limitations) for prosecution of the particular crime of genocide, so heinous is it.

In 2008 - unlike in 1958, 1977 and 1983 - Europe and North America have significant populations of motivated and politically organised Tamil citizens.

This Diaspora can and must lobby for implementation of their host countries legal obligation to punish the genocides of 1977 and 1983, and the ongoing genocide today.

Further, this legal understanding must form a base for Diaspora activity.

Any mass protest seeking implementation of the UN Convention against genocide is not just entirely lawful: it is a civic duty, for it is a civic duty of citizens to highlight illegalities committed by their government.

The Tamil Diaspora globally must ask the state and federal governments of their countries to recognise the genocide of Eelam Tamils and to abide by their UN treaty obligations to prevent and punish this genocide.

If the Sinhala State is a genocide perpetrator, there are many genocide resisters. These are invariably Diaspora and local Tamil organisations that operate in an atmosphere of harassment, prejudice and even race hate.

But to prevent or intimidate the genocide resisters - Tamil community organisations - from protesting against Tamil genocide is also collusion in the genocide.

So for example given that July's Ponghu Tamil event had as one objective among others the prevention of genocide of the Tamil people, the attempts by the Sri Lankan embassy and officials of "friendly" governments to obstruct these could constitute collusion.

Blatant forms of collusion in genocide include sales of weaponry, surveillance or other military equipment to a government that is perpetrating genocide, as



**The Diaspora in US and Europe, active and motivated, can and must lobby for the implementation of legal obligations in host countries**

well as provision of military consultancy.

Collusion includes military agreements that benefit from the proceeds of genocide: for example strategic naval use of the Trincomalee harbour, made possible by the forcible displacement of Tamil civilians, destruction of their lives and habitats.

Collusion includes commercial agreements to benefit from the proceeds of genocide - for example land, access to the sea, oil, titanium and other natural resources acquired or made possible by the killing and forcible displacement of Tamil people from their traditional habitats.

Collusion includes the direct or indirect financing of the perpetrators of genocide. Where aid is provided for "legitimate purposes", that aid should be monitored so as to ensure it is not being misused. If there is lack of transparency or accountability - the aid should be withheld rather than risk it being used to perpetrate genocide. To fail to monitor such aid, knowing that conditions for genocide exist, is reckless at best, collusion at worst.

With respect to Eelam, we see many international governments engaging in the forms of collusion outlined above: benefiting commercially or militarily from the proceeds of the genocide, for example, and providing weapons, training and advice.

They do so with impunity, because they believe they can get away with it: they expect the Tamil people to be militarily

crushed and so do not expect to be called to account.

But the Tamil Diaspora must continue to assume good faith on the part of the international community and to persist with its case for justice.

In addition to the Diaspora's duty towards the Tamil people, the Diaspora has a civic duty (to their host countries) to ask their governments to comply with the UN convention.

The first step is for the Tamil Diaspora to inform all key decision makers - including and especially the relevant ambassadors, members of parliament, Foreign office and State department officials - that we hold that genocide is taking place.

We must then ask them to agree with us. If they do not, we can ask for reasons and engage in dialogue.

This notification of genocide must be made individually as well as to the relevant department as a group - to each person as well as their department or office - so that people can be held individually accountable.

In summary the Diaspora must first build awareness of genocide - so that international collaborators cannot later say: "I did not know."

As a first step in notification, one can cite recognition of genocide by individual politicians, specific political parties, the international media and civil society.

Such popular recognition precedes official government recognition.

For example, the Times of London recognised genocide in 1983 saying "Genocide is a word that must be used with care; but how else is one to describe the impulse which guided the Sinhalese lynch-mobs this week."

"The Hindu" and numerous Tamil publications in India have taken a similar position in 2009. The Toronto Star ran a headline in January "Tamils protest Genocide".

Elected Tamil politicians, both in Sri Lanka and Tamil Nadu in India have recognised genocide.

For example, the Hindu recently ran a headline, quoting DMK leader Kanimozhi: "Tamils gradually being wiped out in Sri Lanka".

There is widespread recognition among the political parties of Tamil Nadu of the ongoing genocide of Tamils in Sri Lanka.

MDMK leader Vaiko, VCK President Thirumavalan, PMK leader Ramdoss, the Communist Party of India, and many other Tamil Nadu politicians have recognised the genocide of Tamils in Sri Lanka.

Vaiko has written to the Indian Premier, Manmohan Singh warning him of the genocide of Tamils. He cannot later say: "I did not know".

In Sri Lanka itself, the Tamil National Alliance, have repeatedly recognised genocide and called upon international governments to act.

Many Tamil media figures such as film director Seeman and Oscar and Grammy nominated

musician M.I.A. (Maya Arulpragasam) have come out to recognise genocide. Poets, artists and actors have recognised genocide.

For the record, the Diaspora must then seek formal recognition of the continuing crime of genocide (as opposed to specific individual acts).

Governments that refuse to acknowledge genocide (because this will require them to comply with the UN convention) may nevertheless be persuaded to recognise "Acts of genocide" as first step.

The Diaspora must invoke the UN Convention for the Prevention and Punishment of Genocide and seek action against current genocide. Economic sanctions against the perpetrating government, military and travel restrictions are such actions.

The Diaspora must ask that its own efforts to prevent genocide must be fully assisted by their own governments.

The Tamil Diaspora has demonstrated against tremendous odds its determination to resist genocide and its overwhelming support for a Free Eelam.

We toil in the face of both thinly veiled intimidation and malignant prejudice under euphemisms such as the "war on terror".

But it is the International community's wilful refusal to prevent genocide, their obstruction of Tamil efforts to resist genocide, their willingness to benefit from the proceeds and even active collusion in it, that remains the real crime.