

The Mandate After Mullivaikkal — the unclaimed succession

After May 2009, no person and no organisation has produced authenticated evidence of a transferred mandate to carry the Tamil self-determination question. The seat is forensically empty. This article sets out the standard of proof, the bodies that have made or implied claims, and why — under that standard — the cause returned to the people who carried it before any organisation existed.

Self-determination is a question about a people, not a brand. The honest forensic position after Mullivaikkal is that no successor mandate has been authenticated against the three tests a serious archive can apply: leader approval, institutional approval, people approval. None of the post-2009 diaspora bodies clears all three. Several clear none. The space that the LTTE occupied as the dominant — though never sole — armed representative is, in evidentiary terms, vacant. What remains is the older, harder, and more democratic claim: that the cause of Eelam Tamil self-determination is carried by the Eelam Tamil people in whose name it was always advanced, and by no organisation in their place.

§1 Why this question matters

Every diaspora body that engages a foreign government, a UN mechanism, or an international court is asked, sooner or later, the same question: on whose behalf do you speak? The answer matters because the international system is built around mandates — electoral, institutional, treaty-based. A body without an authenticated mandate is a lobby; a body with one is a representative. The distinction shapes whether evidence is read as advocacy or as testimony.

For the Tamil Eelam self-determination question this distinction is unusually sharp. The Vaddukoddai Resolution (1976) and the 1977 general election produced the only post-independence Tamil electoral mandate for separate statehood. That mandate was held by the TULF. It was never formally withdrawn. It was constitutionally extinguished in 1983 by the Sixth Amendment, which made advocacy of separate statehood a ground for forfeiture of parliamentary seat and disqualification from public office — retrospectively criminalising the platform on which the TULF had been elected.

After 1983 the mandate question fragmented. The armed movements claimed de facto representation through territory and force. The LTTE, by 2000, was the dominant — though never the sole — Tamil armed actor, having absorbed, eliminated or marginalised rival groups (TELO, EPRLF, PLOTE, EROS) in the inter-Tamil conflicts of 1986–87 and after. After May 2009, that line of de facto representation ended with the destruction of the LTTE's military and political apparatus on the Vanni front. The mandate question reopened.

§2 The three-test standard of proof

Before any organisation can be treated as the legitimate carrier of the mandate, three independent tests must close. They are the standard a serious historian or transitional-justice researcher applies to any post-conflict succession claim.

Test 1 — Leader approval. Is there authenticated documentary, audio or video evidence — verifiable by independent forensic examination — of the previous mandate-holder publicly naming a successor person or organisation? For the LTTE, this means evidence from V. Prabhakaran prior to 19 May 2009. No such authenticated evidence is in the public record. The May 2009 'final statement' attributed to him, broadcast through partisan media, has not been forensically authenticated by any neutral body; its provenance, recording date, and chain of custody have not been publicly established to evidentiary standard. Score: 0/5 on this test for every

claimant.

Test 2 — Institutional approval. Is there a verifiable internal procedure — a documented vote, a recorded conclave, a published succession protocol — by which the previous institution conferred its mandate on a successor? No such procedure has been disclosed by any post-2009 body in a form that an external auditor could review. Internal protocols, where they exist, have not been published.

Test 3 — People approval. Is there an internationally-supervised election among the affected population — homeland Tamils in the Northern and Eastern Provinces, the Up-country Tamil community, and the global diaspora — with publicly verified turnout, voter rolls, observer reports, and result certification? No post-2009 body has held such an election. The Transnational Government of Tamil Eelam (TGTE) conducted referendum and parliamentary processes from 2009 onwards, but its 'internationally supervised' framing has not been corroborated by named international election-monitoring bodies (Carter Centre, Commonwealth Observers, OSCE/ODIHR, EU Election Observation Mission, ANFREL) with published methodology and observer reports. The turnout figures, voter roll compilation, and certification process have not been published in a form that meets standard election-observation thresholds.

§3 What the post-2009 bodies actually are — agency-first

This is not a list of accusations. It is an evidentiary classification, applied evenly, so the reader can locate every named body against the three tests above. TLTE does not adjudicate between them; it routes its readers to each so they can read the primary sources themselves.

Category A — honest civic and accountability advocacy (no representation claim). PEARL (People for Equality and Relief in Lanka), ITJP (International Truth and Justice Project), Adayaalam Centre for Policy Research, UTHR(J), Tamil Civil Society Forum. These bodies do not claim to represent the Tamil people; they document, analyse, and submit to UN and other accountability mechanisms. They clear no representation test because they do not claim one. They are upstream evidence infrastructure.

Category B — internal accountability lineage (community recognition, no global mandate). The federated diaspora civic bodies — British Tamils Forum (BTF), Global Tamil Forum (GTF), Canadian Tamil Congress (CTC), United States Tamil Political Action Council (USTPAC), Tamil Coordinating Committee networks — operate as registered civic associations under their respective national laws, with internal membership and elected leadership. They engage their host parliaments and host-state foreign ministries. Their mandate is the standing democratic mandate of any registered civic association: it speaks for those who freely choose to be members. It does not extend to a claim to represent the Tamil people globally.

Category C — representational claim over-reach (claim made, evidence not produced). The Transnational Government of Tamil Eelam (TGTE) is the principal body in this category. Founded 2010 under a Provisional Transnational Government constitution, it has conducted internal elections and produced parliamentary structures. Its claim to representative authority depends on the 'internationally supervised' framing of its electoral processes. The supervising bodies, observer reports, turnout audits, and voter-roll compilation methodology have not been published to a standard that allows external verification. The systematic exclusion of homeland and refugee Tamils from the franchise — by virtue of the practical impossibility of conducting a diaspora-only election that confers a mandate over a homeland population — is not addressed in the public record. The body is included in this article specifically so the reader can examine the gap between the claim and the evidence; it is not denigration.

Category D — LTTE-lineage and legal-liability question (separate file). Bodies asserted by foreign governments or designated by foreign jurisdictions as proscribed-organisation successors fall under the LTTE-era legal-recovery file at /case/ltte-era/legal-recovery-pathways. The proscription question is jurisdictional, not evidentiary on the representation question, and is handled separately for due-process reasons. TLTE never names individuals here; it routes the reader to the official jurisdictional record.

§4 The forensic conclusion — the seat is empty

Applied evenly to every post-2009 claimant, the three-test standard produces the same result: no body in the public record clears all three. Several clear test 2 (internal procedure within their own membership). One asserts test 3 (internationally supervised election) without producing the corroborating record. None clears test 1 (authenticated leader approval), because the underlying source — an unforced, authenticated, public successor designation by the prior mandate-holder — does not exist in the public record.

This is not a judgement against any of the bodies named. It is a description of what is and is not in the evidentiary record. A body can do important, honest work — accountability advocacy, civic engagement, parliamentary submissions — without holding a representational mandate. Most of the bodies in categories A and B do exactly that. The mistake is the slippage between civic advocacy (which they are mandated for by their own membership) and global representational authority (which none has produced the evidence to claim).

The honest forensic position is therefore this: after Mullivaikkal, no organisation has authenticated the succession. The seat is empty. The cause has not been transferred. It has returned to the constituency that always carried it — the Eelam Tamil people, in the homeland and in the diaspora, in whose name the question was first articulated and on whose behalf it remains open.

§5 The people are the mandate — the original governance frame

The Eelam self-determination question was a people's question before it was an organisation's question. The 1976 Vaddukoddai Resolution was issued by a Tamil political convention claiming to act 'on behalf of the Tamil-speaking people of Ceylon'. The 1977 election translated that into the only authenticated electoral mandate. Every armed movement that followed claimed to act for the people; every diaspora body that has followed claims the same. The continuous unit through all of it — the only continuous unit — is the people themselves.

This is not a rhetorical move. It is the structural fact that survives once the organisational claims are tested. The Mullaitivu civilian population that was held inside the No-Fire Zones in 2009 was not held there as the property of an organisation; they were a people in their own right, with their own civil identity, who survived or did not survive on their own terms. The 300,000 internally-displaced who emerged from the Vanni in May 2009 were a population, not a membership. The diaspora that observes 18 May is a people in remembrance, not a party congress.

A people-as-mandate-holder is a harder political object than an organisation-as-mandate-holder. It cannot issue press releases. It cannot sign agreements. It cannot be lobbied. It also cannot be captured, dissolved, exiled, proscribed, killed, or co-opted in the way an organisation can. After Mullivaikkal — which dissolved the organisation that had claimed to be the people's voice — the people themselves remained, in the North and East, on the plantations, and across the diaspora. The question of self-determination remained with them.

TLTE's posture follows from this. It does not claim to represent the Eelam Tamil people. It builds a public, citation-only archive that those people, and anyone who works with them, can use. Its authority is the authority of a UK civic-research institution under the published rules of its own Charter — not a mandate it does not hold. See /on-what-authority for the full statement.

§6 The human-shield question — what is and is not in the evidentiary record

One of the most weaponised framings in the Sri Lankan state narrative of 2009 is the claim that the LTTE used the Mullaitivu Tamil civilian population as a 'human shield'. The mirror framing in some Tamil-side accounts is that the population voluntarily remained alongside the LTTE for protection from indiscriminate Sri Lankan Army shelling, because the only zones not subject to that shelling were the zones the LTTE held. A third framing in some witness accounts is that population movement was controlled — that civilians who attempted to cross to government-held areas were prevented from doing so. A fourth, recorded in multiple Tier-A sources, is that the Sri

Lankan armed forces shelled the unilaterally-declared No-Fire Zones into which civilians had been instructed to gather. All four framings appear in the source record. Several can be simultaneously true.

The forensic position TLTE holds is the position the UN Panel of Experts (2011), OHCHR OISL (2015) and ICG (2010) hold: there are credible allegations of war crimes and crimes against humanity by both parties. The reports document specific patterns — large-scale shelling of areas where civilians were known to be sheltering, including UN convoy locations and hospitals — and document credible allegations that the LTTE prevented some civilian movement and continued to recruit. They do not — because the evidentiary basis to do so beyond reasonable doubt has not been independently assembled — render a forensic finding that the entire civilian population was held against its will by the LTTE, nor a forensic finding that the entire civilian population voluntarily remained. The question of how each individual civilian and each individual family came to be in the No-Fire Zone on each day of January–May 2009 has not been adjudicated and, in the absence of an independent international accountability mechanism with subpoena power, may never be.

This is the honest epistemological position. It is also the only position that respects the dead, who cannot be conscripted post-mortem into either narrative. The Mullivaikkal civilian population was a population. It was made up of people. Some chose. Some were prevented from choosing. Some were given no real choice by the conditions in which they were placed by both belligerents. Naming any single one of these stories as the universal truth is a political act, not a documentary one.

TLTE refuses to assert in its own voice that the civilians were used as shields by the LTTE. It also refuses to assert that they were not. It cites the UN PoE 2011, OISL 2015, ICG 2010 and Amnesty 2011 record and lets the reader read what is and is not in it. The accountability question — what happened to whom, by whose order, with what intent — remains open and remains the work of OHCHR, the OHCHR Sri Lanka Accountability Project, ITJP, PEARL, OMP, and any future credible court. Not TLTE. Not the diaspora bodies above. Not the Sri Lankan state.

§7 What this article is for

This article is the evidentiary anchor for one structural claim: that after May 2009, the representational space for the Tamil self-determination question is, in forensic terms, unclaimed; and that the only continuous mandate-holder is therefore the Eelam Tamil people themselves. This is what makes TLTE's posture — civic-research authority, no representational claim, citation-only, two-layer Now/Becoming framing — not modesty but structural necessity. There is no other honest position to hold.

It is also the anchor for what TLTE refuses. It refuses to name any post-2009 body as the legitimate successor mandate-holder of the Tamil self-determination question, because the evidence to do so has not been produced. It refuses to deny that any post-2009 body does honest, mandated civic work within its own published remit, because most of them do. And it refuses to close the question of what happened in the No-Fire Zones in 2009 either way, because the forensic record has not closed it.

After Mullivaikkal, the cause returned to the people. That sentence is the foundation. Everything else in /case/ — frameworks, suppression, movements, the mathematics models, the LTTE-era ledger, the diaspora law index, the MP packs — is built on top of it.

Sources

- UN Secretary-General's Panel of Experts on Accountability in Sri Lanka (Darusman Report, March 2011) — credible allegations of violations by both parties.
- OHCHR Investigation on Sri Lanka (OISL), Sept 2015 — most extensive UN investigation; specific patterns documented.
- International Crisis Group — War Crimes in Sri Lanka, May 2010.
- Amnesty International — When Will They Get Justice?, 2011.

- OHCHR Sri Lanka Accountability Project — periodic public reports.
- A.J. Wilson — The Break-Up of Sri Lanka: The Sinhalese–Tamil Conflict (1988), on Vaddukoddai 1976 and the 1977 mandate.
- Neil DeVotta — Blowback: Linguistic Nationalism, Institutional Decay, and Ethnic Conflict in Sri Lanka (2004), Stanford UP.
- Stanford Mapping Militants Project — Tamil armed-group profiles (TELO, EPRLF, PLOTE, EROS, LTTE).
- TLTE — On What Authority (legitimacy statement).

What this is not

- This article does not name any post-2009 individual as the legitimate successor mandate-holder. None has been authenticated.
- This article does not denigrate the honest civic work of the bodies named. Category A and B bodies do mandated civic work within their own remit; the gap is between civic mandate and global representational claim.
- This article does not adjudicate the human-shield question in either direction. The forensic record is incomplete; the question remains the work of accredited accountability mechanisms.
- This article does not claim that TLTE holds the mandate. TLTE explicitly refuses representational authority — see /on-what-authority.
- This article does not endorse or oppose proscription of any organisation. The proscription question is jurisdictional and is handled at /case/ltte-era/legal-recovery-pathways.
- This article does not name serving Sri Lankan personnel and does not aggregate casualty counts in TLTE voice — both governed by the Unmai safety rules.