

Remedial Secession — the honest record

Step 09 of the Contested Sovereignty spine. What the record DOES and what it does NOT support under Cassese, Crawford, the Quebec Reference (1998 SCC), the Kosovo Advisory Opinion (2010 ICJ), and the UNGA 2625 (XXV) safeguard clause.

This page is the discipline page for the Contested Sovereignty spine. The eight preceding instruments — Soulbury §29(2), citizenship-stripping, Sinhala Only, standardisation, the 1972 republican constitution, the Sixth Amendment, the PTA, post-2009 land seizure and the Archaeological Heritage Task Force — are read here against the honest body of international self-determination law. The point is to mark, in TLTE's own voice, the line between what the record carries and what it does not.

§1 What the record DOES engage

The record DOES engage the UNGA Resolution 2625 (XXV) 'safeguard clause' — the principle that the territorial integrity of a state is owed only to states 'possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour'. The instruments documented in steps 02–08 are precisely the kind of cumulative discriminatory state conduct the safeguard clause was drafted to address (Cassese, Self-Determination of Peoples, Cambridge 1995, chs 5–7).

The record DOES engage internal self-determination — meaningful Tamil participation in the political, economic, social and cultural life of the state on a basis of non-discrimination. The Quebec Reference (Reference re Secession of Quebec, [1998] 2 SCR 217, paras 130–139) is explicit that internal self-determination is the primary route, and that external remedies arise only where the internal route is foreclosed. The 1972 unilateral abrogation of Soulbury §29(2), the Sixth Amendment, and the post-2009 architecture together describe an internal-route foreclosure that has not been remedied.

The record DOES leave the Tamil claim structurally unremedied — which is itself a finding under Crawford (The Creation of States in International Law, 2nd ed., Oxford 2006, ch 3) and the OHCHR / OISL / UN Panel of Experts evidence base.

§2 What the record does NOT (on its own) support

The record does NOT, on its own, confer a current settled positive right of unilateral external secession. The Kosovo Advisory Opinion (Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, ICJ Reports 2010 p. 403) declined to recognise such a general right and confined itself to the narrower question of whether the declaration itself violated international law. Crawford treats remedial secession as 'lex ferenda at best' — a proposition de lege ferenda rather than settled positive law.

The record does NOT delegitimise the Sinhalese people, Sinhala Buddhism as a tradition, or the existence of the Sri Lankan state as such. The targets throughout are specific policy instruments enacted by successive Sri Lankan governments — not an ethnic or religious community.

The record does NOT, in TLTE's voice, make a prosecution call against any named individual. Naming and prosecution belong to OHCHR Special Procedures, the Sri Lanka Accountability Project established under HRC Resolution 51/1 (2022), and competent national jurisdictions exercising universal jurisdiction.

§3 Why this discipline matters

Honest discipline is the legitimacy spine. A claim that overstates international law collapses on first scrutiny; a claim that understates the record fails the constituency it represents. TLTE writes to the line that the Tier-A

literature actually carries — Cassese, Crawford, the Quebec Reference, the Kosovo AO, Wilson, DeVotta, Welikala, Schonthal, the OHCHR/OISL record, Oakland, PEARL, Adayaalam, HRW, ICG, Amnesty, the ICJ.

The Aaland Islands precedent (League of Nations, 1920–21) is the original frame: external remedies arise only where the internal route has been demonstrably foreclosed and where minority safeguards are durably guaranteed. The Contested Sovereignty spine is the assembly of evidence on the first half of that test. It does not, of itself, deliver the second half.

§4 Three already-open international forums

Three open procedures already have jurisdiction to receive civic submissions on this record: (1) the UN Committee on the Elimination of Racial Discrimination, whose 2001 Concluding Observations on Sri Lanka regarding Up-country Tamils remain partly unimplemented; (2) the UNESCO World Heritage Committee and ICCROM, bound by the 1954 Hague Convention and its 1999 Second Protocol on cultural property; (3) the OECD Development Assistance Committee peer review of UK ODA to Sri Lanka, which assesses donor compliance against land-governance and property-rights norms.

These are not TLTE-invented forums. They are pre-existing procedures with standing intake. The Contested Sovereignty spine routes into all three simultaneously.

Sources

- cassese-self-determination-1995
- welikala-cpa-2012
- wilson-1988
- devotta-blowback-2004
- schonthal-2016
- oakland-endless-war-2021
- pearl-sinhalization-2022
- hrw-cant-go-home-2018
- adayaalam-normalising-2017

What this is not

- This page does not assert a current positive right of unilateral external Tamil secession.
- This page does not delegitimise the Sinhalese people or Sinhala Buddhism as a tradition.
- This page does not call for the prosecution of any named individual, institution or state.
- This page does not name serving officials, monks, archaeologists, soldiers or civilians.
- This page does not aggregate counts in TLTE voice — every figure is attributed to its Tier-A source.