

How Canadian Legislators Reacted to Two “Genocides” Claims and Canada's Claimed Support for Conflict prevention in Sri Lanka

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Abstract

In this study we attempt to make a brief comparative study of the reaction of Canadian legislators to two claims of genocide that have been place in front of them, namely, (a) the genocide of Canada's indigenous people, and (b) the genocide claimed by a diaspora group of Tamils residing largely in Ontario that they faced genocide in their own country of Sri Lanka. Diaspora aspects and Tamil claims will be treated more fully as the facts are less familiar to Western readers.

Keywords: Genocide, indigenous people, Sri Lanka Tamils, Diaspora

Introduction

David McKinnon, Canada's High Commissioner to Sri Lanka has stated, on Canada's National Day that “Canada would continue to support conflict prevention efforts in Sri Lanka, where it has been seen how hate speech and media can entrench communal divisions”[1]. Meanwhile back in Canada, successive Canadian governments have failed to understand how this very “hate speech” is being entrenched in Canadian municipal discourse and even in parliamentary proceedings by militant diaspora groups[2] Bowing to the pressure from Diaspora pressure groups mainly centered in Ontario, Canada made an attempt to abolish the National Victory against terrorism parade held in Colombo [3], even though diplomats are normally not expected to intervene openly in the internal affairs of a sovereign country. Unfortunately, militant elements in diaspora groups[4] wish to replay the old ethnic animosities of their homelands in Canada too, and vote-hungry politicians seem ready to their bidding without giving the serious and stringent scrutiny needed when claims of genocide are made[5, 6]. In contrast, Canadian law makers become extremely cautious and do a lot of foot-dragging when it comes to accepting the claims of genocide against the aboriginal peoples of Canada[7], even when investigation after investigation has brought out evidence that cannot be brushed aside[8].

This attitude supportive of diaspora claims has been possible because of electorates where minority groups determine the “swing vote”. The so calls Trans-national Government of Tamil Eelam (TGTE) holds 15 seats in the Greater Toronto area! Canadian politicians usually know little about Sri Lanka, and prefer to parrot what gets them the votes even when they find out the facts[9]. Many candidates running for office in Canada believe or assume that all Sri Lankan immigrants in Canada are Tamil ethnics. They readily accept that a “genocide” of Tamils had occurred, and that most Sri Lankan immigrants are refugees from that “genocide”, even though it has been noted that many such refugees go back to Sri Lanka frequently, and even to find brides. Cynics have pointed out that cultivating claims of violence back home is useful for refugee claims, although there can surely be no denying of extreme levels of violence directed at Tamils, notably during the pogrom of July 1983[10].

The now defunct Northern Provincial Council (NPC) of Sri Lanka led by Mr. Wigneswaran had declared in 2015 that all Sri Lankan governments since independence (in 1948) had practiced “genocide” against Sri Lankan Tamils [11]. Sri Lankan political historians and jurists have largely ignored this, conveniently treating it as mere political rhetoric of extremists who even discourage inter-ethnic marriage and strive to create mono-ethnic communities

subservient to them [12]. But the Canadian Tamil Diaspora has taken up the drum beat of a “Tamil genocide” onto the Canadian soil, importing the old divisions of the Sri Lankan homeland.

In this study we attempt to make a brief comparative study of the reaction of Canadian legislators to two claims of genocide that have been placed in front of them, namely, (a) the genocide of Canada's indigenous people, and (b) the genocide claimed by a diaspora group of Tamils residing largely in Ontario that they faced genocide in their own country of Sri Lanka. Diaspora aspects and Tamil claims will be treated more fully as the facts are less familiar to Western readers.

Canada's policies with respect to its Indigenous People

Canada's federal inquiry into missing and murdered Indigenous women and girls released its final report with [7] a verdict of “genocide”, indicting Canada's policies since the times of Sir John A MacDonal. Prime Minister Justin Trudeau accepted the findings of the report, while informally endorsing the claim of “genocide”. The leader of the opposition, Andre Sheer contends that “Genocide” isn't the right word to describe what was done to the Indigenous people.

But was it right to apply the word for Genocide by Canadian politicians for what is claimed to have happened in Sri Lanka during a war against terrorism? And without any investigation by the competent authorities?

Canada is a signatory to the 1948 UN Convention on the Crime of Genocide. Following the federal inquiry report, the Secretary General of the Organization of American States wants an international panel to investigate the claim and activate justice indicting Canada. The definition of genocide has specific meaning in the legal context, under Convention, on the Prevention and Punishment of the Crime of Genocide, approved and proposed for signature and ratification or accession by the United Nations General Assembly resolution 260 A (III) of 9, December 1948. Entry into force: 12 January 1951, in accordance with article XIII.

The International Criminal Court (ICC) is the relevant judicial entity in the investigation of acts of aggression such as genocide, and its conclusions will have an over-arching significance beyond that of Canada's own commissions. Furthermore, politicians like Andrew Sheer will not be able to grumble about semantics if the ICC were to make a judgement. On the other hand, a process involving the ICC could be very divisive to Canada and may not be the best path towards reconciliation. The latter is best served by a national political consensus embraced by all political parties.

According to the University of Wisconsin scholar William Denevan and collaborators [13], the population of native people in the early 15th and early 16th centuries in North America may have been as high as 100 million. Of this, an estimated native population in Canada during Jacques Cartier's times could have been as high as 2.5 million while a lower estimate may be 0.5 million. It dwindled to record lows in the late 19th century, and recovered partially. It now stands at nearly a million, or about 1.5 million on including Métis and Inuits as well. That is, the native population has dropped by a factor of at least 10 in five centuries, while European numbers have increased exponentially. The record lows in the Native population of the late 19th and early 20th century resulted from deliberate Colonial policies. Sir John A. MacDonal's policy of starving First Nations to death to make room for European settlers, willful denial of health needs, residential schools, negation of treaties, cattle-shed “hospitals” meant only for indigenous people, etc., took their toll. It was a time when a “Good Injun was a dead Injun”. More recently, during WWII, refugee Jewish ships were turned away with no qualms.

However, Canada turned a page with the quiet revolution in Quebec, and with leaders like Tommy Douglas and Lester Pearson making a difference, and Canada became a country with a conscience.

As David MacDonal has noted [8], “what is entirely unprecedented is a sitting head of government admitting to the ongoing genocide. Canadian Prime Minister Justin Trudeau pursued a strategy markedly different from that of former Australian prime minister John Howard”.

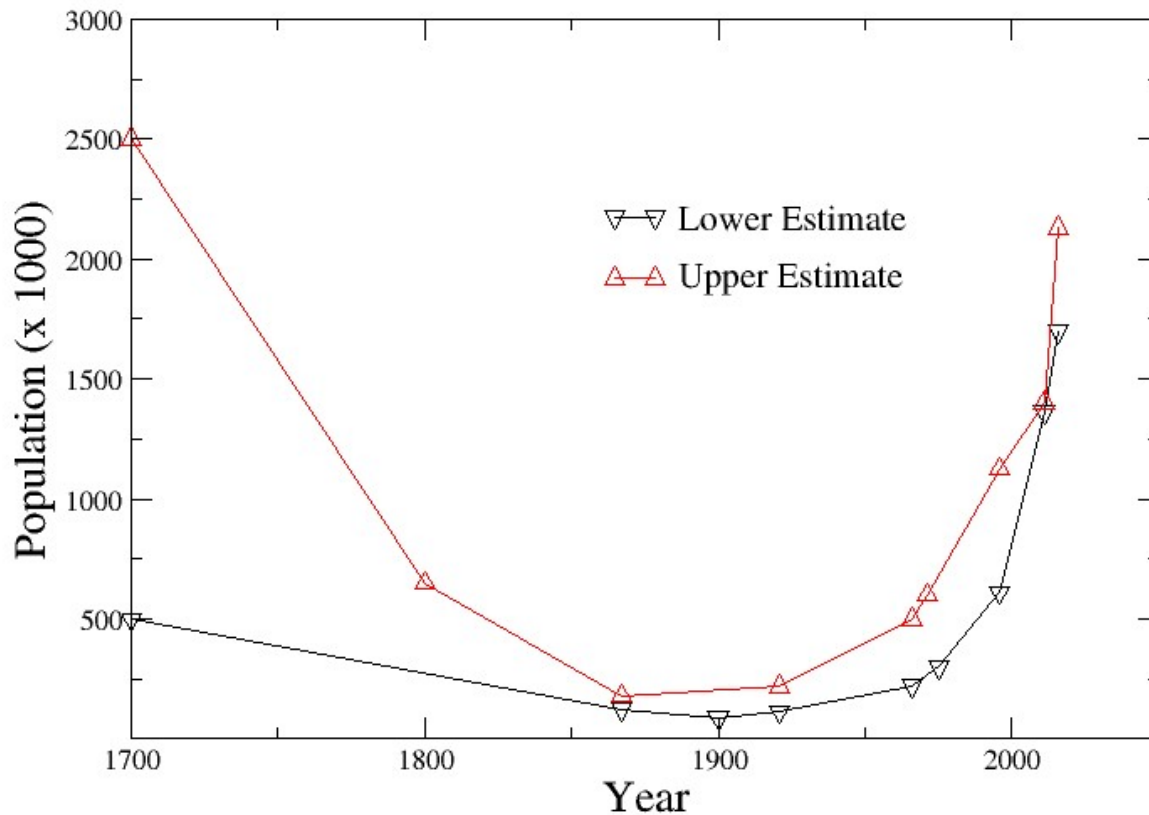


Figure 1: The Estimated Upper and Lower bounds for Canada's Indigenous Population

The plots are based on many sources and some modeling. The two curves come together as statistical data improve. Some of the sources used are:

1. Data from Publicly available Statistics Canada sources. Ref. [13]
2. <https://opentextbc.ca/postconfederation/chapter/11-3-natives-by-the-numbers/>
3. http://www3.brandonu.ca/cjns/20.1/cjnsv20no1_pg95-137.pdf
4. Data sources are often inconsistent because the definition of an "Indigenous Person" has changed significantly during different times due to "restrictive definitions", then "reinstatements", "status and no-status Indians", on-reserve and "off-reserve Indians" etc. more recently, those who "identify as indigenous" have also been used as a definition in some surveys. Figures include Meti and Innu numbers as well as single-ethnic and multi-ethnic individuals.

And yet, in spite of all these well-known facts, revelations and high-level inquiries, Canadian legislators have been very cautious since a proclamation of a "Genocide" when Canada is at the receiving end is not in the plan. So, although Trudeau has accepted the findings of the Inquiry, it remains to be seen how much he can accomplish, especially with its 2019 minority government ham-strung by a large conservative opposition.

Easy adoption of Genocide claims by Several Canadian Municipalities.

Casting stones at others is much easier, especially if there is political capital to be made. Three Canadian municipalities, namely Toronto, Pickering and Brampton have rushed to cast stones and declare May 18 as the "Sri Lankan Tamil Genocide commemoration day". Furthermore, Mr. Vijay Thanigasalam (a provincial legislator)

has tabled the “Bill 104: Tamil Genocide Education Week in Ontario”[5]. Clearly, inter-ethnic battles of their homeland are being imported to Canada by militant diaspora groups who work hand in hand with Canadian legislators who know very little about Sri Lanka.

Laying the needed groundwork and fact finding for a genocide declaration by competent bodies have not been done. Mere municipalities have no legal or constitutional standing to indict foreign governments of acts of aggression of any kind, leave aside such a heavy charge as “genocide”, even if such claims were true. Only a state actor, working with the ICC and the UN has such prerogatives.

But anyone can look at the facts. Demographics indicate a robust growth, rather than a genocide of Sri Lankan Tamils, a 12% minority. The Tamil population of 734,000 in 1946 (i.e., just before independence) [14] increased to 2.3 million at the 2011 census [15], after the fall of the “Tamil Tigers” in May 2009. In addition, some 0.3-0.9 million Tamils have emigrated, with most coming to Canada [16,17,18,19]. So the Tamil population has increased by possibly a factor of 4, significantly exceeding the 3.5 factor of growth of the Sinhalese (the 72% majority) during the same period. This is consistent with the smaller family sizes of the Sinhalese who are largely Buddhist, compared to that of the more orthodox Hindu society of the Tamils.

The majority of Tamil speakers live in the Sinhalese areas of the south. According to CIA fact sheets, at most 5% of the population were under the Tigers. The RCMP and the news media in Canada [20], as well as in Sri Lanka have reported how Canadian Tamil organizations funded the Tigers who are proscribed as Terrorists in most countries even today. The columns of the veteran Tamil Journalist J. B. S. Jayaraj claim that the Tigers killed more Tamils than attributable to state terror. This view seems to be echoed by the late Sebastian Rasalingam [21] a writer who is believed to be a rare voice of the “depressed” castes. Even Mr. Chandrahasan, the son of the iconic Tamil-nationalist leader S. J. V. Chelvanayagam seems to have echoed similar views.

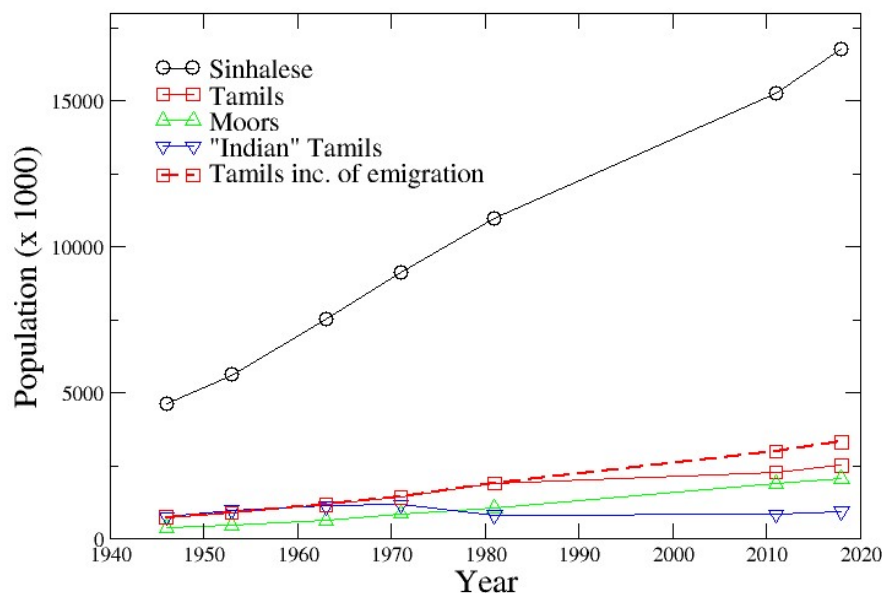


Figure 2: The time evolution of Ethnic populations in Sri Lanka since its Independence from the British in 1948

S. J. V. Chelvanayagam founded the Ilanaki Tamil Arasu Kadchi (ITAK) in 1949 claiming a part of Ceylon as the “exclusive homeland of the Tamils”. The idea of ethnic communities living apart – apartheid - was a respectable political philosophy in 1949. However, the majority community, i.e., the Sinhalese, has never accepted the concept of an exclusive Tamil homeland. The Moors living in the Eastern province have strongly opposed the amalgamation of the East and the North to form an “Eelam”. Consequently the ITAK was never trusted by the majority

community or by the Moors. The ITAK in its turn did little to win such trust, printing Eelam stamps even in the 1950s, while its chief ideologue of the times, Mr. Navaratnam, wrote a text emphasizing irreconcilability of the Sinhalese and Tamils.

The data up to 197 are based on Government of Ceylon Dept. of Census and Statistics publications, while after 1972 they are sourced as Government of Sri Lanka Dept. of Census and Statistics. They are also available in other internet sources (e.g., Wikipedia). There are no official data between 1980 and 2011 due the Eelam wars conducted between the LTTE terrorist group [23] and the Government of Sri Lanka. During this period there was significant emigration, esp. from the community identified as Tamil. The corrected curve (constructed as discussed in the text in [18]) is given as a dashed line. The Indian Tamil population shows a downward break near 1971 due to repatriation to India under the Sirima-Shastri pact. These demographic curves attributed to Tamils show no sign of “Tamil Genocide” unlike in the case of the Canadian Indigenous population (Fig.1) which declined sharply from 1700 to 1920 and gradually recovered since then.

The Sinhalese were themselves concerned with preserving their Identity derived from a Sinhalese-Buddhist heritage, with "political monks" behaving with scant regard to the very teachings of the Buddha. The ITAK gradually morphed into a full-blown separatist party that pledged military action in 1976 at Vaddukkoddai[22]. As an irony of history, the name in Sinhalese, Batakotte, implies an ancient garrison-fortification town, designated to protect the country against Chola invasions. The ITAK, having roused the militancy of its “boys”, and having failed in its attempts to reach a negotiated settlement with the state, actually found itself at the mercy of its own extremists who evolved into the dreaded Liberation Tigers of Tamil Eelam (LTTE) banned in 32 countries [23]. The leaders of the ITAK were assassinated by the LTTE who took over the mantle of “*the sole voice of the Tamil people*” by force.

The northern peninsula, cleansed of Sinhalese and Muslims [24] by the Tigers, and with Northern Tamils a mere 5% of the population, was now pitted against the military might of the state backed by the Sinhalese and the Moors constituting close to 90% of the population. This launched a set of armed conflicts supported by unprecedented types of terrorist action, with the use of suicide cadre and child soldiers, now known as the Eelam wars [23]. They lasted for three decades, mainly because the tigers were supplied with weapons and funds from the Diaspora living in the West[25]. The Western politicians pushed for peace negotiations but took no action to control the flow of such funding of terrorism from within their shores[26].

Deaths during the Eelam wars struck all Lankan ethnic groups equally hard. A claim not amounting to “genocide” focusing only on Tamil deaths of a claimed 40,000 during the last part of the Eelam wars is currently under review by the UN Human Rights Commission (UNHRC) but not by the ICC. The Organization of American States probably wants a similar review against Canada in regard to its treatment of native people. Ironically, Canada is a main sponsor of the indictment against Sri Lanka, now that the USA under Donald Trump has left the UNHRC and orphaned its own resolution against Sri Lanka.

The indictment before the UNHRC is contested by knowledgeable authorities including Lord Naseby's British House of Lords investigation[27]. Their estimates of casualties come to some 7000, of which 5000 are Tamil-Tiger fighters. Scholarly studies of wiki-leaks of diplomatic dispatches, studies by the American Physical Society of satellite images of shelling, the report of the Paranagama commission etc., indicate similar lower figures of casualties.

However, the municipalities of Toronto, Brampton and Pickering rushed to judgment to please ethnic pressure groups. The Canadian Parliament itself sponsored a sham hearing hosted by Mr. Garry Anandasangaree where the event was announced with short notice. Admissions were controlled and cut to a short time window to just voice the genocide story.

If a genocide of 40,000 occurred in the last weeks of Eelam IV, mass graves of 40,000 killed have to be somewhere. But even the NPC under Mr. Wigneswaran who claimed a Tamil genocide has NOT succeeded in demonstrating any mass graves. The Mannar mass grave [28], which was excavated with great expectations of providing some support to the NCP genocide claim fell completely flat. Radio-carbon data indicated that the skeletons were from a massacre during Portuguese times by a Hindu-Tamil chieftain who exterminated fellow Tamil converts to Catholicism. Furthermore, if 40,000 were killed by shell fire and bombings, some 160,000 injured are expected as “collateral”, but very few injured were found among the 300,000 held in the war zone when freed in May 2009.

Conclusion

The painstaking work of studies and commissions on the terrible treatment of the Indigenous peoples of Canada, and the resulting political outcries have at last begun to register in the minds of a significant number of Canadians. On the other hand, a grave injustice is being committed by the Canadian municipalities in their rush to judgment about a “Tamil genocide”. This contrasts strongly with the cautious but hopefully constructive approach of the Trudeau Government regarding the alleged genocide of aboriginal peoples. The good intentions contained in the statement of the Canadian High Commissioner in Sri Lanka, and Canada's claimed support for conflict prevention in that country are unfortunately not being played out in Canada itself.

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[17] The website “Tamil Culture” maintained by activist Tamils of Sri Lankan origin estimate the number of Tamils in Sri Lanka to be 152,000 of which 122,000 are claimed to be in the region of Toronto, 15,000 in Montreal and 4000 in Montreal. See:

<https://tamilculture.com/how-many-tamils-are-in-canada>

[18] However, other data sources are not consistent with the figure of 152,000 Tamil immigrants in Canada. In the opinion of this writer, the “Tamil Culture” website has equated ALL immigrants from Sri Lanka listed as “Sri Lankan” in the 2016 Canada census to be Tamils. Thus, Canada Census 2016 gives the number of Sri Lankan immigrants in Canada to be 152,595.

Census 2016, Data Tables, Ethnic Origins give :

Ethnicity	Total (s+m)	single	multiple
Sinhalese	7,285	4,355	2,925
Sri Lankan	152,595	114,120	38,475
Tamil	48,670	22,150	26,525

These statistics do not distinguish between Tamils of Sri Lankan origin, and Tamil immigrants from India, South Africa, Malaysia etc.

Statistics Canada faithfully gives the numbers obtained from their survey processes. Normally a figure like 7,285 is unlikely to be accurate to four significant figures. For scientific work, we re-interpret the data assuming they have error bars of approximately plus or minus 100, and also round off the numbers in the columns accordingly. So we use:

Sinhalese 7300, Sri Lankans 152,600, Tamils 48,700. in 2016

The “Sri Lankan” annotation is most often used by the Sinhalese, while the “Ceylon Tamils”, being often politically estranged from the Sri Lankan government prefer to NOT to use the Sri Lankan identity. The Sri Lankan Moors, as well as the “Hill-country Tamils” live among the Sinhalese and speak Sinhala and Tamil. They usually have no objection to using the "Sri Lankan" identity. Thus we may construct a demographic model that approximately reflects the ethnic composition of the home country in the immigrant population labeled as "Sri Lankan" by the StatsCan website.

That is, we assume there being about 72% Sinhalese, 12% Ceylon Tamils, 8% Moors, 8% consisting of Hill country Tamils and others in the 152,600 “Sri Lankan sample. Thus we partition the 152,600 “Sri Lankans” as actually consisting of approximately 110,000 Sinhalese, 18300 “Ceylon Tamils”, 12,200 Hill-country Tamils and 12,200 Moors. However, the “ability to immigrate”, and the “propensity to immigrate”, must also be included in the calculation, and these can only be estimated semi-quantitatively, using sociological data obtained from Sri Lankan studies.

The 18300 “ Tamils”, be they from Sri Lanka or Tamil Nadu, are likely to be largely sympathetic to the Eelamist Diaspora thinking. If we include ALL those who identified themselves as Tamils as being “with” the Sri Lankan Diaspora Tamils, we have an upper bound of 79,000 “Tamils” in Canada., while the number of Sinhalese in Canada would be 117,000 there by significantly exceeding the upper bound for the number of Tamils in Canada. These numbers are completely at odds with the numbers claimed by the politically and culturally vocal Tamil diaspora groups (e.g., the "Tamil culture" website) based in the Toronto-Scarborough area.

Tamil immigration occurred not only to the affluent Western countries and to Australia and New Zealand, but also to South India, south Africa, Malaysia etc. Estimates of Tamil or Sinhalese immigrant populations are subject to much error since such socio-ethnic statistics are often not collected in official surveys. Many diaspora groups attempt to inflate their numbers since higher numbers increase their perceived political strength.

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