

THE MARKING OF TAMIL YOUTH AS TERRORISTS AND THE MAKING OF
CANADA AS A WHITE SETTLER SOCIETY

by

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Abstract

This thesis examines the production of Tamil youth in the state of Canada as threats, extremists, radicals, terrorists, and as subjects to be engaged in de-politicized humanitarian discourses of reconciliation and peace. By drawing attention to the exclusion of Tamils from rights in legal proceedings, the positioning of youth protesters as harbingers of a multicultural ‘crisis,’ and the role of education in securing Canada’s response to the MV Sun Sea as a ‘humanitarian’ project, I argue that the targeting Tamils is not only integral to Sri Lanka’s ongoing genocide, but is also crucial to the Canadian state’s project of white settler colonialism. In examining the law, media and education as sites of racial management in the ‘War on Terror’ and its globalized counter-terrorism regime I identify the targeting of Tamil diaspora youth as a necessary racial logic for the legitimacy of the Canadian state in an era of official multiculturalism.

Acknowledgments

The first time I visited Canada as a young child, my father bought me a map of the world. Back home in Singapore as we unrolled it, I remember his shocked reaction—the map had the American continent right smack in the centre with Asia bisected on either side of it. “North Americans” he said, shaking his head, “think they are the centre of the world.” My father’s solution was a simple one: he cut off the left side of the map and re-attached it to the right side. In some ways, this thesis is like that ‘corrected’ map that hung on my wall for many years. As a project that responds to dominant representations of ‘Tamilness’ in the West, it comes from an (at times visceral) impulse, as one of those diaspora Tamils, to set the record straight. But like the map, it also exists within the very forms of knowledge production that it seeks to challenge. Nevertheless I hope that this work contributes, from Eelam to Turtle Island, to the project of resisting, organizing, and theorizing against colonial states, borders, and maps.

I would not have begun or finished this thesis without the guidance, feedback, and scholarship of my supervisor Prof. Sherene Razack whose work on race and political community made it possible for me to even imagine attempting this project. My reader Prof. Martin Cannon provided comments and feedback that helped me develop my arguments as well as future possibilities for research. Thank you both for your patience and encouragement.

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Table of Contents

Abstract	ii
Acknowledgements	iii
Table of Contents	iv
Chapter ONE	1
Introduction	
Chapter TWO	22
‘Long-Distance Nationalism’ and the Tamil Diaspora	
Chapter THREE	43
The Racialization of Tamils as Terrorists in Canadian Courts, 1995-2012	
Chapter FOUR	71
“A right way and wrong way to protest”: The Framing of the Gardiner Protest as a Multicultural ‘Crisis’	
Chapter FIVE	88
“Those who need our protection”: Securing Canadian Humanitarianism in the Education of Detained Tamil Refugee Children	
Chapter SIX	117
Conclusion	
References	122

Chapter ONE

Introduction

Take up the White Man's burden--
Send forth the best ye breed--
Go, bind your sons to exile
To serve your captives' need;
To wait, in heavy harness,
On fluttered folk and wild--
Your new-caught sullen peoples,
Half devil and half child.

--Rudyard Kipling, "The White Man's Burden: The United States & The Philippine Islands," 1899.

Every empire, however, tells itself and the world that it is unlike all other empires, that its mission is not to plunder and control but to educate and liberate.

--Edward Said, 2003

Why have the Department of Foreign Affairs and International Trade (DFAIT), the Department of Citizenship, Immigration and Multiculturalism, Public Safety Canada, and the Royal Bank of Canada funded programs to engage 'young Canadians of Sri Lankan origin' in reconciliation initiatives, peace dialogues, and the post-war rehabilitation and rebuilding of Sri Lanka? In this thesis I begin by exploring how these

programs, implemented by the Mosaic Institute, a think-tank for ‘Harnessing Canada’s Diversity for Peace at Home and Abroad,’ reveal the bodies of Tamil youth in the diaspora as targets and a key battleground in the globalized ‘War on Terror.’ I examine how the racialized bodies of Tamil youth are produced as ‘threats,’ ‘extremists,’ ‘radicals,’ ‘terrorists,’ and finally as subjects to be engaged in de-politicized humanitarian discourses of ‘reconciliation’ and ‘peace.’ I locate the intensifying racial management of Tamil youth within dominant Western racial narratives that secure the intertwined systems of white supremacy, white settler colonialism, state sovereignty, capitalism, and heteropatriarchy. Critical studies of racialization in the post-9/11 ‘War on Terror’ have largely focused on the marking of Muslim bodies in the West (Razack, 2008; Thobani, 2007). Here I trace the marking of Tamils in the state of Canada. I am particularly attuned to the marking of Tamil youth, and their eviction from Canadian political community as a necessary, but relatively recent and increasingly intensified, racial logic in the globalized ‘War on Terror.’ Through an understanding of the ongoing production of Tamil youth in the West as threatening bodies, as *always already* terrorists, I attempt to uncover and draw attention to unexamined sites of racial management in the political landscape of counter-terrorism, such as education. I propose to explore how the ongoing racialization of diaspora Tamil youth as figures of terror and extremism plays a significant role in dominant Western representations of violence in Sri Lanka and the war between the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE). This racialization works to justify both the 2009 genocide against Tamils on their homelands, and the ongoing military occupation of Tamil homelands by the GOSL.

The racialized bodies of Tamil youth have not been examined as a significant terrain on which the counter-terrorism efforts of the globalized 'War on Terror' are waged. As a population marked for surveillance and targeting through processes of racialization, diaspora Tamil youth face increased racialized management and monitoring for two main reasons. Firstly, the war between the GOSL and the LTTE was claimed in the post-9/11 era by the GOSL and Western powers as a battleground in the globalized 'War on Terror.' In part this thesis traces the grounds on which this claim is asserted, indicating that it is made possible, and functions because of the racialization of diaspora Tamils. Secondly, white settler colonialism, occupation, and denial of Indigenous sovereignty necessitate racial management and the making of racialized bodies into shifting borders constituting who belongs and who does not, who deserves protection, and who is a threat, who is a citizen, and who is a savage. In examining the inattention of scholars of race and racial formation towards settler colonialism, Andrea Smith identifies three pillars of white supremacy in the US context, "(1) slaveability/anti-black racism, which anchors capitalism; (2) genocide, which anchors colonialism; and (3) orientalism, which anchors war" (Smith, 2012, 68). In this thesis I attempt to connect the positioning of diaspora Tamil youth as "permanent foreign threats" (Smith, 2012, 69) to anti-blackness, the Orientalist targeting of all people of colour, and the violence of genocide and white settler colonialism against Indigenous peoples. I propose to examine the targeting of racialized migrants as a strategy and racial logic that further entrenches the legitimacy of the Canadian state because, as Smith writes, "The consequence of not developing a critical apparatus for intersecting all the logics of white supremacy,

including settler colonialism, is that it prevents us from imagining an alternative to the racial state” (Smith, 2012, 76).

At key moments in the Canadian context, I trace how the Tamil body was claimed as a site for the globalized ‘War on Terror,’ thereby linking the racialization of diaspora Tamils to the sustained international complicity in the GOSL’s war crimes including the use of cluster bombs and chemical weapons (Groundviews 2010; Groundviews, 2012), crimes against humanity, and genocide of Tamils (Sivanandan, 2009). Through analysis of the racialization of Tamils, and especially Tamil youth, in Canadian courts, in representations of the May 2009 Gardiner Protest by mainstream Canadian media and public officials, and the ‘humanitarian’ education of detained Tamil refugee children from the MV Sun Sea, I examine how public images and discourses in law, media, and education linking ‘Tamilness’ to ‘terror’ serve to evict Tamils from the notion of belonging to the ‘public.’ For the ‘public,’ is construed as a white settler public whose safety is secured through the targeting and detention of racialized migrants, and by curtailing and criminalizing their political goals and aspirations. Through such racial logics, the targeting, detention, and monitoring of Tamil youth becomes integral to the project of white settler colonialism.

I. The Mosaic Institute and the Targeting of Tamil Youth

The Mosaic Institute has a demonstrated interest in promoting a particular mythology of the Canadian state to young Canadians of South Asian, and particularly, ‘Sri Lankan origin,’ as a motivating rationale for condoning certain forms of political and economic engagement in the occupied North-East of post-war Sri Lanka. By terming

diaspora Tamil youth as being of ‘Sri Lankan origin’ the Mosaic Institute emphasizes the very nation-state identity challenged by the Tamil liberation movement. The Mosaic Institute significantly takes on this task beyond the borders of the state of Sri Lanka, and the implications of this discursive terming serve to emphasize the permanence of colonially constructed nation-states, like Sri Lanka and Canada, in the face of their challengers. The emphasis upon prescribing a ‘Sri Lankan identity’ demonstrates the interest the Canadian state has in promoting and condoning certain political positions as ‘moderate’ and therefore legitimate, and others as ‘violent,’ ‘extremist,’ or ‘radical.’ Accordingly it is significant that in the Canadian context the Tamil diaspora has “increasingly become a key target and also a *vehicle* for global liberal governmental efforts” (Nadarajah, 2009, 116).

Through the South Asian Canadian Global Citizenship Project, which was funded by the Department of Citizenship, Immigration and Multiculturalism and the RBC Foundation, the Mosaic Institute sponsored the Young Canadians Peace Dialogue on Sri Lanka, a seven-month series from September 2010 to March 2011 for young Tamil and Sinhalese Canadians where they were:

encouraged to draw from their common understanding of Canada’s own commitment to the rule of law, the upholding of fundamental human rights, a free press, publicly-accountable institutions and other elements of its democratic traditions to help identify and advance specific strategies for helping the people of Sri Lanka to rebuild their country after 25 years of civil war (Mosaic Institute, 2010).

Here the Young Canadians Peace Dialogue on Sri Lanka can also be understood as securing and legitimizing a particular view of the Canadian state as well as sanctioning and legitimizing a particular identity for diaspora youth that is secured in the territorial integrity of the state of Sri Lanka.

While the development projects of Mosaic Institute-initiated programs ‘BuildChange’ and the ‘Sri Lanka Tour 2012’ may appear to be designed to solely benefit the people in the occupied North-East of Sri Lanka, the Mosaic Institute, like Sri Lankans Without Borders, places great emphasis on the message being sent to other ‘young Canadians of Sri Lankan origin.’ As the Mosaic Institute notes in its report on the Sri Lanka Tour 2012 which was a legacy project of the Young Canadians Peace Dialogue on Sri Lanka:

Since returning to Canada, the group has written reports for its funders, has met with Sri Lanka’s High Commissioner to Canada to share its observations, and has briefed representatives from DFAIT, CIDA, and the Privy Council Office, among others. They hope to continue sharing their message of critical-but-constructive engagement with other young Canadians, and to encourage them to look for practical ways of helping to resolve the many challenges that continue to face the people of Sri Lanka (Mosaic Institute, 2012).

In addition to retaining Canada’s geopolitical presence and influence in Sri Lanka this message is also intended to educate, instill, and inculcate so-called Canadian values and de-politicized humanitarianism to ward against the apparent threat of violent extremism, particularly amongst youth of the Tamil diaspora. Or as the organization Sri Lankans Without Borders asserts in their Statement of Values, “It is only when we stand together

as Canadians of Sri Lankan origin can we contribute responsibly to promoting lasting peace, meaningful truth and reconciliation, and political and social solutions to problems in Sri Lanka” (Sri Lankans Without Borders, 2012). To claim otherwise, for example to advocate for Tamil self-determination rather than ‘good governance’ of Sri Lanka as the route to peace has become tantamount to supporting ‘terror’—demonstrating the significance of Sri Lanka’s conflict to the globalized anti-terrorism regime, Western logics of state sovereignty, and global liberalism (Nadarajah, 2009, 113).

The Mosaic Institute has also implemented UofMosaic, and ‘Imported Conflict and Canada,’ a study commissioned by Public Safety Canada. UofMosaic is the youth wing of the Mosaic Institute, consisting of chapters in Canadian universities “which will challenge extremism, build bridges between ethnocultural communities on campus, and empower young people to be global peacebuilders” (UofMosaic, 2011). UofMosaic is funded by BMO Financial Group, and the Aurea Foundation, a charitable foundation established by Melanie and Peter Munk, chairman and founder of the notoriously exploitative Canadian multinational mining corporation Barrick Gold. As the youth wing of the Mosaic Institute, UofMosaic represents a partial turn in Canadian public and foreign policy from costly ‘peacekeeping’ missions abroad to ‘peace-building’ amongst diaspora communities from ‘war-torn homelands’ within the state of Canada, because this similarly secures the image of Canada as committed to peace, diversity, and democracy and further legitimizes white settler occupation and its requisite institutions. Not coincidentally, communities of colour are marked as needing to be ‘rehabilitated’ out of their violent proclivities, while the colonial roots of many conflicts worldwide that caused displacement to begin with are erased. As a result, the violence of colonialism is

legitimized and under ‘humanitarian’ guises, capitalist liberal democracy, colonial imperialism, and whiteness are positioned as solutions rather than causes of violence in the ‘fragile’ and ‘failed’ states of the Global South.

Rather than acknowledging, addressing, recognizing, or redressing the ongoing genocide against Indigenous nations by the state of Canada, or the destructive and oppressive effects of white settler liberal institutions and ‘rule of law,’ the Mosaic Institute is funded in its projects to study the impact of diaspora communities and peoples with roots in homelands that are places of violent conflict in bringing ‘extremism’ and ‘terror’ to Canada. An underlying white supremacist logic here is that as a liberal democracy, the state of Canada would be free of ‘extremism,’ ‘terror,’ violence and division if not for the problematic presence of racialized migrants. Consequently, the UofMosaic’s Statement of Values emphasizes the role individual Canadian citizens with ties to conflict-ridden parts of the world have to play alongside governments in building peace, as long as they act as agents of the Canadian state and its material, symbolic, and discursive interests. This strategy rests upon making predominantly middle class and elite diaspora youth the mouthpieces for the notion of Canada as a peaceful and democratic state where the rule of law governs through democratic traditions, rather than a state structured and organized by white supremacy to target racialized migrants and communities while occupying Indigenous land, denying Indigenous sovereignty, and illegally extracting and threatening the resources and ecosystems which have sustained Indigenous peoples, nations and communities. It further reveals the Canadian state’s interest in and reliance upon educating, forming and shaping the knowledge of its subjects, and thereby conditioning and curtailing their political actions both within and

beyond the state's borders. The presence of UofMosaic on university campuses demonstrates how the borders of the white settler state are inscribed on the bodies of racialized diaspora youth in every day educational contexts where education is being reframed as 'de-radicalization.'

In a study commissioned and funded by Public Safety Canada the Mosaic Institute's 'Imported Conflict and Canada: Perceptions and Realities' project examines "the prevalence, persistence, and effects of 'imported' conflicts between and among ethno-cultural communities in Canada" (Public Safety Canada, 2012). This study received funding under Public Safety Canada's Kanishka Project Contribution Program, a 5 year \$10 million initiative named for the Air India Flight 182 plane that was bombed on June 23, 1985, killing 329 people. The Kanishka Project funds counter-terrorism research and a main tenet of the project is building links with academics and researchers towards developing a network of counter-terrorism scholars across Canadian universities. Citizenship, Multiculturalism and Immigration Minister Jason Kenney explicitly identified the racialized project of counter-terrorism in a 2012 announcement for the Kanishka Project when he stated, "Research supported by the Kanishka Project will increase our understanding of terrorism. This will help produce more effective policies and tools for people on the front lines, including community leaders, police, lawyers, and judges," (Public Safety Canada, 2012). By identifying community leaders, police, lawyers, and judges as being on the front lines of the 'War on Terror,' the Harper government continues a Canadian tradition of making enemies, combatants, terrorists, and potential enemies, combatants, and terrorists of the racialized people and groups these 'front line officers' come into contact with. Consequently white settlers are

identified as a population deserving of protection, while racialized peoples become ‘terrorists’ and ‘potential terrorists.’ The presence of people of colour and communities of colour on Indigenous land occupied by the white settler state is equated with importing violence, ‘extremism,’ and ‘terror’ such that the originary violence, genocide and terror of white settler colonialism against Indigenous peoples can continue to be legitimized and erased.

Thus, what might the targeting of diaspora Tamil youth by the Mosaic Institute for ‘de-radicalization’ tell us about the material and symbolic power relationships that sustain the Canadian white settler state’s occupation of Indigenous land, and denial of Indigenous sovereignty? As the activities and principles of the Mosaic Institute indicate, the positioning of the state of Sri Lanka and its failures as dissimilar from the state of Canada is crucial to securing a benevolent, peaceful, and just image of Canada. Tracing the values, motivations, and ideologies behind these Mosaic Institute programs points to a crucial intersection between the states of Canada and Sri Lanka that has received little public attention within a dominant framework that understands war, genocide, occupation and violence in Sri Lanka as an ‘ethnic’ or ‘civil’ conflict rather than the political result of oppressive power relationships characterized by heteropatriarchy, white supremacy, the hegemony of militarized state sovereignty and capitalism. Programs implemented by the Mosaic Institute adhere to the principle that Canadian ‘pluralism’ is a model to the rest of the world, particularly where “the politics of division and discrimination” are practiced (Mosaic Institute, 2013). Here the ongoing coloniality, land theft, occupation of Indigenous lands and resources, as well as a racial hierarchy which delineates the institution of Canadian citizenship based on white supremacy and heteropatriarchy are

anxiously erased in this promotion of Canada, and in the lessons offered to the people of Sri Lanka.

II. Canadian Imperialism and the Suppression of Diaspora ‘Radicalism’

Structures of capitalism and colonialism that serve to secure profits and hegemonic governance at the targeted expense of Indigenous and racialized groups of people and the land and ecosystems upon which they are dependent, have deeply impacted, killed and displaced Tamils, Muslims, Indigenous Veddas, women, dissidents, and poor people in the state of Sri Lanka. The May 2009 genocide which systematically targeted Tamil civilians through the use of heavy artillery in contravention of the GOSL’s stated ‘no civilian casualties’ policy, as well as against established international legal norms securing the safety of civilians and declared ‘No Fire Zones’ and hospitals, was not simply an event, but part of an ongoing process where the lives of civilians, targeted based on a logic of racial stratification and ‘Othering,’ have been sacrificed for geopolitical ends. The dueling presence of China and India in Sri Lanka, in addition to Sri Lanka’s reliance upon the US as its major trading partner and source of foreign and military aid, demonstrates an ongoing coloniality which, because it viewed the LTTE and Tamil separatism in the North and East as a threat to the colonially constructed unitary state of Sri Lanka, has placed land, nature, and life as secondary to the interests of capitalist markets, colonial state and patriarchal violence. Thus the war between the GOSL and the LTTE, as a conflict targeting the notion of a Tamil nation, which persists through the Sri Lankan military occupation of the North and the East of the island, was

borne and is sustained by colonial, capitalist, and patriarchal relations of power which value strategic interests and military might over life, sustenance and community.

Sri Lanka's genocide against the Tamil people, and against the very concept of a Tamil nation, has been aided and abetted by multiple international states and bodies, operating along the oppressive logic that 'state sovereignty' and profits are more valuable than life itself, because it is this same logic that secures the coloniality of Western powers. The onslaught in May 2009 was characterized by international inattention to the indiscriminate slaughtering of Tamil civilians through methods and measures that can only be described as war crimes and crimes against humanity, that secured a genocide which remains militarily, structurally, economically and culturally ongoing. The state of Sri Lanka and the ruling Rajapaksa regime is not the only, or the first state to have named this process as 'counter-terrorism.' For example, re-defining who counts as a civilian is crucial to legitimizing U.S. drone strikes in the 'War On Terror' where "any adult male killed in effectively a defined kill zone is a terrorist, unless posthumously proven otherwise" (Democracy Now, 2012). In this regard the state of Sri Lanka is an international norm rather than an exception.

Canada, as neither an economic, military, nor diplomatic superpower, may not have as obvious and evident interests in Sri Lanka as its regional neighbours, China or India, or as the United States in playing Chinese and Indian interests against each other for geopolitical benefit. However the ongoing involvement and investment of the DFAIT, the Department of Citizenship, Immigration and Multiculturalism, and Public Safety Canada in funding and sponsoring programs by the Mosaic Institute, in addition to other foreign and military aid to Sri Lanka, points towards material, symbolic and strategic

interests that cannot be ignored. For Canada's brand of involvement is characteristic of its foreign policy and actions on the world stage as a middle-power and 'humanitarian face' of capitalism and imperialism, nevertheless propping up, benefiting from, and securing oppressive relations of power.

Canadian colonial, imperial, and capitalist interests, while no more benign than those of a global superpower, manifest themselves on the world stage in accordance with Canada's diplomatic, economic, and military means and interests. Canadian interests are evident in not so subtly advocating for regime change in Sri Lanka to a more Western than Sino-friendly government by threatening to boycott the Commonwealth Heads of Government (CHOGM) meeting slated to occur in Colombo in November 2013, and criticizing the end of the 'rule of law' in Sri Lanka following the GOSL's impeachment of Chief Justice Shirani Bandaranayake in January 2013. As Nadarajah (2009) finds:

the international anti-terrorism regime contributes through diffuse, peripheral channels towards the transformation of the Tamil liberation struggle into its very antithesis: the *strengthening*, through the logic of 'reform,' of the hitherto rejected Sri Lankan State (Nadarajah, 2009, 113).

Thus Canada is also educating, or as Nadarajah (2009) argues—disciplining, these 'young Canadians of Sri Lankan origin' to serve as humanitarian envoys and "well behaved citizens of liberal governmentality," (Nadarajah, 2009, 119) bringing not only benevolent Western 'rescue' in the form of small-scale development projects to the occupied North-East, but also the empty yet powerful rhetoric of Canadian pluralism, democracy, and the rule of law. The cumulative effect is thus to retain the West's symbolic and material geopolitical foothold in the island, to promote logics of

humanitarianism and liberalism and to assert that “The appropriate response for persecuted peoples is therefore not to take up arms against their state oppressors, but to call on the cavalry of the global liberal order for rescue” (Nadarajah, 2009, 124).

A key motivation for Canadian initiatives is the concern that diaspora Tamil youth tend towards violence, radicalism and extremism. This notion stems from a white supremacist and racist logic that has been so widely voiced so as to become an accepted norm, a topic of academic study, and even a ‘security concern’ for Western states. A 2010 report ‘The Sri Lankan Tamil Diaspora After the LTTE,’ produced by the International Crisis Group (ICG) a Western NGO which defines itself as “Working to Prevent Conflict Worldwide,” demonstrates how the racialization of Tamils as ‘terrorists’ has traveled and permeated policy discussions and framed the Tamil diaspora. Rather than locating the source of the Sri Lankan state’s continued post-war oppression of Tamils in militarized Sinhala majoritarian nationalism, or international inattention and complicity, the ICG faults continued demands for a separate state for scaring the Rajapaksa administration and providing “excuses for maintaining destructive anti-terrorism and emergency laws” (ICG, 2010, ii). A significant concern in the ICG report is the ‘radicalization’ of younger Tamils in the diaspora. The ICG report states:

Watching the devastation of the final months of the war and the seeming indifference of governments and the United Nations, many Tamils, particularly the younger generation born in the West, grew deeply disillusioned. Governments with large Tamil communities have been worried this might lead to new forms of militancy...risks of radicalism in the diaspora cannot be dismissed entirely (ICG, 2010, ii).

The ICG locates the problem or potential problem as being young ‘radical’ Tamils in the diaspora, rather than ground realities in the ongoing and intensifying military occupation of the North-East by the Sri Lankan army and paramilitaries, where the army has a role in every sector and facet of civilian life including alarmingly routine sexual violence, rape and abuse against Tamil women (Human Rights Watch, 2013; ICG, 2011). Instead of addressing systems and structures of oppression that produced both the conflict between the LTTE and the GOSL, as well as the displaced Tamil diaspora itself, the ICG report problematizes the Tamil diaspora, particularly politically engaged youth. The ICG problematizes what can no longer, since the defeat of the LTTE, be termed violence or support for violence by the Tamil diaspora, but instead seeks to establish that the Tamil diaspora remains potentially violent, that its youth are potential ‘radicals,’ ‘extremists’ and ‘terrorists.’ The Tamil diaspora thus retains and is marked by a profile that is constructed through colonial, racist and white supremacist narratives that have been applied, and continue to be applied to other racialized groups. Like the increased and intensified post-9/11 racial profiling and racialization of Muslims as anti-modern, destructive ‘terrorists’ and ‘extremists,’ it is one part of an overarching racist discourse that links ‘Tamilness’ to terror, and as I will demonstrate, a key similarity rather than divergence between Canada and Sri Lanka.

III. Orientalism, the ‘Home-Grown Terrorist’ and the White Man’s Burden

In his influential 1978 text the Palestinian scholar Edward Said argued that Orientalism as a systematic mode of practices both material and symbolic for creating and representing the Orient and the Oriental, tells us more about the West than about

what it purports to study (Said, 1978). Thus I begin in Chapter 2 by surveying academic knowledge and discourse produced on the Tamil diaspora, uncovering the racial and colonial assumptions that underlie the marking of Tamils as terrorists, a ‘problem’ diaspora, and a pre-eminent case study of so-called ‘long-distance nationalism.’ Said wrote that he would “attempt to show that European culture gained in strength and identity by setting itself off against the Orient as a sort of surrogate and even underground self” (Said, 1978, 3). Here I attempt to show that the scope of the globalized ‘War on Terror’ and its requisite intellectual and material projects of knowing, studying, monitoring, surveilling, disciplining, and making as a site of impending crisis and threat, the bodies of racialized diaspora Tamil youth, tells us more about the project of racial management that secures white settler colonialism, global logics of white supremacy, heteropatriarchy and capitalism that it ever will about racialized and diaspora youth in the West. I further argue that by tracing this process we find another manifestation of the Orientalist logic Said identified, wherein the racialized institution of Canadian citizenship and the notion of belonging in Canadian political community is secured both by the denial of white settler colonization of Indigenous land, and by the racialized figures of those who can never belong.

Razack demonstrates, writing on the publicly sanctioned torture of Omar Khadr who could not be protected as a child, because as a Muslim he is *always already* a terrorist, the racial superiority and national belonging of white settler Canadians is secured in part by “terrorists carrying the seeds of fanaticism in their blood and no more so than when they are children and youth” (Razack, 2012, 30). For the radical, terrorist, and extremist child or youth, that terrifying ‘home-grown terrorist’ lurking amidst and

contaminating white settler purity and innocence, is necessary as evidence of the inevitable and infinite superiority of the West. The figure of the ‘home-grown terrorist’ serves to reinscribe in an era of official multiculturalism, the white man’s burden of civilizing, managing, educating, torturing, and killing his racial Other. If the Orient was a European invention, a necessary and integral part of defining Europe, so today is the ‘home-grown terrorist,’ the radicalized or extremist racialized youth, an integral part of defining the inherent superiority of white settler citizens over their racial ‘Others.’

Thus the bodies of diaspora Tamil youth are racialized, as Razack has argued in the case of Omar Khadr, to “[incite] intense feelings of Western racial superiority” (Razack, 2012, 14). For ultimately, the Orientalist child is not deserving of protection, but is instead a threat white settler Canadians need to be protected *from* (Razack, 2012, 27). In Chapter 3 my analysis of the racialization of Tamil youth in Canadian courts finds that as a result of being racialized as ‘terrorists’ and ‘thugs,’ Tamil youth are evicted from the protections of Canadian citizenship and instead targeted as threats to ‘national security.’ I relate these processes beginning with the 1995 security certificate issued against Manickavasagam Suresh to the 2001 Supreme Court decision in *Suresh v. Canada*, in the post-9/11 deportation proceedings against alleged Tamil youth ‘street gang’ leaders and members, and finally in the 2013 Supreme Court decision ordering the extradition of Piratheepan Nadarajah and Suresh Sriskandarajah, a former President of the University of Waterloo Tamil Students’ Association, on U.S. terror charges. In these legal proceedings and court decisions I find evidence of what Razack identifies where:

Orientalist notions of monster terrorists who possess an inborn rage and hatred of the West guide the court in determining who is and who is not dangerous. The

Orientalist child carries the seeds of disloyalty in his psyche, a latent capacity for violence that can erupt at any time (Razack, 2012, 9).

I demonstrate how what has come to be termed ‘the Suresh exception’ after the Supreme Court’s legal assent to the possibility of deportation to torture in *Suresh v. Canada* runs through the treatment of Tamils and especially Tamil youth by Canadian courts, where as a result of racialization Tamil bodies become targets and threats, bodies destined for deportation, detention, violence and torture, rather than subjects deserving of protections, rights and freedoms.

In Chapters 4 and 5 I focus on two events where Tamil bodies were racialized as a mass of ‘illegal’ and ‘terrorist’ intruders—the May 2009 Gardiner Protest, and the arrivals of 76 Tamil refugees aboard the *Ocean Lady* in October 2009 and 492 Tamil refugees aboard the *MV Sun Sea* in August 2010. My discussion of the Gardiner Protest examines how the racialization of Tamil protesters, and particularly the racist positioning of Tamil youth protesters as ‘terrorists’ further legitimized international inaction and complicity in the genocide against Tamil civilians in their homelands in the final stages of the war between the GOSL and the LTTE. I argue that the racialization of Tamil protesters in the West as ‘terrorists’ or ‘terrorist supporters’ facilitated the abandonment of Tamil civilians on their homelands as a population that could be marked for genocide. International complicity in Sri Lanka’s genocide relied upon the policing and racial marking of diaspora Tamil protesters, and thus in particular, the figure of the ‘radicalized’ Tamil youth. Through a discussion of mainstream media narratives, and statements from public officials I demonstrate how the bodies of Tamil protesters as a ‘mob’ of racialized people in downtown Toronto became hypervisible as invasive,

racialized occupiers impeding white mobility. I also examine how scholarship and discourse around the protest, and other similar protests by the Tamil community in 2009 has focused on the significant role played by ‘second-generation Tamils,’ or Tamil youth born in the West as a means of further justifying the targeting of Tamil youth by counter-terrorism initiatives. Using the example of the May 2009 Gardiner Protest, I examine how the ‘radicalized’ bodies of Tamil youth have come to represent the need for management of racialized diaspora populations, and particularly the politics of racialized diaspora youth.

My final case study in Chapter 5 implicates the role of educators, and the function of education in ‘humanitarian’ processes of racism and gendered racial management through an examination of the detention of Tamil refugees who arrived aboard the MV Sun Sea. Here I examine how the racialization of Tamils as ‘terrorists’ allows for the suspension of the rights of children and their families, but is instead depicted as a humanitarian gesture because stigmatization, surveillance, repression, and control are not recognized as such when delivered by the Canadian state and its agents, but are easily framed as rescue, service, responsibility, and charity. In the case of the MV Sun Sea we find not simply silence and complicity by educators in white supremacist structures, but indeed the active participation of educators in criminalizing children, and legitimizing the detention of Tamil refugees. Teachers were on the frontline of this state’s construction of a ‘crisis,’ acting as foot soldiers in the larger system and structures of colonial education, within state violence designed to demonize, racialize, and criminalize the bodies, communities, behaviours, expressions, and identities of Tamils, migrants, non-status

peoples and people of colour while claiming the ‘sovereignty’ of the Canadian state on stolen and occupied lands of Indigenous nations.

The education of detained Tamil children from the MV Sun Sea, the functioning of educational curriculum about the MV Sun Sea as a site for Canadian nation building, as well as the cultural genocide against Indigenous peoples perpetrated through the residential school system, and the pushing out of black, Indigenous, racialized, and non-status youth from formal education, demands that we examine the role of the teacher as agent and spokesperson for the settler, the classroom as a space of containment, surveillance and scrutiny, and that we consider the violence of colonial education alongside the Fanonian gaze on the settler’s “rifle butts and napalm” (Fanon, 1963, 3-4). I examine how education remains a prime strategy and tactic in racial management for the white settler state, and indeed in the global counter-terrorism regime. By tracing the racialization of Tamil youth through the law and media discourses to racial management in education, I argue that education plays a significant role in the racialized project of counter-terrorism. It is at best a blatant assimilationist tactic and an exercise of ‘soft power’ designed to balance the state’s virulent and violent targeting and racialization of Tamils as ‘terrorists.’ In addition to the detention of Tamil refugee children from the MV Sun Sea, the initiatives of the Mosaic Institute point towards the strategies and tactics taken towards occupying, influencing, and disciplining political space within the Tamil diaspora away from liberation, separatism, nationalism, justice and restitution for genocide which are marked as ‘extremist,’ ‘radical’ positions and antithetical to responsible Canadian humanitarianism and global citizenship. The education strategy as channeled through the Mosaic Institute defines the possibility, whether or not it can ever

be attained, for becoming a ‘good’ Tamil Canadian citizen by becoming a part of the white supremacist project of monitoring, surveilling, and targeting the ‘bad’ Tamil who is *always already* a terrorist outside of Canadian political community.

The racialized bodies of ‘radical,’ ‘terrorist,’ or ‘extremist’ diaspora Tamil youth are key to securing the Canadian state’s ongoing project of racial management. Using the example of the Canadian state’s targeting of the Tamil diaspora I indicate how Canadian pluralism, democracy, and rule of law function to oppress racialized migrants towards securing white settler domination, occupation, genocide and denial of Indigenous sovereignty. By linking counter-terrorism strategies, tactics, and policies in the states of Canada and Sri Lanka through logics of racial ‘Othering,’ I argue for an understanding of the eviction of certain racialized and Indigenous populations towards genocidal ends as an ongoing process of being marked for death and dying that is intricately connected rather than separated by state borders because it is enabled by globalized logics of colonial governance, white supremacy, capitalism and heteropatriarchal violence.

Chapter TWO

‘Long-Distance Nationalism’ and the Tamil Diaspora

The Palestinian poet Mourid Barghouti writes
 that if you want to dispossess a people,
 the simplest way to do it is to tell their story
 and to start with, "secondly."

--Chimamanda Ngozi Adichie, ‘The danger of a single story,’ 2009

The global Tamil diaspora has increasingly taken centre stage as a community to be studied both in relation to the conflict in Sri Lanka, and as a migrant ethnic group in Western white settler states like Canada, the US, Australia, and in the EU. In Canada, the Tamil diaspora is estimated to be around 200,000 and the Greater Toronto Area contains the largest population of diaspora Tamils outside South Asia (Sivalingam, 2008, 21). Often termed an asylum or conflict-generated diaspora, more than 700,000 Tamils live outside their homelands, or an estimated ¼ of the entire Eelam Tamil population (ICG, 2010, 2), displaced by centuries of colonial capitalism, and a decades long conflict between the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) (Sivanandan, 1984, 1; Sriskandarajah, 2005, 492; Cheran, 2003, 9). In Canada, the Tamil diaspora is largely composed of refugees who arrived after the 1983 anti-Tamil riots and pogroms in Sri Lanka (Sivalingam, 2008, 22).

With growing interest in, and focus upon the Tamil diaspora as a significant actor in Tamil liberation, separatism and nationalism, studies have tended to indict the diaspora

for funding the LTTE and therefore perpetuating the war between the GOSL and the LTTE (Wayland, 2004; La, 2004; Chalk, 2008). While the targeting, marginalization, and oppression of Tamils in Sri Lanka has been studied, fewer scholars have examined these same processes as they occur in Western liberal democracies and directly affect diaspora Tamil communities (Sumathy, 2005; Sivalingam, 2008; Nadarajah, 2009). As such, the West largely remains positioned as a 'safe haven' for Tamils. A critical gap in academic literature is the failure to examine the coloniality of white settler states like Canada as sites of colonial domination and occupation that the state of Sri Lanka mimics with its inheritance of similar structures of British colonial governance. I propose to consider Canada's colonial present when examining its responses to Tamil communities. I use an anti-colonial theoretical framework towards identifying how the targeting of the Tamil diaspora as a belligerent and problematic racialized group secures the power and legitimacy of globalized white supremacy, white settler colonialism and occupation. I propose that the ways the Tamil diaspora has been studied and theorized actually tells us more about the white settler state, white supremacy, Orientalism, and the West's ongoing violent and fraught management of its colonial encounter with its racial 'Other,' than about the Tamil diaspora itself. Such a review is important to the Tamil community as this juncture, particularly following the end of armed struggle with the defeat of the LTTE in May 2009 and in the face of Sri Lankan, Western, and international, and academic silence and inaction on the 2009 genocide and ethnic cleansing where 147,000 Tamils are unaccounted for (TamilNet, 2011). It points towards the defeat of the LTTE, the 2009 genocide, and the ongoing targeting of Tamils both within and beyond the state of Sri Lanka as not simply a project of the Sri Lankan state, but a significant terrain in the

globalized 'War on Terror.' I argue that the racial management of the Tamil diaspora has important implications for understanding the political landscape of the Canadian state itself because it is a site for the legitimation of white supremacy and white settler colonialism.

I. Interrogating the Tamil Diaspora's 'Long-Distance Nationalism'

The targeting of Tamils, and particularly Tamil youth as 'terrorists,' 'extremists,' and 'radicals' results from the notion of the Tamil diaspora as a permanent threat to both the state of Sri Lanka and to Western states that are home to large Tamil diaspora communities. Much of the literature on the Tamil diaspora as a belligerent political actor in the conflict in Sri Lanka draws upon Benedict Anderson's warnings on the dangers of so-called 'post-colonial' nations and nationalisms. Anderson deploys the term 'long-distance nationalism,' describing a process wherein:

The participant rarely pays taxes in the country in which he does his politics: he is not answerable to its judicial system; he probably does not cast even an absentee ballot in its elections because he is a citizen in a different place; he need not fear prison, torture or death, nor need his immediate family. But, well and safely positioned in the First World, he can send money and guns, circulate propaganda, and build intercontinental computer information circuits, all of which have incalculable consequences in the zones of their ultimate destinations (Anderson, 1998, 74).

In Anderson's gendered (but not raced, or classed) understanding of the diaspora migrant, the migrant who participates in 'long-distance nationalism' is assumed to be a citizen, a

fully recognized member of the national political community of the state in which he resides. He has no fear for his or his family's safety, he holds a secure position in the First World, his transnational politics and activism are 'above' the law, his activism is entirely belligerent, and the homeland, like the international arena, is a "zone"—a mere passive recipient for his remittances, propaganda, weapons (Anderson, 1998, 74).

Anderson also implicitly asserts that this participant in 'long-distance nationalism' faces no consequences, no retaliation, no legal, social, political, cultural, psychic, or emotional effects in the 'First World'. In this characterization of 'long-distance nationalism,' the homeland like the host nation is depicted as utterly devoid of the very oppressive and violent structures that produced the subject position and political struggles of the diaspora migrant to begin with.

In a Globe and Mail editorial published a little more than a month after '9/11,' Michael Ignatieff, then a Professor at Harvard University's Kennedy School of Government, mourned the loss of a time when (white) Canadian immigrants did not import their 'Old World' hatreds. A concerned Ignatieff noted that the 'innocence' of Canadian political community had been interrupted with the presence of the extremist, terrorist-supporting Tamils and their "little Jaffnas," while additionally problematizing Kashmiris and Palestinians. Ignatieff wrote:

Sometimes emigration is accompanied by the guilt of departure. This guilt makes diaspora groups more violent and more extreme than those that live in the country where the oppression is taking place. Diaspora nationalism is a dangerous phenomenon because it is easier to hate from a distance: You don't have to live with the consequences -- or the reprisals... Canadians, new and old, need to think about

what role their diasporas play in fanning and financing the hatreds of the outside world. The disturbing possibility is that Canada is not an asylum from hatred but an incubator of hatred...Do we know that when people die in Colombo, or Jaffna, there's no Canadian connection?... So it is appropriate to say to newcomers: You do not have to embrace all our supposed civilities. You can and should keep the memory of the injustice you have left firmly in your heart. But the law is the law. You will have to leave your murderous fantasies of revenge behind (Ignatieff, *The Globe and Mail*, 25 October 2001).

In such a manner, for the Tamil diaspora in particular, the 'long-distance nationalism' defined by Anderson (1998) became equated in the post '9/11' era with extremism and terror of diaspora migrants. Under Ignatieff's view, if you thought the LTTE was a terrorist organization, the Tamil diaspora were their backward guilt-ridden supporters and ruthless financiers. Similarly the task for the post '9/11' security state became the racial management of diaspora migrants and their political activism, community organizations, and their very communal and cultural existence which were consequently defined as 'problems' to be understood and either disciplined or eliminated through securitization, counter-terrorism, detention, deportation, torture, de-legitimization, or assimilation (Nadarajah, 2009).

In this chapter however, I will demonstrate the incompleteness of such a picture of diaspora nationalism, first defined by Anderson, and within the context of the Tamil diaspora post '9/11' by various scholars. I examine a body of literature that positions the Tamil diaspora as the pre-eminent case study of 'long-distance nationalism,' within Anderson's outlined framework. Much of the literature on Tamil diaspora nationalism

takes cues from Anderson (1998), assuming and accepting that the diaspora migrant is not a refugee or a target, but rather actually holds a position of safety, or even of privilege in the ‘First World,’ a view which is only accomplished through the elimination of race as constitutive in the formation of Western modernity. Accepting the Andersonian portrayal of ‘long-distance nationalism’ requires a theoretical eviction of the salience of race and colonialism, leaving us with a body of scholarship that fails to engage the political complexities and struggles of the diaspora migrants of colour within the West, and in this particular instance, the Tamil community in the state of Canada.

I will demonstrate through a review of academic literature offering empirical case studies of the Tamil diaspora that Anderson’s characterization of ‘long-distance nationalism,’ has been overwhelmingly accepted and drawn into justifying state processes of racialization and racial management post ‘9/11’. Scholars have examined the Tamil diaspora towards developing further understandings of the roles diaspora communities play in relation to violent conflicts in their homelands. I analyze these scholars as writing within the framework of ‘long-distance nationalism,’ and am attune to the ways in which they apply Anderson’s theoretical articulation of this phenomenon and process to the case study of the Tamil diaspora. First I discuss literature which presents the Tamil diaspora as fitting within Anderson’s paradigm of ‘long-distance nationalism,’ including Wayland (2004), Fuglerud (2001), Chalk (2008), La (2004), and two instances which examine the Tamil diaspora following the May 2009 defeat of the LTTE—Ranganathan (2009), and Brun and Van Hear (2012). Then I examine examples of scholars who have somewhat complicated Anderson’s conception of ‘long-distance nationalism’ by considering the role of the Tamil diaspora in promoting peace—Orjuela

(2008) and Cochrane et al. (2009). Finally I examine four examples, Cheran (2003), Sumathy (2005), Sivalingam (2008), and Nadarajah (2009) that diverge from and present sites of critique of the Andersonian formulation of ‘long-distance nationalism’ and the ways in which it characterizes diaspora, transnationality and terror. I identify the ways in which Cheran (2003), Sumathy (2005), Sivalingam (2008), and Nadarajah (2009) present opportunities for further inquiry, and locate my project in relation to the problems they identify with regards to dominant inquiries into the Tamil diaspora.

II. The Tamil Diaspora and Andersonian ‘Long-Distance Nationalism’

A considerable amount of literature has investigated the issue of the Tamil diaspora contributing to the conflict in Sri Lanka between the GOSL and the LTTE (Wayland, 2004; Fuglerud, 1999; Fuglerud, 2001, Chalk, 2008; La, 2004; Ranganathan, 2009; Brun and Van Hear, 2012; Orjuela, 2008; Fair, 2007; Cochrane et al, 2009). Wayland (2004) offers the most complete synthesis of the argument that the Tamil diaspora extended and prolonged the conflict in Sri Lanka. Wayland (2004) argues that traditional international relations and political science models cannot sufficiently explain the resilient insurgence of the LTTE because “political opportunities have not been favourable to Tamil challengers” (Wayland, 2004, 416). Instead Wayland argues that the protracted conflict in Sri Lanka can only be explained through the existence and activities of what she terms the ‘transnational ethnic network’ of the Tamil diaspora, focusing on “the role of the diaspora in sustaining such a high level of Tamil mobilisation over the past two decades” (Wayland, 2004, 415). Wayland’s characterizations of political mobilization undertaken by the Tamil diaspora fit cohesively within Anderson’s

paradigm for 'long-distance nationalism.' In Wayland's analysis the power and influence of the Tamil diaspora as a transnational non-state actor rests upon the "combination of greater political freedom, community, organising and access to advanced communications and financial resources in receiving states" which allow the diaspora to "mobilise funds" that prolong the LTTE separatist campaign (Wayland, 2004, 405). Like Anderson (1998), Wayland argues that the diaspora migrant, while portraying himself as a "victim" (Wayland, 2004, 414), is actually part of a "powerful minority" (Wayland, 2004, 415), enjoys "social capital" in Western liberal democratic host nations (Wayland, 2004, 419), and intervenes to sustain conflict, violence, and terror in the homeland. Chalk (2008) and La (2004) offer further examinations of the Tamil diaspora with more geographic and contextual specificity than Wayland (2004), but similarly write within the paradigm of the Tamil diaspora as a case study of Andersonian 'long-distance nationalism.' Chalk (2008) relates the publicity, propaganda, and financial support the Tamil diaspora provides to the LTTE, while La (2004) is concerned with forced remittances to the LTTE in Canadian Tamil enclaves. Like Wayland (2004), Chalk (2008) also centers the role of the Tamil diaspora in supporting, funding, and fuelling the conflict in Sri Lanka. Chalk even names the Tamil diaspora as the "LTTE global diaspora" (Chalk, 2008, 99). La (2004) however distinctly separates the Tamil diaspora from the LTTE, locating the only persecution, victimization, or threat to safety that the Tamil refugee might face in Canada as being solely at the hands of the LTTE (La, 2004, 381). La (2004) differs from Anderson (1991), Chalk (2008) and Wayland (2004) because he argues that the Tamil diaspora is intimidated into financially supporting the LTTE through forced remittances (La, 2004, 382).

Despite their differing points of emphasis, Wayland (2004), Chalk (2008), La (2004), and Fuglerud (2001) all accept and work within crucial assumptions of the Andersonian paradigm of ‘long-distance nationalism’ (Anderson, 1998, 74). Wayland (2004), Chalk (2008), La (2004) and Fuglerud (2001) all analyze Tamil diasporas as minority communities in the states that they now reside, rather than communities that are part of the Eelam Tamil nation or the global Tamil community. Furthermore their analysis of the Tamil diaspora’s political activities does not focus upon or even acknowledge the oppression and repression faced by Tamils in the West as a racialized migrant community, or based on their political activity in support of national liberation.

Having established support of the Tamil diaspora for the LTTE through processes of ‘long-distance nationalism’ as crucial to mobilizing Tamil insurgency in the conflict in Sri Lanka, scholars have tended to recommend increased intervention and response from Western liberal democracies that are host nations to the Tamil diaspora (Wayland, 2004; Chalk, 2008; La, 2004; Fuglerud, 2001). Both Wayland (2004) and Chalk (2008) offer warnings to the international community of the impending menace that the Tamil diaspora, and other ‘transnational ethnic networks’ present. Wayland (2004) notes that states have “at least some modicum of power over diasporic activities” and that “diasporic activity, particularly of groups that are highly politicised, can be constrained by the policies and broader political climates of the states in which they reside” (Wayland, 2004, 424). Wayland (2004), La (2004), and Chalk (2008) find that host governments of Western countries have been too amenable and tolerant towards LTTE operations, claiming a key factor being that many Western politicians seek to court “the ethnic or minority vote” and are thus hesitant to “support tougher actions against the

LTTE for fear that this will impinge on their local electoral support base” (Chalk, 2008, 103). Chalk finds this failure to be rooted in successful propaganda campaigns that have mobilized large portions of the Tamil diaspora, and in Western “tolerance borne of the common Tamil ethnic identity that underscores the LTTE both domestically and in its Diaspora” (Chalk, 2008, 102). La (2004) similarly locates the root of LTTE intimidation, forced remittances, and the existence of “Tamil enclaves” in Canada as being because of Canada’s “multicultural system of integration” (La, 2004, 380) and “relative tolerance of foreign culture...[which] allows immigrants to retain much of their native culture” (La, 2004, 383), including “the tendency of refugees to congregate in and around ethnic enclaves” (La, 2004, 383). Chalk (2008) explicitly names his assimilationist recommendations, “if Tamil Diasporas are allowed to assimilate fully into their adopted countries, it is reasonable to assume that they will have a weaker cognitive ties to the idea of a separate ‘homeland’ and, as such, will gradually disassociate themselves from the objectives of the Tiger insurgents fighting there” (Chalk, 2008, 103). Fuglerud (2001) uniquely differs from Wayland (2004), Chalk (2008), and La (2004) in his recommendations for how to address the ‘revolutionary’ Tamil diaspora consciousness, he suggests “instead of preparing the ground for militant leaders and organisations who find it fit to rearrange the terrain, the international community should perhaps take another look at the map” (Fuglerud, 2001, 210). However, Fuglerud makes this recommendation because he believes it will undercut the possibility for organizations like the LTTE to develop an unambiguously ‘revolutionary’ exile diaspora consciousness, which he finds implicitly problematic for the international community (Fuglerud, 2001, 210). Fuglerud’s recommendation is not based on a theoretical or political recognition of

Tamil nationhood or sovereignty, or an analysis that traces the relationship between exile diaspora consciousness and displacement (Fuglerud, 2001). Rather, Fuglerud's (2001) willingness to reconsider colonially imposed borders and boundaries significantly continues to locate the political power and authority to re-draw the map of Sri Lanka as being held by the West, when the very project of Tamil liberation and sovereignty is an attempt to reclaim the right to *self*-determination. Thus a general trend in the literature identifies the failure of Western liberal democracies that are host nations to the Tamil diaspora in improper management of the Tamil diaspora's 'long-distance nationalism,' and recommends varying new forms of intervention towards limiting or curbing the transnational influence or political activities of the Tamil diaspora. The literature serves both to produce the Tamil diaspora as a population or social group, as well as to mark it as a *problematic* population and group for the West.

III. Challenges to the Andersonian paradigm: Long-Distance Advocacy for Peace?

Scholars have also intervened in Anderson's characterization of 'long-distance nationalism' by noting the ways in which the Tamil diaspora participates in transnational politics, and conflicts in their homeland by advocating for peace (Orjuela, 2008; Cochrane et al., 2009). Orjuela notes that the dominant negative picture of diaspora communities does not pay attention to the role diasporas play in advocating for peaceful conflict resolution, supporting reconciliation initiatives, and funding reconstruction in war-zones (Orjuela, 2008, 437). Cochrane et al. (2009) note the insufficiency of Benedict Anderson's notion of 'long distance nationalism' for addressing the position of 'conflict-generated diasporas,' noting that diaspora remittances, for example, are not always

problematic (Cochrane et al., 2009, 683-684). Cochrane et al. (2009) note the positive contributions made by diasporas such as encouraging a political settlement to war in the homeland, however they also assert that the Tamil diaspora is largely made up of hardline war-mongering nationalists and that the influence of peace supporters is generally declining (Cochrane et al., 2009, 698). However Cochrane et al. crucially identify internal tensions within diaspora communities, noting that diasporas are not homogenous (Cochrane et al., 2009, 688). Following along these observations regarding the Tamil diaspora and the 'long-distance nationalism' of 'conflict-generated diasporas,' Cochrane et al. recommend studying and considering the position of a particular diaspora in the host nations that they reside:

Many of them have been surviving in the hostlands doing manual labor. Even some of them are residing in the West having unclear residence status for a medium time frame under the so-called temporary protection model. One can argue that the Diaspora's status in the hostland is an important factor in the quality of its contribution to the peace process (Cochrane et al., 2009, 699).

The observation made here by Cochrane et al. (2009) connects to an assimilationist recommendation echoed by Orjuela (2008). Both Cochrane et al. (2009) and Orjuela (2008) locate the productive promoters of peace within the Tamil diaspora as those who have assimilated to a greater degree within whiteness and the Western states that they live in. In these narratives, class is allowed to appear without class interests being named or interrogated. While Cochrane et al. (2009) and Orjuela (2008) differ from Anderson's uncomplicated notion of 'long-distance nationalism' because they only locate certain segments of the Tamil diaspora as being roadblocks to peace and conflict resolution, they

laud cosmopolitan and assimilated (elite) migrants as the ideal ‘peacemakers’ while problematizing the so-called ‘hardline nationalists.’ Cochrane et al. (2009) recommend an analysis of marginalization faced by the Tamil diaspora in the West solely for the purpose of addressing the failure of certain oppressed segments of the diaspora to successfully assimilate into whiteness and Western society. Here increased access to, or redistribution of capital is recommended as a solution for cultivating ‘peace-promoters’ amongst manual labourers in the Tamil diaspora, rather than as a remedy for the particular forms of capitalist injustice, racism, and labour exploitation created through hierarchies of citizenship that particularly target the poor, women, and those with tenuous migration status. Orjuela (2008) further echoes the assimilationist recommendations of Cochrane et al., writing:

a diaspora existence opens up space to transcend conflicting ethnic/national identities and adopt shared identities (for example as ‘Canadian’, ‘immigrant’, ‘minority in the new society’ or ‘Asian’), or to recognize the ambiguity and hybridity of identities and adopt more cosmopolitan stances. One can use such identifications as the basis for cross-ethnic mobilization for peace, as well as to challenge hardline nationalist positions (Orjuela, 2008, 450).

In the cases of Cochrane et al. (2009) and Orjuela (2008) attempts to question and re-think Anderson’s framework of ‘long-distance nationalism’ have continued to problematize the existence of the Tamil diaspora as a political community advocating and struggling for the recognition of its sovereignty, self-determination, and nationhood. Crucially in these discourses, the oppression and injustice faced by poor and

marginalized Tamil refugees and migrants is only a ‘problem’ because it can cultivate a breeding ground for “hardline nationalist positions” (Orjuela, 2008, 450).

IV. Tamil ‘Long-Distance Nationalism’ Following the Defeat of the LTTE

Following the end of the armed conflict between the LTTE and the GOSL with the defeat of the LTTE and elimination of its leadership in May 2009, scholars have turned towards considerations of the role the Tamil diaspora will play in a new chapter of ‘long-distance nationalism’ (Ranganathan, 2009; Brun and Van Hear, 2012). Focusing on the Tamil diaspora in Australia’s engagement and participation in online media, Ranganathan (2009) explicitly cites her theoretical debts to Anderson’s characterization of ‘long-distance nationalism’ (Ranganathan, 2009, 710-1). Ranganathan argues that the form and direction of Tamil nationalism will come from the Tamil diaspora following the defeat of the LTTE (Ranganathan, 2009, 709). For Brun and Van Hear the local and the transnational or diaspora are interrelated, and shifts in dynamics can be tracked based on political developments in Sri Lanka (Brun and Van Hear, 2012, 62). Brun and Van Hear contend that following the end of the armed conflict, “the war-weary Tamil population seemed to voice a wish for a democratic and peaceful solution and recovery within a unified Sri Lanka after living with war and marginalisation for more than 25 years,” a perspective designed like the Andersonian understanding of ‘long-distance nationalism’ to position the politics of diaspora migrants as incongruent with peace rather than part of a potentially liberatory movement seeking justice and the recognition of sovereignty as the route to lasting peace (Brun and Van Hear, 2012, 72-3). The 2009 defeat of the LTTE has increased scholarly scrutiny of the Tamil diaspora in line with the Andersonian

formation of 'long-distance nationalism' because the political field in the diaspora is described as further 'out of touch' with the political field in the homeland where there is no longer an ongoing armed struggle for national liberation. Brun and Van Hear, for example, note a shifting "centre of gravity" in the political landscape from the LTTE in the 'homeland' to the Global Tamil Forum and the Transnational Government of Tamil Eelam in the diaspora (Brun and Van Hear, 2012, 73). Ranganathan (2009) similarly characterizes the Tamil diaspora as being "uncompromising" because like other "conflict-generated diasporas," Tamils "carry traumatic memories with them affecting their imagination of the homeland" (Ranganathan, 2009, 718). Ranganathan (2009) predicts similarly assimilationist remedies to the 'problem' of the 'long-distance nationalism' of the Tamil diaspora as Chalk (2008) and La (2004), writing:

With the second-generation migrants becoming more inculcated in the culture of the host country thanks to undergoing formal education and being susceptible to other influences which the previous generation eschewed, it can be expected that the Sri Lankan Tamil youth growing up in Australia would perceive some of the cornerstones of the conflict such as the greatness of the language and culture in a different light. This, in turn, would lead them to imagine the homeland in a very different way from those belonging to the first generation of migrants, perhaps offering a glimpse into how the conflict will evolve in the future (Ranganathan, 2009, 718).

The discourses around the Tamil diaspora articulated by Ranganathan (2009), and Brun and Van Hear (2012) do not demonstrate significant shifts away from the Andersonian characterization of 'long-distance nationalism' in academic knowledge production

despite the defeat of the LTTE, and the end of an organized armed struggle (Anderson, 1991, 74). Instead the defeat of the LTTE has further problematized the politics, political demands, and political expression of the Tamil diaspora where it has maintained calls for nationhood, self-determination and sovereignty—even as these demands are now exclusively being made through non-violent tactics and strategies.

V. Critical Viewpoints on Dominant Understandings of the Tamil Diaspora

Cheran (2003), Sumathy (2005), Sivalingam (2008), and Nadarajah (2009) offer significant interventions in the discourse around the Tamil diaspora as a case study of Andersonian ‘long-distance nationalism.’ Writing in the context of the ceasefire between with LTTE and the GOSL, Cheran (2003) argues that Tamil diaspora circulation ought to be understood as playing a crucial role “in relief, reconstruction, rehabilitation and development efforts of the homeland” (Cheran 2003, 12). Within the literature on the Tamil diaspora from a transnational and postcolonial perspective, Sumathy (2005) is significant for focusing on gender, the hegemony of the West, Euro-racism against immigrants, and the persistent “colonial discourse of borders and boundaries” (Sumathy, 2005, 13). Sivalingam (2008) examines the effects of national security discourses and policies on the Tamil community in Canada following ‘9/11’ and the proscription of the LTTE in 2006 as a terrorist organization in Canada. Nadarajah (2009) extends this analysis, comprehensively demonstrating the crucial role managing and disciplining the Tamil diaspora plays in the globalized counter-terrorism regime.

Transnationality is preeminently understood according to Arjun Appadurai’s “global cultural economy,” (Sumathy, 2005, 13) an argument that current “flows of

capital, ethnicity, media, and ideas that criss-cross the world in multiple paths and do not fit any narrative of economic flow” thereby defying a simple division between the First and Third World (Sumathy, 2005, 12). Sumathy (2005) challenges such characterization, noting that this framework for transnationality overlooks disjunctures of class, race, and gender and how these affect the conditions of movement (Sumathy, 2005, 13). Sumathy examines the “different facets of marginalisation” faced by Tamil women, and crucially identifies “indirect and direct controls imposed by a hegemonic West” (Sumathy, 2005, 11). Sumathy presents the different and multiple forms of “postcolonial feminist consciousness” (Sumathy, 2005, 29) of Tamil women in the diaspora, “not exactly at ease with the male dominant public discourses, either of intense left-wing or intense nationalist politics” (Sumathy, 2005, 28).

Cheran (2003) concurs with Sumathy’s challenge to dominant understandings of diaspora and transnationality noting, “Diaspora cannot stand alone as an epistemological category of analysis, separate and distinct from the intersectionality of ‘race’, class, gender and sexuality” (Cheran, 2003, 5). But rather, Cheran writes “The emergence of diasporas in the past several centuries was largely the result of colonialism, slavery and other forms of forced migration” (Cheran, 2003, 6). Cheran (2003) further notes that religion, caste, citizenship and residency rights are also important sites at which power is differentially located (Cheran, 2003, 7). Similarly, Sumathy (2005) crucially identifies the experiences of Tamil women, absent from the Andersonian characterization of ‘long-distance nationalism’ (Anderson, 1998, 74). Unlike literature that adheres to the Andersonian paradigm of ‘long-distance nationalism,’ Cheran (2003) and Sumathy (2005) note the suspicion, discrimination, and oppression the diaspora migrant or

transnational faces in state policies (Cheran, 2003, 6). Cheran writes, strongly differing from the Andersonian characterization of ‘long-distance nationalism,’ “Sustaining a society under stress, strain and displacement has been the most important function of the Tamil diaspora” (Cheran, 2003, 9). Sivalingam (2008) similarly focuses upon and emphasizes the agency of the Tamil community in Canada in resisting their racialization as ‘terrorists,’ and ‘thugs’ through community organizing, protests, legal and political advocacy (Sivalingam, 2008, 40; Sivalingam, 2008, 90, Sivalingam, 2008, 96).

Nadarajah (2009) discusses the productive effects of the targeting and disciplining of the Tamil diaspora in shifting political resistance and organization towards liberal governmental demands for reform. In what he terms “the disciplinary framework of anti-terrorism” (Nadarajah, 2009, 113), Nadarajah analyzes how Western states and the “global liberal project” encourage politically active Tamils in “refocusing their efforts towards the pursuit of ‘good governance’ rather than ‘self-determination,’ or the concomitant accordance of primacy to ‘human’ rather than collective rights” (Nadarajah, 2009, 113). Nadarajah demonstrates how the politics of the Tamil diaspora have become a site for “the exercise of sovereign power” (Nadarajah, 2009, 113-114) and finds that:

By setting out what are ‘moderate’ and ‘extreme’ views and simultaneously wielding the punitive apparatuses enabled by terrorism proscription, the global liberal order seeks to set the terms of what does and does not constitute acceptable advocacy (Nadarajah, 2009, 128).

For Nadarajah (2009) the effects of proscribing the LTTE lie not only in punitive outcomes, but also in the promotion and adoption of “a range of *liberal governmental* positions” in the Tamil diaspora (Nadarajah, 2009, 118). The effect is that the

disciplining of the Tamil diaspora through state and racial management becomes a site for securing the ‘global liberal order’ “towards realizing a liberal governmental vision for Sri Lanka” (Nadarajah, 2009, 128).

Rather than endorsing assimilationist policies which problematize diaspora identity (La, 2004; Chalk, 2008), Cheran recommends that ‘home countries’ and ‘host countries’ re-examine their notions of citizenship and the possibilities of transnational citizenship because the diasporas have a “healthy and constructive [role to play] in the context of an ethno-national conflict” (Cheran, 2003, 13). Both Sumathy (2005) and Cheran (2003) implicate the role of the Western academy, and the social sciences in particular, in producing notions of diaspora, transnationality and citizenship which for example, fail to examine “the negotiated positions of displaced Tamil women” (Sumathy, 2005, 12) and “carry with them an embedded nationalist assumption that impairs our capacity to see and understand transnational processes and movements” (Cheran, 2003, 6). Together Sumathy (2005), Cheran (2003), Sivalingam (2008) and Nadarajah (2009) demonstrate how scholars have seriously interrogated, and offered alternate theoretical frameworks to Anderson’s ‘long-distance nationalism’ towards interrogating the processes of racial and social management undertaken by Western host-nations towards the Tamil diaspora.

VI. Beyond ‘Long-Distance Nationalism’

In studying the Tamil diaspora scholars have come to various conclusions that are predominantly assimilationist remedies for Western nation-states to manage the Tamil diaspora. The discourses found in Wayland (2004), Chalk (2008), La (2004), and

Fuglerud (1999), continue to permeate academic literature like Ranganathan (2009) and Brun and Van Hear (2012) following the defeat of the LTTE in 2009, and the end of an armed struggle. Where scholars have diverged from the Andersonian characterization of 'long-distance nationalism' towards examining the role of the Tamil diaspora in peace-building and conflict resolution, as in Cochrane et al. (2009) and Orjuela (2008), they have nevertheless continued to problematize the Tamil diaspora rather than the systems and structures that produce displacement, poverty, exile, war, hegemonic governance, oppression, and violence. Academics and scholars have then tended to recommend different, or more rigorous methods for managing the problematic Tamil diaspora. NGOs like the ICG have also demonstrated a similar stance, profiling and continuing to define the Tamil diaspora, and its youth in particular as potentially violent (ICG, 2010).

Sumathy (2005), Cheran (2003), Sivalingam (2008) and Nadarajah (2009) have offered different theoretical frameworks for understanding the Tamil diaspora that this thesis draws upon and seeks to contribute to. Unlike Wayland (2004), Chalk (2008), La (2004), Fuglerud (1999), Cochrane et. al. (2009), Orjuela (2008), Ranganathan (2009), Brun and Van Hear (2012), ICG (2010), this thesis will not problematize or create new strategies for assimilating and managing the Tamil diaspora. Instead I will examine the effects of how the white settler state and white supremacy have defined and treated the Tamil diaspora, Tamil refugees, and Tamil youth in particular. The problematizing of the Tamil diaspora will be traced and connected to white settler colonialism, white supremacy, capitalism, and heteropatriarchy. I challenge why discourses about the Tamil diaspora only make passing reference to race and colonialism, fail to examine structural violence and genocide, as well as accept colonial borders and the primacy and legitimacy

of states while ignoring displacement and global capitalist exploitation that removes connection to and responsible governance of land and territory towards the eradication of the Eelam Tamil nation and people. I argue that the racialized narratives written on the bodies of 'extremist,' 'radicalized,' and 'terrorist,' diaspora Tamil youth are integral towards understanding the project of racial management that secures the Canadian white settler state. In part this thesis seeks to trace and map these connections to systems and structures of power and oppression in the Canadian context by arguing that the relationship of the Tamil diaspora to the Canadian white settler state on occupied Turtle Island cannot, and ought not to be understood without an understanding relationships of other racialized migrant and Indigenous groups to the white settler state, as well as how white supremacy and white settler colonialism has conditioned, and continues to condition our relationships with each other as racialized and Indigenous peoples on the occupied lands of Indigenous peoples.

Chapter THREE

The Racialization of Tamils as Terrorists in Canadian Courts, 1995-2012

It's no secret that the World Tamil Movement supports the right of the Tamil people to self-determination in the Northern and Eastern part of Sri Lanka. This is a political position – perhaps one that not everyone will agree with, but one that we are constitutionally entitled to hold. Many of us came to Canada precisely because this country safeguards the right of everyone to hold and express their own opinions.

--Sitha Sittampalam, June 19 2008¹

In 2008 a domestic organization was listed for the first time in Canadian history as a proscribed terrorist organization. It is no accident that this organization was a Tamil community organization—the non-profit World Tamil Movement (WTM). At the time of its listing the World Tamil Movement was a legally-incorporated charitable entity under Canadian law, and had been operating in the country for 22 years providing a range of settlement, cultural, and social services (WTM, 2008). In this chapter I focus on how race and terror have marked Tamils, particularly Tamil refugees and Tamil youth in Canadian legal discourses. I argue that the listing of the WTM as a terrorist group, the first, and thus far, only such listing for a domestic cultural service and settlement organization, occurred because Tamils in Canada, as both citizens and non-citizens, have been systematically excluded through processes of racialization from the rights and protections of citizenship available to white settler citizens.

¹ This statement is taken from a press release following the proscription of the World Tamil Movement – Ontario (WTM). Mr. Sittampalam was the President of the organization at the time of its proscription (TamilNet, 2008).

In her study of the exaltation of the white Canadian citizen, Sunera Thobani writes, “the Canadian legal system *is* a regime of racial power” (Thobani, 2007, 54). The legal production and management of Tamils as ‘terrorists,’ ‘potential terrorists’ and ‘threats to national security,’ occurs in relation to the white settler state’s ongoing project of claiming the ‘rule of law’ and sovereignty over the occupied lands of Indigenous peoples. Thus the surveillance, policing, expulsion, and conditional inclusion of the figure of the Tamil and other migrants racialized as ‘terrorists,’ and ‘illegals’ serves to secure the hegemonic claim to governance of the white settler state, and the white settler Canadian as a subject deserving of protection because their very ‘survival’ and ‘way of life’ is being threatened by a violent racial Other.

Beginning with the 1995 security certificate issued against Manickavasagam Suresh because he was a leader in the WTM, I trace legal narratives that exclude Tamils from political community, citizenship, and personhood. These narratives mark the Tamil body as a figure of terror, as a threat to national security, racialize and demarcate this population as outside of the ‘Canadian public,’ and therefore deserving of surveillance, targeting, detention, and deportation rather than protection, rights, and freedoms. I propose that in these legal narratives we also find the roots of the specific targeting and racialization of the bodies of Tamil youth as ‘threats,’ ‘radicals,’ and ‘extremists,’ to be monitored. By focusing on these narratives within Canadian legal discourses and anti-terrorism provisions, I demonstrate that the targeting of Tamils is not only evident in the political repression and military actions in the state of Sri Lanka, but that the racialized project of ‘counter-terrorism’ targets Tamils transnationally.

I. Proscription of the LTTE and WTM

The proscription of the WTM in 2008 was preceded, and in many ways made possible by the proscription of the Liberation Tigers of Tamil Eelam (LTTE) in 2006. Through Canada's Anti-Terrorism Act, enacted shortly after and in response to '9/11,' a public listing process for terrorist entities was created. The introduction of a list of terrorist entities gave the Canadian government the power to target and criminalize individuals and groups for being involved in or associated with terrorism, based on the recommendation of the Minister of Public Safety and the approval of the Governor-in-Council (the Governor General acting with Cabinet approval). The listing of terrorist entities as evident both in the procedure for listing an entity, and in the groups that have been chosen, has been a disturbingly politicized and racialized process.

Canada's current counter-terrorism strategy lists three main threats to national security: "violent Sunni Islamist extremism—both at home and abroad, other international terrorist groups, and domestic, issue-based extremism" (Public Safety Canada, 2012). Although Canada's counter-terrorism strategy specifically names domestic issue-based extremism "revolving around the promotion of various causes such as animal rights, white supremacy, environmentalism and anti-capitalism" no groups either operating within Canada or abroad have been proscribed as terrorist organizations on these grounds (Ibid, 2012). To date the large majority of groups listed as terrorist entities have been Muslim, Arab, Islamic, and South Asian. Other than the WTM, all the listed entities are foreign organizations many of which have also not demonstrated any interest in attacking Canada or Canadians. Significantly, Canadian proscription of the LTTE on April 8, 2006 occurred while the LTTE was not proscribed as a terrorist

organization in Sri Lanka, but was a recognized legal entity participating in an internationally brokered peace process with the GOSL². Canadian and EU proscription of the LTTE in 2006 contributed to the loss of parity of status, which has been cited as a significant factor in derailing the peace process. The Canadian proscription of the WTM in June 2008 also occurred a few months after the GOSL unilaterally terminated the 2002 Ceasefire Agreement. The targeting of the LTTE and WTM for proscription is thus further evidence of a selective, politicized, and racialized process. As Sivalingam notes, despite the existence of thousands of separatist movements around the world that also have little interest in attacks on Canada or Canadians, two organizations supportive of Tamil nationalism, separatism, and liberation have been proscribed and marked as terrorist organizations in Canada (Sivalingam, 2008, 19).

Furthermore while there are limited procedural safeguards in place, it is important to note that groups do not have the chance to challenge their listing in a legal or public arena until after they have been listed as a terrorist organization, and therefore marked, banned, and had their property seized and financial accounts frozen. No group has successfully petitioned their listing as a terrorist entity or been removed from the Canadian list of proscribed terrorist organizations. The lack of safeguards around the process for listing a group or entity as a terrorist organization is similar to the politicized process of targeting racialized non-citizens through the security certificate regime. No information or evidence must be publicly disclosed, or given to the group in question, to list a group or entity as a terrorist organization.

² Although the LTTE was banned in Sri Lanka from 1978 until the 1987 Indo-Lankan Accord, and again in 1998, the organization was de-proscribed in 2002 (Daily News, 2002), and only re-proscribed in 2008.

Following the proscription of the LTTE in 2006, and the WTM in 2008 the Tamil community in Canada has faced greater racial profiling, targeting, discrimination, and oppression as a result of being racialized as ‘terrorists’ (Sivalingam, 2008). In particular the listing of the LTTE and WTM as terrorist entities brought a wide-range of Tamil community organizing under the purview of the anti-terrorism provisions in Criminal Code of Canada, by criminalizing them, a broad range of involvement with the organizations, and political positions held by the organizations, as ‘terrorist activity.’ Sivalingam demonstrates that racialization, targeting, stereotyping, and labeling of Tamils and the Tamil community as a whole intensified following the listing of the LTTE and the WTM as terrorist groups (Sivalingam, 2008, 22-23). As Nadarajah (2009) finds on a global scale, “Proscriptions of the LTTE have enabled state intervention in Tamil expatriate political and social activity even when no crime is being committed” (Nadarajah, 2009, 122). The evidence cited in Sivalingam (2008) including the widespread equation of Tamil with ‘terrorist’ in Canadian news media; the targeting of Tamil youth groups in Toronto schools³ and Tamil Student Associations at various Ontario universities (particularly the University of Waterloo⁴) through revocation of

³ Sivalingam states, “For example, at a school in Toronto where a Tamil youth group regularly conducts workshops for Tamil students, the administration requested that the workshops be conducted in the English language. When the youth organization explained that the workshops were conducted in Tamil because many of the Tamil students that attended felt more comfortable expressing themselves in Tamil than in English, the school administration responded that the workshops had to take place in English so that administrators would know what was being said during the workshops and that to ensure that there was no recruitment and promotion of the LTTE on school premises” (Sivalingam, 2008, 75).

⁴ Following the arrests of five Tamil Canadians on terror charges in the U.S. and Canada in August 2006, including Suresh Sriskandarajah and Ramanan Mylvaganam, who had previously served as President and Vice-President, respectively, of the Tamil Student Association (TSA) at the University of Waterloo, Tamil students, particularly members of the TSA were targeted by the University administration and the University’s Federation of Students (Sivalingam, 2008, 78-79). The University’s administration brought disciplinary action against the TSA and suspended the TSA from operating on campus; only lifting the ban after an external audit cleared the group (Sivalingam, 2008, 79). Even before the proscription of the LTTE as a terrorist organization University administration imposed disciplinary and surveillance measures on the TSA including mandatory use of the English language, banning the group from playing Tamil songs at a

status and prohibiting use of the Tamil language and the Tamil liberation flag; in racial profiling by law enforcement officers⁵; and exclusion from booking public space managed by Toronto school boards⁶, demonstrates that counter-terrorism policies targeting the LTTE, WTM, and individuals like Manickavasagam Suresh and others have impacted and affected the Tamil community as a whole (Sivalingam, 2008). Sivalingam's research study draws crucial attention to the functioning of counter-terrorism and national security policies along racial lines, demarcating white settlers as citizens deserving of protection, and racialized migrants, like the Tamil community, as threats to national security to be targeted, monitored, and surveilled even as they engage in community organizing such as youth groups, cultural gatherings, and disaster-relief fundraising for the 2004 Indian Ocean tsunami.

II. Legal Cases Under Consideration

Racism, racial profiling, racialization, targeting and criminalization of Tamils as individuals and as a community are also evident in the legal discourses and actions of the state of Canada before the proscription of the WTM in 2008, and the LTTE in 2006. The treatment of individual Tamil bodies in Canadian immigration proceedings is indicative

2005 fundraiser for the 2004 Indian Ocean tsunami that affected Sri Lanka, and requiring police presence at events (Sivalingam, 2008, 80). Sivalingam writes, "There was a chilling effect on many Tamil students who scaled back their involvement with the TSA and the Tamil community as a whole. This case study is one of the strongest pieces of evidence of the impact that national security discourses has on the Tamil Canadian community" (Sivalingam, 2008, 81).

⁵ Sivalingam finds, "There have been incidents reported by community organizations, where young Tamil males have been stopped by police on the pretense of traffic violations and questioned about stuffed tiger animals displayed in the rear windshields of their cars. In some cases, the police officers have made statements such as 'You are banned' in reference to the listing of the LTTE" (Sivalingam, 2008, 75).

⁶ Sivalingam finds that since the proscription of the LTTE as a terrorist organization student and youth groups have struggled with obtaining permits for using public school facilities in the GTA. A TDSB policy requires the presence of a police officer for groups renting school space and the Toronto Police Service has systematically refused to provide paid-duty officers for Tamil community events (Sivalingam, 2008, 97-98).

of a white supremacist logic that marks Tamil bodies as ‘terrorists,’ ultimately serving to criminalize Tamil community organizing as ‘terror’ with the proscription of the LTTE and WTM. Through legal discourses, individual Tamil bodies come to stand in for a Tamil population racialized as ‘terrorists,’ whose politics and community organizing are marked as ‘terror,’ rather than the provision of settlement and counseling services, community organizing, and political advocacy.

Tamils have been targeted by immigration and criminal law proceedings that mark them as ‘terrorists’ and on the grounds of ‘serious criminality’ in ways that represent significant developments in the treatment of racialized non-citizens and citizens under Canadian law. For the purposes of this chapter, my discussion is divided into three sections— (1) The targeting of Manickavasagam Suresh and Satkuneswaran Kandiah through the security certificate regime because of their alleged ties to the LTTE, (2) The detention and/or deportation of Tamils because of their alleged ties to ‘Tamil youth street gangs,’ as well as the LTTE, and finally (3) The extradition of Tamil Canadian citizens Ramanan Mylvaganam, Suresh Sriskandarajah and Piratheepan Nadarajah to the U.S. on terror charges. These three groups are discussed separately because they are indicative of differing mechanisms and legal channels adopted by the Canadian state within immigration and criminal law to criminalize Tamils, especially Tamil youth, as terrorists and mark ‘Tamilness’ as outside of the ‘Canadian public’ and political community. The cases discussed are intricately linked to the effects on the Tamil community as a whole resulting from the 2006 proscription of the LTTE and the 2008 proscription of the WTM as terrorist organizations. This chapter is focused on cases that began before the defeat of the LTTE in 2009. The detention, deportation and targeting of Tamil refugees who

arrived in Canada after end of the war between the GOSL and the LTTE will be discussed in the final chapter. However I propose that the demonization of Tamil refugees following the arrivals of the MV Ocean Lady and MV Sun Sea, as well as the positioning of Tamil youth protesters in 2009 as ‘terrorist supporters,’ have roots in the racist legal discourses examined in this chapter.

III. Tamil, Presumed Terrorist: The ‘Suresh Exception’

The most prominent case of a Tamil non-citizen who has faced immigration detention and/or deportation based on supposed membership in, or ties to the LTTE is that of Manickavasagam Suresh. Less well known is the security certificate issued against Satkuneswaran Kandiah because Mr. Kandiah disappeared and his case never proceeded through the Canadian legal system. Mr. Suresh’s case culminated in the 2002 Supreme Court of Canada decision *Suresh v. Canada*, where although the Court ruled for the appellant, it also established what has come to be known as the ‘Suresh exception’ which, against Canada’s international legal obligations regarding the principle of non-refoulement, legalizes the deportation of a non-citizen to a jurisdiction where they face the possibility of torture, if it is in the interests of ‘national security’ (*Suresh v. Canada*, 2002, 5). The ‘Suresh exception’⁷ demonstrates that the linking of ‘Tamilness’ with ‘terror’ has been crucial to racializing the notion of ‘public safety’ as a white settler public that needs to be protected from the ‘terror’ of racialized migrants, whose safety

⁷ While Canadian legal scholars (Aiken, 2001; Carver, 2002; Macklin, 2002; Mitchell, 2002) have studied and theorized the ‘Suresh exception’ and the significance it holds for the treatment of non-citizens under Canadian jurisprudence, scholars have not focused in the role of race, or on the figure of the Tamil in producing the so-called ‘Suresh exception,’ or its significance for the Tamil community more broadly which is foregrounded in my analysis.

from torture is considered outside of Canada's national security interests because they have been evicted from the Canadian political community.

Granted refugee status in 1990 when fleeing Sri Lanka, Mr. Suresh was detained on a security certificate after applying for landed immigrant status on October 18, 1995 and held for 27 months in Toronto's Don Jail (Thangavelu, 2001). The basis for his detention was the security certificate signed by the Minister of Immigration and the Solicitor General of Canada deeming him a 'danger to the security of Canada.' A security certificate is governed by the Immigration and Refugee Protection Act (IRPA) and legalizes the detention and deportation of non-citizens deemed threats, or potential threats to national security based on secret material and evidence⁸. The treatment Manickavasagam Suresh received from the Canadian legal system is characteristic of the problematic procedural and racist nature of security certificates wherein racialized non-citizens are marked and persecuted as terrorists and bureaucratic legal proceedings are used to create a state of exception based upon racial profiling (Razack, 2008, 34). Mr. Suresh was detained not by a court order, or because he was charged with a crime, but because he was considered a security threat based on the opinion of the Canadian Security Intelligence Service (CSIS) as documented in the security certificate signed by the Minister of Immigration and the Solicitor General. In "'Your Client Has a Profile': Race in the Security Hearing," Sherene Razack theorizes the security certificate as producing a state of exception (Razack, 2008, 26). In one fell swoop the security

⁸ At the time of Mr. Suresh's detention on 'national security' grounds, the 'Immigration Act, 1976' governed the security certificate regime. The IRPA replaced the Immigration Act in 2002. In a 2007 landmark Supreme Court decision *Charkaoui v. Canada (Citizenship and Immigration)* the Supreme Court ruled that provisions allowing for the detention of non-citizens within the IRPA violated s.7, s. 9 and 10(c) of the Canadian Charter of Rights and Freedoms because of the reliance upon secret material and evidence. In response the Government of Canada passed new provisions in the IRPA in 2008 that amend the IRPA and security certificate regime by requiring special advocates to review a summary of the evidence against the detainee.

certificate both “targets *and* condemns,” positioning the racialized non-citizen in “a place in law where he has limited due-process rights” (Razack, 2008, 26). This state of exception is racially produced, and for most security certificate detainees it is an eviction from political community that is based on anti-Muslim and anti-Arab racism.

Secret material and vague evidence were also relied upon by the Canadian state in the case of Satkuneswaran Kandiah. Federal Court Justice Max Teitelbaum found reasonable grounds to believe that Mr. Kandiah “was a high ranking functionary within the [Peoples Liberation Organization of Tamil Eelam] PLOTE and later joined the LTTE in a leadership capacity” based on secret evidence which was not made public, and the fact that Mr. Kandiah’s submissions did not convince him otherwise (Kandiah (Re), 1997). The evidence that is publicized refers to Mr. Kandiah posterizing and providing meals for PLOTE, but nevertheless a security certificate was issued against him.

Unlike Mr. Kandiah whose supposed membership in PLOTE and the LTTE was centered on activity in the state of Sri Lanka, Mr. Suresh was accused of being a leader of the WTM in Canada, and *therefore* a member of the LTTE. The 2002 Supreme Court decision in *Suresh v. Canada* concluded legal proceedings against Manickavasagam Suresh, which had been initiated by the Minister of Citizenship and Immigration in 1995. The decision entrenches a two-tier system of justice within which non-citizens are stripped of due-process rights because they can be racialized as a ‘threat’ or ‘danger’ to national security, and potentially deported to the risk of torture, an exception that violates international law and has come to be known as the ‘Suresh exception.’ The decision also relies upon a racialized notion of ‘terror’ that operates to launch racialized non-citizens into states of exception where the state of Canada was sanctioned by the Supreme Court

of Canada to disregard its international legal obligations regarding the principle of non-refoulement of refugees if it could cite the interest of ‘national security.’

In Mr. Suresh’s case a profile as a Tamil man who supported a separatist or nationalist cause, was involved in the Tamil community, and noted as a prominent figure in the WTM became enough for the CSIS, the Minister of Immigration, the Solicitor General, and the Federal Court of Appeals to mark him as a terrorist, a member of a ‘terrorist organization,’ the LTTE, and deem him inadmissible to Canada and seek to deport him as a danger to the security of Canada. The irony of the persecution of security certificate cases is that while Mr. Suresh was considered so dangerous to national security that the government sought to deport him, his case, like other security certificate cases, never relied on the commission of criminal or violent acts, but upon a racial profile and the notion of a *potential* threat. In Mr. Suresh’s case it ought to be noted that what constitutes ‘terrorism’ or ‘potential terrorism’ for the racialized non-citizen, would be considered activism for a white citizen. A Toronto Star article on Mr. Suresh’s arrest notes that his arrest “was made as local Tamils were preparing to travel to New York to stage a peaceful protest against Sri Lanka’s President Chandrika Kumaratunga during celebrations to mark the 50th anniversary of the United Nations” (Lakey, 1995). A letter published in the Toronto Star on September 6, 2001 also highlights the lack of substance in the charges against Mr. Suresh, as well as his service to his community, “Manickvasgam [sic] never committed a single crime (not even picking up a parking ticket) in Sri Lanka or in Canada, but was detained in jail for more than two years because he was a social worker for the Tamil community” (Kulendiren, 2001).

Denial of due-process rights is also achieved through placing evidentiary onus to prove innocence upon the non-citizen, relieving the Crown of its obligation to prove guilt. In Mr. Suresh's case, it was incumbent upon him and his legal team to prove a *prima facie* case that he faced torture if deported to Sri Lanka. The relocation of evidentiary onus is only possible because the racialized non-citizen is evicted, or cast out from political community, and thus has to prove and provide evidence that he is *not* a danger to the security of the country. In the Supreme Court's decision in *Suresh v. Canada*, the Court defers to the Minister's determination regarding a finding of 'danger to the security of Canada,' "Provided the Minister is able to show evidence that reasonably supports a finding of danger to the security of Canada, courts should not interfere with the Minister's decision" (*Suresh v. Canada*, 2002, 977). However the Court notes that to require "direct proof of a specific threat to Canada...is to set the bar too high" (*Suresh v. Canada*, 2002, 978).

Mr. Suresh was also marked as a terrorist for his supposed role in both the WTM and LTTE before either one of these groups was proscribed as a terrorist entity. In fact, in confirming the security certificates issued against Mr. Suresh and Mr. Kandiah despite the LTTE not being listed as a terrorist organization in 1996, Gaetan Blais a spokesman for the CSIS commented that, "The CSIS does not investigate ethnic communities. It investigates persons, individuals...The Canadian government is not in the practice of labeling organisations — as other countries may have — as being terrorist or illegal" (Borst, 1996). Ten years later the listing of the LTTE as a terrorist organization certainly had, as Sivalingam (2008) demonstrates, the effect of investigating, labeling, and targeting the entire Tamil community as 'terrorists,' and outside of the 'Canadian public.'

Thus while the *Suresh v. Canada* case has been analyzed and framed as a significant ‘post-9/11’ decision by the Supreme Court of Canada, I argue that it ought to be understood as a decision which produces a population of racialized Tamils through the Canadian legal system’s treatment of Manickavasagam Suresh. *Suresh v. Canada* (2002) produces the Tamil diaspora as a targeted population in Canadian legal discourse. Not only does this decision mark Tamils, both in the diaspora and the homeland, as ‘terrorists,’ but crucially, as ‘potential terrorists,’ as potentially threatening and dangerous to the Canadian state and therefore outside of political community and excluded from rights and protections conferred by the state of Canada. This eviction from political community occurs on racial grounds and has continued to impact Tamils in Canadian legal proceedings.

IV. Inadmissible for Serious Criminality

In addition to being racialized as ‘terrorists’ in Canadian legal discourses, Tamils have also been racialized as ‘thugs.’ While this form of racial stereotyping, discrimination and racial profiling by Canadian news media and law enforcement circulated before ‘9/11,’ it became an issue of ‘national security’ after ‘9/11.’ In this section I discuss cases where Tamil men faced immigration detention and/or deportation because of their supposed associations with street gangs operating in the Greater Toronto Area that were racialized through the news media and law enforcement as ‘Tamil street gangs’ and reportedly associated with the LTTE. The targeting of this group of Tamil men through immigration law proceedings for detention and deportation marks the first time in Canadian immigration law that street gangs have constituted ‘organized crime,’ and that ‘serious criminality’ has been established on the grounds of supposed

membership or association with a street gang (Blackwell, 2001; Shephard, 2006). This use of deportation proceedings to do the work of the criminal justice system was only possible because the groups were racialized as ‘Tamil youth street gangs’ and linked to the LTTE. Consequently their alleged members were evicted from Canadian citizenship, membership in Canadian political community, and no longer understood as refugees and permanent residents deserving of the protections, due process, rights and freedoms that are supposedly available in the Canadian legal system, or holding the capacity to be ‘rehabilitated’ which a key stated goal of the punitive aspects of the criminal justice system.

On October 18, 2001 a mass police raid resulted in the arrests of 51 Tamil men on the grounds of their association in ‘Tamil street gangs’ (Shephard, 2006; Shephard, 2001). This raid was the culmination of a police task force targeting alleged Tamil gang members titled ‘Project 1050,’ a joint task-force between Citizenship and Immigration Canada and the Toronto Police Service (Shephard, 2006). In addition to ‘Project 1050,’ the Metropolitan Toronto Police also had a unit known as the ‘Tamil Task Force,’ dedicated towards criminal surveillance and investigations of alleged Tamil youth street gangs (Sivalingam, 2008, 95). Throughout media reports, courtroom testimony, and rulings the detention and deportation proceedings of individuals including Jothiravi Sittambalam, Panchalingam Nagalingam, Kaileshan Thanabalasingham, Jeyaseelan Thuraisingam, and Suresh Kanagalingam among many others were depicted as steps taken by law enforcement agencies at various levels from the Royal Canadian Mounted Police (RCMP) to the Canadian Border Services Agency (CBSA) to ‘protect’ and ‘safeguard’ the Tamil community in the Greater Toronto Area. I argue instead that the

racialization of these alleged Tamil street gang members ought to be read as a further eviction of ‘Tamilness’ from the ‘Canadian public.’ The treatment of alleged gang members in Canadian immigration proceedings where they were detained and deported both harkens back to the lack of due process Manickavasagam Suresh and Satkuneswaran Kandiah faced in the security certificate regime, while also precipitating the racialized targeting of Tamil refugees who arrived aboard the MV Ocean Lady and MV Sun Sea, as ‘terrorists,’ ‘deviant’ migrants and inherently ‘illegal’ and ‘illegitimate’ refugees abusing the Canadian judicial system.

The main avenues through which the alleged Tamil street gang members were racialized are, firstly—the application of a different standard to establish ‘serious criminality’ in the Immigration Act (and later the IRPA) than in the Criminal Code of Canada through the differing definitions of a “criminal organization” and a “serious offence”; secondly—the reliance upon circumstantial media reports, law enforcement, and intelligence information depicting Tamils as ‘thugs,’ and ‘terrorists,’ in court proceedings to establish ‘serious criminality’ as grounds for refoulement; thirdly—the misuse and abuse of detention provisions in the Immigration and Refugee Protection Act (IRPA); and finally—the propagation in legal and media discourses that the alleged street gang members were inherently lawless and brazen criminals or ‘terrorists’ holding the Canadian legal system ‘at siege.’ Together these findings demonstrate that the Tamil men who were linked to street gangs and the LTTE faced differential, discriminatory, oppressive, and marginalizing treatment including immigration detention and deportation, and were explicitly targeted by law enforcement and the judicial system as a consequence of being racialized as Tamils, and therefore ‘thugs’ and ‘terrorists.’

The Criminal Code of Canada and the IRPA rely upon significantly different standards for establishing “organized criminality” and the commission of a “serious offence.” Concerning the discrepancy in standards for justifying refoulement, the Federal Court of Appeals ruled, “only acts of substantial gravity would meet the threshold” (*Nagalingam v. Canada (Minister of Citizenship and Immigration)*, 2012 FC 176, 9). While the differing standards are indicative of a lower burden of proof within the IRPA which undeniably targets and disproportionately affects racialized migrants, the application of these standards by the Immigration and Refugee Board, Federal Court, and Federal Court of Appeals further demonstrates the racialized targeting of Tamil non-citizen refugees and permanent residents detained following the ‘Project 1050’ raid. In cases related to the primary targets of ‘Project 1050’ circumstantial evidence was deemed acceptable towards linking the men to the ‘Tamil street gangs’ ‘A.K. Kannan’ and ‘V.V.T.’ as well as towards establishing that certain men were the alleged leaders of these ‘criminal organizations.’ Rather than relying upon the criminal convictions of the alleged ‘street gang’ members to establish grounds for refoulement, police testimony on gang activities, membership and organization including a 2,195 page statutory declaration from a member of the Toronto Police Service detailing his involvement in the ‘Tamil Task Force’ was used as evidence (*Nagalingam v. Canada* 2012 FC 176, 5). The reliance of law enforcement agencies involved in ‘Project 1050’ on evidence outside of the alleged gang members criminal records was necessary because most did not have convictions for ‘serious offences,’ and therefore circumstantial evidence was drawn upon to establish that they had likely committed, or been associated with substantially grave crimes and that they had the character traits of ‘serious criminals.’ The use of such

evidence to establish ‘serious criminality’ was actually a process of creating a ‘racial profile’ of these Tamil ‘thugs’ as not being suitable for ‘rehabilitation,’ even though many had dated criminal convictions, and all had served time for these convictions.

There are multiple instances of circumstantial evidence being weighed and seriously considered as grounds for refoulement. At a 2005 detention review for Jothiravi Sittambalam (who had been detained at that point since the 2001 police raid) when his lawyer argued that no current evidence of his gang involvement existed and that Mr. Sittambalam had not had a criminal conviction since February 1998, the Minister’s lawyer contended that Mr. Sittambalam could not have been ‘rehabilitated’ because “he had never admitted to his gang membership” (*Canada v. Jothiravi Sittambalam*, 2005, 6). Furthermore the detention of Jothiravi Sittambalam was in part justified because he had reportedly been the target of two attacks in 2001 and thus could not be released “on the ground of danger (ie. that innocent members of the public might be caught in the crossfire)” (*Canada v. Jothiravi Sittambalam*, 2005, 7). Immigration and Refugee Board hearings became adjudications of the men’s characters, and their potential to be ‘rehabilitated,’ where as a consequence of being racialized as ‘thugs’ and ‘terrorists’ they were consistently found to be lacking. As Razack writes:

The ‘crime’ in security cases is not a crime but something born in the blood or the psyche, a hidden indicator of a latent capacity to be violent. Because the capacity to be violent is an internal quality, people are condemned for what they might do (based on who they are) and not for what they have done (Razack, 2008, 35).

The ‘serious criminality’ of alleged Tamil ‘street gang’ members became an issue of securing the ‘public safety’ and ‘national security’ of Canada, which is inherently tied to

whiteness. Thus establishing ‘criminality’ by racializing Tamils as ‘thugs’ and ‘terrorists’ replaced evidence of criminal convictions, and the arrests of ‘Project 1050’ targets became an immigration and security issue because of the race, and specifically, the ‘Tamilness’ of those detained.

In news media articles following the ‘Project 1050’ police raid and arrests media outlets often relied upon RCMP intelligence reports to link the ‘street gangs’ to the LTTE (Canadian Press, 2003), while others argued that it would not violate Canada’s international legal obligations to deport alleged Tamil ‘street gang’ members because they would not face torture and persecution in Sri Lanka. Of Jothiravi Sittambalam, the National Post wrote “Sittampalam [sic] is a common criminal; he is not a member of the LTTE,” but nevertheless racialized this ‘common criminal’ as a threat to Canada (National Post, 2007). Finally the media and law enforcement agencies consistently depicted the lengthy review processes for deportation, and the release of many of those arrested during the ‘Project 1050’ raid while they awaited their hearings, as an abuse of the Canadian legal system by Tamil ‘illegals,’ ‘thugs’ and ‘terrorists.’ The arrest of the alleged Tamil ‘street gang’ members allowed the media to racialize them as menaces to society, and threats to Canada regrettably noting the ‘liberal,’ ‘lax,’ and ‘lengthy’ deportation processes afforded to these Tamil ‘illegals,’ ‘thugs’ and ‘terrorists.’ As the National Post reported in 2003, “Immigration officials made deporting the gang members a priority, but they have been stymied by the complexity of the cases and an immigration system that allows illegals to fend off deportation by making repeated appeals” (Bell, 2003). Here Tamils, and particularly Tamil youth are racialized as ‘illegals’ threatening the public safety of Canada despite the fact that they were Convention refugees and

permanent residents. In 2006 the fact that only two of the 51 men arrested during the 2001 'Project 1050' raid had been deported was cited as further evidence that these 'thugs' and 'terrorists' were misusing the Canadian legal system (Shephard, 2006), rather than as evidence that many had been unjustly targeted and racially profiled by the Toronto Police Service and Citizenship and Immigration Canada. Another legal and media narrative credited law enforcement agencies like the Toronto Police Service, rather than the Tamil community itself with curbing gang and gun violence amongst youth. Sivalingam (2008) offers a different narrative than that popularized in the media, centering and locating the agency of the Tamil community rather than crackdowns by law enforcement:

Through extensive community advocacy with media and law enforcement agencies, as well as increased social programs directed at at-risk Tamil youth by organizations, the cycle of violence dissipated and as a result media coverage of 'Tamil youth gangs' declined⁹ (Sivalingam, 2008, 77).

In sum, the detention and deportation of alleged Tamil 'street gang' members as threats to Canada's security was accomplished as a racial project reliant upon the racialization of Tamils, and especially the figure of the Tamil youth as outside of the peaceful, law-abiding 'Canadian public.' Although this racialization also occurred in media discourses, it was significantly validated and considered as evidence in Canadian courtrooms including the Immigration and Refugee Board, the Federal Court, and the Federal Court of Appeals. The targeting of alleged Tamil 'youth street gang' members

⁹ The findings of Sivalingam (2008) are supported by a report by the Canadian Tamil Youth Development Centre (CanTYD) entitled 'Toronto Tamil youth: the realities' (Balasingam, 2000).

through a racialized legal process is akin to the targeting of Manickavasagam Suresh and Satkuneswaran Kandiah through the security certificate regime as it similarly marks the state's eviction of Tamils from the rights, freedoms, and protections associated with Canadian citizenship, and belonging in the Canadian political community.

V. Citizens Extradited

The final section of my discussion of the racialization of Tamils as 'terrorists' in Canadian courts examines the extradition of three Tamil Canadian citizens to the U.S. on terror charges where two of them, Suresh Sriskandarajah and Piratheepan Nadarajah to face 25 years to life imprisonment if convicted. Mr. Sriskandarajah, Mr. Nadarajah as well as Ramanan Mylvaganam were extradited to the U.S. on terror charges despite the fact that in each of their cases, all the material elements of their alleged crimes took place in Canada. The security certificates issued against Manickavasagam Suresh and Satkuneswaran Kandiah in 1995, as well as the detention and deportation proceedings against alleged Tamil 'street gang' members following the 2001 'Project 1050' raid were instances where the refusal to use the Criminal Code of Canada to prosecute Tamils accused of crimes, or to recognize sentences served as a result of criminal convictions, resulted in denial of due process based on racialization, racial profiling and racism where the judicial system marked Tamils as 'terrorists' and threats to 'national security' to be deported. The extradition of Mr. Sriskandarajah, Mr. Nadarajah, and Mr. Mylvaganam demonstrates that the eviction of Tamils from the 'Canadian public' and membership in Canadian political community which I have demonstrated in cases involving Tamil non-

citizens is also evident for Tamil Canadian citizens, and through the Supreme Court of Canada's upholding of the Anti-Terrorism Act, the Tamil community as a whole.

The 2012 Supreme Court of Canada decision in *Sriskandarajah v. United States of America* addressed the appellants' submissions that their extradition to the U.S. would violate and unjustifiably infringe upon their s.6 mobility rights as citizens to remain in Canada under the *Canadian Charter of Rights and Freedoms*. In a companion case the Supreme Court decision in *R. v. Khawaja* addressed the appellants' submissions that the definition of 'terrorist activity,' its associated 'political and religious motive clause' and other anti-terror provisions in the 2001 Anti-Terrorism Act which criminalized their alleged conduct, were overbroad, violated and unjustifiably infringed upon constitutional rights secured by sections 2 and 7 of the Charter pertaining to fundamental freedoms of expression and association, as well as the right to "life, liberty and security of the person" (Canadian Charter of Rights and Freedoms, 1982). In both *Sriskandarajah v. United States* and *R. v. Khawaja*, the Supreme Court of Canada upheld the impugned provisions, finding that Mr. Sriskandarajah and Mr. Nadarajah's Charter rights had not been unjustifiably infringed upon, that the provisions of the Anti-Terrorism Act were not unconstitutional, and that as a consequence Mr. Sriskandarajah and Mr. Nadarajah were to be extradited. More broadly, the Supreme Court of Canada ruled against any 'chilling effect' on freedom of expression and association resulting from the Anti-Terrorism Act's definitions of 'terrorist activity' and its 'political and religious motive clause' which states that 'terrorist activity' *must* be committed "for a political, religious or ideological purpose, objective or cause" (*R. v. Khawaja*, 2012, 16). I argue that by upholding these impugned provisions of the Anti-Terrorism Act the Supreme Court of Canada legally

endorsed and thus intensified the ‘chilling effect’ on targeted communities like the Tamil community and gave legal assent to the state’s targeting of Tamils, especially Tamil youth.

The 2012 extradition of Mr. Sriskandarajah, Mr. Nadarajah, and the earlier extradition of Mr. Mylvaganam in 2009 depended upon their alleged crimes being criminalized in Canada under the 2001 Anti-Terrorism Act. Thus the two issues of their rights to remain in Canada as well as their submission that the Anti-Terrorism Act operates on an unconstitutionally broad definition of ‘terrorist activity,’ and creates a ‘chilling effect’ on freedom of expression and association through its ‘political and religious motive clause’ are inextricably linked towards justifying their racialized eviction from political community and Canadian citizenship.

In its submission as an intervener the Canadian Civil Liberties Association (CCLA) wrote:

The content of the right to remain in Canada minimally includes an expectation that a legal resident can rely upon Canadian constitutional and legal structures for governance and protection. The CCLA submits that where alleged criminal activity, and alleged impact of criminal activity is not found in the requesting State, but within Canada, then pursuant to s. 6 of the Charter, there is an expectation and right to be tried by Canadian courts pursuant to Canadian laws and legal practices (CCLA, 2012, 7-8).

The Supreme Court decision in *Sriskandarajah v. United States* is an indication that Tamil citizens have been found outside the constitutional and legal structures that ought to exist to secure due process in a manner similar to the treatment and targeting of Tamil

non-citizens. Thus even where Tamils nominally hold Canadian citizenship, these legal protections are abdicated by the state even as it alleges criminal conduct. In endorsing the extradition of Mr. Sriskandarajah and Mr. Nadarajah the Supreme Court of Canada protected and legalized the exercise of exorbitant jurisdiction by the U.S. ahead of the rights, protections, and freedoms owed to its own citizens, because they had been racialized as ‘terrorists.’ Mr. Sriskandarajah and Mr. Nadarajah never entered the U.S. in the commission of their alleged crimes but because they were targeted by ‘Project ONeedle’ a joint RCMP and FBI investigation, law enforcement authorities in both Canada and the U.S. argued that they should be prosecuted in the U.S. The Supreme Court of Canada in turn, found this permissible because “...it seems clear on the facts alleged here that the conduct described is connected in one way or another with the use of e-mail accounts, companies and bank accounts based within the United States” (*Sriskandarajah v. United States of America*, 2012, 20). The Court also deferred to Ministerial discretion, specifically the decision-making powers of the Minister of Justice to determine whether or not extradition should occur, and further ruled that the Minister cannot be compelled to release all the factors or sources of information that influenced his decision. Here we find, as Razack writes “the suspension of rights appears not as a violence but as the law itself” (Razack, 2008, 9). The authorization of extradition and an ‘out sourced’ prosecution in *Sriskandarajah v. United States of America* is further evidence that race *and* citizenship status, rather than solely citizenship status, marks the boundary between who is within, and who is outside of political community in the white settler state. It also confirms the targeting of Tamils on both grounds.

The Supreme Court's companion decision in *R. v. Khawaja* further intensifies the racialization of Muslims and Tamils, and their eviction from the legal protections supposedly guaranteed by the Charter where, "For such bodies, judicial protection no longer applies, as the law itself determines that they are to be deprived of fundamental rights" (Razack, 2008, 179). In upholding the broad provisions of the 2001 Anti-Terrorism Act the Supreme Court of Canada legalized and accorded judicial assent to the racist targeting of Muslims and Tamils in the name of 'anti-terrorism.' In a prior ruling in the same case, the Ontario Court of Appeal "dismissed the adverse impact of the law on unpopular minorities and unpopular forms of expression as 'the temper of the times'" (BCCLA, 2012, 7). A key issue in *R. v. Khawaja* was whether s.83.18 of the Criminal Code of Canada which criminalizes participation in or contribution to the activity of a terrorist group violates Section 7 of the Charter because the appellants argued that when combined with the definition of terrorist activity in s.83.01 (1), it resulted in an overbroad definition by "criminalizing conduct that creates no risk of harm and is only tenuously connected to Parliament's objective of preventing terrorist activity" (*R. v. Khawaja*, 2012, 28). According to s.83.18 (2):

the Crown does not have to prove that (a) the terrorist group actually facilitated or carried out a terrorist activity, that (b) the accused's acts actually enhanced the ability of a terrorist group to do so, or that (c) the accused knew the specific nature of any terrorist activity facilitated or carried out by a terrorist group (*R. v. Khawaja*, 2012, 31).

As the British Columbia Civil Liberties Association notes this definition when combined with s.83.03 (b) which criminalizes the direct or indirect collection of property, provision

of financial or other related services knowing that these would be used for the benefit of a terrorist group is so broad as to potentially criminalize charitable giving for humanitarian relief and non-violent purposes, even a restaurant manager who accepts a reservation from someone associated with a proscribed terrorist group, or doctors and lawyers whose patients or clients are alleged terrorists (BCCLA, 2012, 5-6). For the Tamil community the proscription of the LTTE and the WTM as terrorist organizations puts a wide range of political advocacy and community organizing within the possible scope of the Anti-Terrorism Act. The criminalization of non-violent expressive activities as ‘terrorist activity,’ is crucially dependent upon the proscription of terrorist groups by the Cabinet, which as I have argued operates based on racial profiling, targeting, and racialization of entire communities, like the Tamil community as ‘terrorists.’

On the question of whether the impugned provisions of the Anti-Terrorism Act violate or unjustifiably infringe upon s.2 of the Charter which provides for freedom of expression and association on political and religious grounds the Court found that “it is impossible to infer, without evidence, that the motive clause will have a chilling effect on the exercise of s.2 freedoms by people holding religious or ideological views similar to those held by some terrorists” (*R. v. Khawaja*, 2012, 46). The Court further ruled that “any chilling effect that results from police misconduct, such as profiling based exclusively on ethnicity or religious belief, is not a chill created by the terrorism legislation,” neglecting to understand as the appellants argued that it is the Anti-Terrorism Act, and its ‘political and religious motive clause’ which criminalizes political, religious, and ideological positions (*R. v. Khawaja*, 2012, 47). The Supreme Court asserted “the impugned provision is clearly drafted in a manner respectful of diversity, as

it allows for the non-violent expression of political, religious or ideological views. It raises no concerns with respect to improper stereotyping,” while simultaneously finding that non-violent speech or expression construed as ‘threats of violence’ or supportive of violence was outside of the protections of s.2 of the Charter (*R. v. Khawaja*, 2012, 48). Meanwhile, s.2 (b) has been found to protect “harmful speech, such as lies, child pornography and hate speech” (BCCLA, 2012, 7). The failure of the Supreme Court of Canada to recognize the ‘chilling effect’ created by the Anti-Terrorism Act, and to apply Charter rights protections to the speech and expression of targeted groups like Tamils and Muslims is a decision that marks communities racialized as ‘terrorists’ as outside of judicial protection. In the circuitous view of a Supreme Court dedicated towards securing the ‘public safety’ of white settlers, such expression, community organizing, and political advocacy “[undermines] the very values and social conditions that are necessary for the continued existence of freedom of expression” (*R. v. Khawaja*, 2012, 42). Taken in the context of the racialization of Tamils and Muslims as ‘terrorists,’ *R. v. Khawaja* finds the Canadian legal system ruling that fundamental freedoms and rights are unavailable to racialized communities marked as ‘threats to national security.’ In upholding the constitutionality of the Anti-Terrorism Act, the Supreme Court of Canada further entrenched and contributed to the very racialized ‘chilling effect’ it denied the existence of, further establishing itself as a legal entity committed to legalizing and endorsing the targeting and profiling racialized communities. Thus while I began this chapter with an epigraph from a statement by the former leader of the WTM asserting that the position of supporting the right of Tamils to self-determination in the North and East of Sri Lanka

was a position the organization and its members were constitutionally entitled to hold, the Supreme Court in *R. v. Khawaja* has significantly ruled otherwise.

VI. Conclusion

A re-reading of the *Suresh v. Canada* decision indicates that it secures not only the legal possibility of deportation to death or torture, but also the production of a racialized and legally abandoned population in the name of protecting the national security of a white settler state founded upon colonialism, capitalism, and heteropatriarchy. Razack argues that:

Communities without the right to have rights are significantly different from communities who are merely discriminated against. They are constituted as a different order of humanity altogether by virtue of having no political community willing to guarantee their rights, and whatever is meted out to the ‘rightless’ becomes of no concern to others. Indeed, their very expulsion from political community fortifies the nation state (Razack, 2008, 7).

For Tamils, tracing the eviction from political community through Canadian legal discourses and jurisprudence demonstrates that the discourse of terror provided the configuration for the abandonment of this racialized population both within the state of Sri Lanka, and outside of it especially through the targeting of Tamil youth as ‘terrorists,’ and ‘thugs.’ A population is evicted from political community when the abandonment, violence, torture, displacement, terror, and mass death it faces can be celebrated as the safety, security, stability, and success of the modern nation-state. In 2002, the Supreme Court of Canada codified this abandonment as the ‘Suresh exception.’ By examining the

racialization of Tamils as ‘terrorists’ it is evident that the white supremacist and racialized logic that targets Tamils as ‘terrorists’ endangers Tamils in the state of Canada operates transnationally. As I will discuss in the next chapter, the positioning of the bodies of Tamil youth as threats to white mobility and the white settler state was crucial to the racialization of Tamils protesting the GOSL’s genocide of Tamils, as ‘terrorist-supporters.’ The signifier of Tamil as ‘terrorist’ or ‘potential terrorist’ has not just had a ‘chilling effect’ on Tamil community organizing or political advocacy, it has been crucial to the transnational operation of a state of exception around the ongoing genocide against Tamils by the Government of Sri Lanka (GOSL), the mass civilian casualties at the end of the war between the GOSL and the LTTE in 2009, as well as the denial of Eelam Tamil nationhood, self-determination, and sovereignty.

Chapter FOUR

“A right way and wrong way to protest”: The Framing of the Gardiner Protest as a Multicultural ‘Crisis’

The Government (GOSL) shelled on a large scale in three consecutive No Fire Zones, where it had encouraged the civilian population to concentrate, even after indicating that it would cease the use of heavy weapons. It shelled the United Nations hub, food distribution lines and near the International Committee of the Red Cross (ICRC) ships that were coming to pick up the wounded and their relatives from the beaches. It shelled in spite of its knowledge of the impact, provided by its own intelligence systems and through notification by the United Nations, the ICRC and others. Most civilian casualties in the final phases of the war were caused by Government shelling...

The Government systematically shelled hospitals on the frontlines. All hospitals in the Vanni were hit by mortars and artillery, some of them were hit repeatedly, despite the fact that their locations were well-known to the Government. The Government also systematically deprived people in the conflict zone of humanitarian aid, in the form of food and medical supplies, particularly surgical supplies, adding to their suffering. To this end, it purposefully underestimated the number of civilians who remained in the conflict zone. Tens of thousands lost their lives from January to May 2009, many of whom died anonymously in the carnage of the final few days.

--UN Panel of Experts, 2011, ii

On the evening of May 10th 2009, a group of thousands of Tamils protested on the Gardiner Expressway for several hours. The protesters demanded an audience with Prime

Minister Stephen Harper, as well as Canadian and international intervention in the conflict between the GOSL and the LTTE towards establishing a ceasefire following ongoing reports of mass Tamil civilian deaths (CityNews.ca, 2009). In this chapter I discuss media, state, and scholarly portrayals of the Gardiner Protest, locating the protesters' resistance within the projects of spatial and racial management integral to the white settler state. The protests were positioned as violating Canadian norms where public spaces are implicitly defined as abstract planes for territorial control by a white settler state, and the highway in particular, as a space that exists to facilitate white mobility. I examine how the protest came to be termed an 'occupation,' and how it further contributed to the racialization of Tamils as 'terrorists.' I relate how the state, and state actors situated themselves as neutral and measured while perpetuating racist discourses that circulated in the media. Despite the motivation for the protest being the suffering, targeting, and mass deaths of Tamil civilians in the final stages of the conflict between the GOSL and the LTTE, the Gardiner Protest is only allowed to appear in Canada's public discourse as a multicultural 'crisis.' Through such an understanding, white settlers became 'victims,' and Tamils, especially 'radicalized' second-generation Tamils, are positioned as problems and threats to be studied, de-radicalized, controlled, and surveilled. Thus I conclude this chapter by examining how popular and academic discourse on the protests has focused on the figure of the 'radicalized' Tamil youth, contributing to the ongoing targeting of diaspora Tamil youth by the Canadian state's counter-terrorism initiatives.

I. The Space of the Gardiner Expressway

Named after Frederick G. Gardiner, a Toronto city councilor, the Gardiner Expressway was built between 1955 and 1966 (Waterfront Toronto, Unknown Date). The Gardiner Expressway traverses the city of Toronto along Lake Ontario, stretching from “west of Jarvis to Logan Avenue” (Waterfront Toronto, Unknown Date). It was built at a cost of \$103 million and costs the city between \$6 and 10 million a year in upkeep and repairs (Waterfront Toronto, Unknown Date). The Gardiner Expressway occupies the shared territory of Haudenosaunee and Anishinaabe peoples, and at the time of the protest was subject to a land claim known as the Toronto Purchase Claim between the Crown and the Mississaugas of New Credit under the Government of Canada’s colonial ‘Specific Claims Policy’ (Aboriginal Affairs and Northern Development Canada, 2010). Part of what is at issue in the Toronto Purchase Claim is the fact that in 1805 the Mississaugas were only compensated 10 shillings for 250,880 acres, or much of what now constitutes metropolitan Toronto. The Crown’s proposed settlement in the Toronto Purchase Claim is \$145 million (Ibid, 2010), less than what the City of Toronto has spent on the Gardiner Expressway alone. It is not difficult then to understand the Gardiner Expressway as emblematic of infrastructure in the white settler state. It was built and funded by a municipality and state that exist because of ongoing and violent processes of settler colonialism, and that have been stealing, appropriating, polluting, deforesting, mining, and destroying both land and Indigenous communities on Turtle Island for centuries. Yet as news of the protest broke on the evening of May 10th, it was in accordance with the logic of white settler colonialism, Tamil protesters who were framed as illegitimate and illegal occupiers. The racial logics of white settler colonialism are

readily apparent when for daring to protest a genocide on land that was ‘bought’ for 10 shillings by white settlers and demand the liberation of their homeland as Tamil Eelam, Tamil protesters were framed as ‘exploiting’ the ‘privileges’ accorded to them by multicultural Canada, and faulted for *their* ‘occupation’ of the Gardiner Expressway.

As events unfolded on the Gardiner Expressway the deaths of Tamil civilians, the genocidal result of war crimes and crimes against humanity, and the motivation behind the protests were ignored. Yet the bodies of Tamil protesters as a ‘mob’ of racialized people in downtown Toronto became signifiers of invasive, racialized ‘occupiers’ impeding white mobility. On the evening of May 10th and in the days following, the Gardiner Protest came to be representative, not of the ongoing violence and genocide against Tamils in the state of Sri Lanka, but of the ‘dangers’ of multiculturalism as was apparently particularly evident by the extent to which second-generation Tamil youth were present at, and involved in the protest (Godwin, 2012, 164). The state effectively managed the protest on the Gardiner Expressway so as to justify, and further entrench the transnational norm of ignoring and remaining complicit in mass Tamil civilian deaths on their homelands, while using the protest to further claim the legitimacy of white settler colonialism, and the impending ‘threats’ to whiteness posed by second-generation racialized Tamil diaspora youth. I argue that the space of the Gardiner Expressway was crucial to the unfolding of these events.

Lefebvre approaches space as a social product that is implicated and used not only materially, but symbolically as well (Lefebvre, 1991). Social space is then both a means of control and domination, and critical to the exercise of power and resistance (Lefebvre, 1991). Lefebvrian theories of space can be used to understand the material and symbolic

significance of spatial resistance because he argues that the naturalization of space is only evident when space is disrupted (Lefebvre, 1991). Lefebvre helps us challenge the notion that a highway is merely a neutral and natural piece of public infrastructure. In fact, a highway is regulated and planned. It is structured such that bodies can only move through it in particular ways, and bodies are constituted by such interactions, forming white settler capitalist subjects traveling from one site of private property to another. Highways exist to bypass the messy, racialized 'inner city,' they exist explicitly for the purpose of white supremacist, capitalist efficiency. What a highway is and isn't, what can be done on it, what cannot be done on it, and how it is thought of and represented are all performed and produced conditions that need to be maintained on a daily basis, constantly re-enacted and re-inscribed. Here on occupied Turtle Island, white settler citizens understand the right to the highway as a right of Canadian citizenship, a logic which consequently framed the bodies of Tamil protesters as an 'inconvenience.'

McCann defines abstract space as "Space represented by elite social groups as homogenous, instrumental and ahistorical in order to facilitate the exercise of state power and the free flow of capital" (McCann, 1999, 164). As a white settler moves between private and public space, he knows himself primarily through his legitimacy to travel and be mobile on this land, which is actually understood as territory and property. Space is produced and reproduced through reference to race and the perceived influx of Tamils taking over the space of the Gardiner Expressway violated the settler colonial understanding of what a highway is, what its purpose is, who should use it, how it came to be, and what it represents. As a space intended for efficient automotive travel, the Gardiner Expressway exists both materially and symbolically in settler infrastructure for

the purpose of white mobility. White mobility is critical to the settler's understanding of settler colonial legitimacy, and the place of the settler subject on colonized land. As

Razack writes:

Moving from respectable to degenerate space and back again is an adventure that confirms that they are indeed white men in control who can survive a dangerous encounter with the racial Other and who have an unquestioned right to go anywhere and do anything (Razack, 2002, 127).

Maintaining and protecting white mobility functions both materially and symbolically, entrenching a graduated citizenship that marginalizes racialized peoples, and delegitimizes the political resistance and dissent of racialized communities. On land that has been claimed as territory and property of a white settler colonial capitalist state, public spaces exist to facilitate mobility of settlers and capital, and not for the articulation of dissent by racialized communities, or for the assertion of sovereignty by Indigenous peoples.

While the Canadian state on occupied Turtle Island portrays itself as balancing and permitting certain expressions of citizen dissent and contestation, these privileges are not accorded to Indigenous or racialized peoples. Settler colonial states secure their legitimacy by erasing the violent processes through which land becomes territory and property of the occupier. If colonialism is understood as being about land and asserting the right to private property, it is inherently and undeniably spatial. Resistance to settler-colonial states, and to the violence that the settler colonialist projects rest upon then also takes on a spatial dimension. The existence of an unwanted, marked, racialized group of bodies asserting their rights is then always a powerful act of resistance in the white settler

state. Conceptions of public space in the white settler state permit urban space to be understood as a battleground against global terrorism, but not as a battleground for diaspora, transnational, migrant, and anti-colonial justice. As a result, the boundaries of dissent are racialized through the management of urban space and subjects. However, as I will demonstrate, state management of dissent not only affects how we come to know and understand the dissenting subject but is also crucially tied to how states establish racialized legal and social borders on who counts as a citizen, a potential citizen, a civilian, and in fact, as a human.

II. Policing the Protesters

I examine the state's response to the protest on the Gardiner through statements given by public figures that were widely reported by mainstream media. The statements indicate how the dismissal of Tamil protesters' claims occurred on racial grounds. These statements also demonstrate that in the state of Canada the mass deaths of Tamil civilians were justified and further legitimized even in the face of Tamil resistance. The title of this chapter comes from a statement Dalton McGuinty, then the Premier of Ontario, gave that was quoted by the CBC saying, "I understand the passions which are here. But having said that, there is a right way and a wrong way to protest" (CBCNews, 2009). David Miller, then the Mayor of Toronto told CityNews, "Endangering public safety by occupying the Gardiner or other public highways is not the right way to make that statement" (CityNews.ca, 2009). Toronto Police Chief Bill Blair also spoke to CityNews stating, "I'm very concerned about the safety of children. I think it's an extremely dangerous situation to put children on the front line of a protest in that way, I think it puts

them at tremendous risk” (CityNews.ca, 2009). Ashutosh (2013) writes, “Ontario Police Patrol Commissioner Julian Fantino echoed Blair’s statement in stating that ‘one sector of society’ was holding the city ‘hostage’” (Ashutosh, 2013, 203). Then Councilor Rob Ford and the current Mayor of Toronto, was most virulent and direct in his criticism as he told the Toronto Sun, if he was mayor “they would have been immediately removed from the Gardiner... We can’t have this bleeding heart approach anymore because people’s and kid’s lives are in danger” (Weese and Artuso, 2009). He continued “I know if I brought my kid on the Gardiner, I’d be arrested and Children’s Aid would take my kid... If you want to protest, fine... Get a permit like everyone else does... We are not going to tolerate any more of this hoodlumism, as I call it” (Weese and Artuso, 2009). Additionally, Bev Oda, the Minister of International Co-operation in the federal Conservative government was quoted in CBC Newsworld on the subject of the presence of Eelam Tamil flags, which were widely reported as ‘Tamil Tiger’ flags at the protest, saying that this “‘would say to Canadians that... the terrorist organization is part of the demonstrations that happened’” (CBC News, 2009).

The statements made by McGuinty and Miller are directed towards the occupation of the Gardiner, which they both classify as not the “right” way to make the protesters’ point. Both McGuinty and Miller’s statements appeal to implicit and explicit norms of settler colonial logic. Namely that the landscape and infrastructure of settler colonialism are legitimate because they are inherently capitalistic and exist for the purpose of facilitating white mobility and settler domination. Under this model, protests and dissent can be passionate and address legitimate grievances, but cannot disrupt capitalism and white mobility. McGuinty and Miller are careful to grant that the protesters are within

their democratic rights, but fault their manner and methods, an implicit commentary on the protesters' inability to properly perform 'Canadian-ness' and whiteness. Miller, Blair and Ford directly employ the discourse of safety, despite the fact that the only probable and apparent threat to the protesters' safety was from the 100 armed police forces on the Gardiner threatening to use tear gas (Ctvtoronto.ca, 2009). Oda's raising of the issue of the 'Tamil Tiger' flag as I will later examine was indicative of a wider shift in the discourse on the Gardiner Protest towards understanding it as a 'crisis' of multiculturalism, particularly because young second-generation Tamil diaspora youth were observed waving this 'terrorist' flag. The presence of women and children in the Gardiner Protest has also been taken up in scholarly discourse towards emphasizing the failure of Tamils to adhere to norms of whiteness in their protest, as Godwin (2012) significantly writes, "Among the protestors who formed a human blockade of the expressway were large numbers of women and children, who aided in halting traffic in and out of the city" (Godwin, 2012, 173). Ford bluntly engages with several themes in his statements, relying upon the criminalization of dissent, the notion that racialized peoples are unfit parents and endanger their children, and that Tamils do not qualify for subjecthood and citizenship because of their inherent "hoodlumism" (Weese and Artuso, 2009). It is then also ironic that Ford appeals to the fact that "people's and kid's lives are in danger," because this is the exact rationale that motivated the protests to begin with—the indiscriminate shelling of civilian positions by the GOSL and the resulting mass deaths and casualties (Weese and Artuso, 2009). Whose bodies matter? And where do those bodies have to be for their lives to matter, as subjects?

Apart from these statements, there were many other media responses and representations of the protest. Tamil protesters were characterized as ‘Tamil Tiger supporters,’ or simply as ‘Tamil Tigers,’ which because of the Conservative government’s proscription of the LTTE as a terrorist organization in 2006 had the effect of criminalizing an entire community. Protesters were depicted as endangering and inconveniencing Torontonians, as “passionate,” “noisy,” “unlawful” and “unsafe” (Torontoist, 2009). Notable editorials include a Toronto Sun editorial entitled ‘Tamil Protest on Gardiner was criminal,’ and an article by Christie Blatchford insinuating that all Tamils are illegal immigrants and burdens upon the welfare state who should be deported (Blatchford, 2009). Blatchford wrote “I know already that some readers will argue that Tamils are Canadian, too, and of course they are, but I have to say this was not terribly in evidence Sunday night on the Gardiner Expressway for the now-notorious occupation” (Blatchford, 2009). Tamil protesters were criticized for bringing their problems with them instead of leaving them in the country of origin (Blatchford, 2009). Media representations and discourses generally engaged with an implicit ‘us’ and ‘them’ dynamic where Tamils were ‘terrorists,’ ‘Tamil Tigers,’ and always set apart from white Canadians. The mainstream media hardly engaged with issues of race, class, gender, citizenship, power, settler colonialism, whiteness and privilege in critical and insightful ways. Rather these issues were always unspoken in the background yet permeated and determined how the protesters were framed and positioned as racial Others. Instead public and media narratives focused on Tamils and ‘Tamilness’ as incongruous with responsible citizenship in ‘multicultural’ Canada instead of pondering whether the

responses to the protest might point towards the façade of official Canadian ‘multiculturalism’ in a white settler state.

The space of the Tamil body was also critical to establishing the dominant narrative about the Gardiner Protest and the focus on the failings of Tamils to integrate into ‘multicultural’ Canada rather than the very issues the community was protesting. The notion that Tamils are ‘hoodlums,’ ‘terrorists’ or ‘criminals’ speaks to the white settler subject’s discomfort with a group of Tamil bodies acting and speaking out of turn in downtown Toronto, disrupting the white supremacist notion that ‘Tamilness’ be confined to and contained in Scarborough. The reading and production of bodies as social identities occurs in and through space. Tamil protesters were produced, marked and configured in urban settler space in specific ways related to implicit notions regarding the use of public space and what is permissible. By positioning women and children on the frontlines of the occupation of the Gardiner, the protesters significantly violated the norm of the white male as the dissenting subject. The notion that Tamil women and children might have political agency within the Tamil community threatened the Canadian multicultural narrative that patriarchy and misogyny are solely results of cultural issues in racialized immigrant communities. The liberal multicultural state in part draws its legitimacy from a mythic narrative that asserts that this state is a ‘safe haven,’ the source of protection for immigrants, refugees and women of colour in particular. Thus the notion that Tamil women and children were protesting against the state presented a deeply troubling, contradictory, and challenging alternate narrative that had to be silenced. Tamils were therefore instead depicted as ‘endangering’ women and children.

While the claims and motivations of the protesters were clearly articulated, their race and tactics marked them as an agitated, dangerous, and irrational mob of racialized bodies. The protesters were criticized and further marked for being unabashedly emotional; it was not only that their bodies were out of place, but also that their minds were out of place. Their performance of a protest did not satisfy the conditions of behaviour in public space that are accepted by Canadian white settler society. Waving the flags of the Tamil separatist and liberation movement, protesters resisted the rational supremacy of the nation-state. Tamil protesters resisted the idea that emotion or affect is irrational and out of place in citizenship and civic action. For this reason both their actions and their cause were further relegated from public consideration.

III. The Making of a Multicultural ‘Crisis’

A prominent media and public concern was not only the presence of ‘Tamil Tiger’ flags at the Gardiner Protest, but that these flags were being waved by young, second-generation Tamil diaspora youth. The liberal multicultural state targeted the public’s gaze upon ‘homegrown’ Tamil Canadian youth waving the flag of a so-called terrorist organization thus making this a primary source of concern and anxiety about the protest because it violated the presumptive theory of progressive, linear integration of racialized immigrant communities. As Haque (2010) notes, in the post ‘9/11’ environment, “such stories continue to trigger intensive media coverage, scrutiny and analysis” (Haque, 2010, 80). Haque (2010) examines media coverage and public fixation on the representation of the murder of Aqsa Parvez as an ‘honour killing’ towards tracing how under official Canadian multiculturalism, the bodies of Muslim women, and

particularly the veiled Muslim woman, become “the limit case for tolerance of the Other within the nation” (Haque, 2010, 80). In particular Haque (2010) demonstrates that “the crisis of integration that lies at the heart of official state ‘multiculturalism within a bilingual framework’ necessitates a specific focus and targeting of the “second or ‘homegrown’ generation” (Haque, 2010, 80). I argue that the case of the Gardiner protest demonstrates this concern, focus and targeting of second-generation Tamil youth, women and children because it was the presence of these segments of the Tamil community on the Gardiner Expressway that most troubled and challenged the Canadian state’s official narrative of “benevolent and tolerant white settler nationalism” and “Canada’s global status as a tolerant multicultural exemplar” (Haque, 2010, 80). The presence of masses of Tamil youth, women, and children protesting the Canadian state violated the narrative of the liberal multicultural state, and as a result of their resistance these very same segments of the Tamil community and diaspora have been increasingly targeted through the surveillance of Tamil youth politics, and as I will discuss in Chapter 5—the detention of Tamil women and children aboard the *Ocean Lady* and the *MV Sun Sea* in particular.

Several scholars have examined the Gardiner Protest as a case study in the realm of diaspora politics. Here I focus on the contributions of Godwin (2012), Thurairajah (2011) focusing on the attention these authors give to 1.5 or second-generation diaspora Tamils in their depictions of the Gardiner protest and showing how their writings further erase of the salience of race and colonialism in accordance with the logic and hegemony of liberal multiculturalism. I demonstrate how, taken together, these forms of scholarship work to justify and legitimize the targeting and surveillance of Tamil youth, through

programs and studies funded by the Mosaic Institute, Public Safety Canada, DFAIT, Citizenship and Immigration Canada, as well as law enforcement agencies.

In Godwin (2012) the focus on the problematic identity formation of youth in the Tamil diaspora triggers a familiar narrative around the limits and dangers of Canadian multiculturalism. For example, Godwin (2012) writes:

Udugampola (2010) describes at length the strong and sentimental relationship many in the Tamil community have with the LTTE, particularly the younger second generation. They had come to believe that the LTTE was the only organization promoting their self-determination and defending their kin in Sri Lanka against a regime hostile to their interests. Having been inculcated with a narrative that made the LTTE central to their identity and relationship to Sri Lanka and the conflict, the brandishing of the LTTE flag at the protests was in keeping with the young Tamil community's identity (Godwin, 2012, 175).

This narrative marks the choice of young Tamils to wave the Eelam flag as a romanticized, sentimental, inevitable part of their identity rather than a reasoned or valid political choice or calculation. Such an account is necessary for the operation of liberal multiculturalism because it allows for Tamils as a whole, and particularly Tamil youth to be marked as unassimilable, their character and identity faulted, such that the racialized structure of the liberal multicultural white settler state can remain unexamined.

Thurairajah (2011) furthers the understanding that it is the 'allegiances' and 'loyalties' of second-generation Tamil diaspora youth that need to be studied in 'The Shadow of Terrorism: Competing Identities and Loyalties among Tamil Canadians' (Thurairajah, 2011). Thurairajah (2011) appeals to an oft-cited concern of the liberal

multicultural state towards justifying her focus on the ‘loyalties’ and ‘allegiances’ of Tamil youth rather than structural relations of power, writing:

Considering that it is believed that by 2031, approximately 25% of Canada’s population will be foreign-born, and over 60% of Toronto’s population will be members of a visible minority group, it becomes imperative to determining how those who may have a strong connection to a country other than Canada may negotiate their loyalties between two different nations (Thurairajah, 2011, 137).

In this manner the case of ‘radicalism’ amongst Tamil diaspora youth comes to justify the need to study and target all second generation racialized diaspora youth in the state of Canada. Crucially, Thurairajah (2011) also focuses on determining “what they perceive are the limitations or boundaries of their loyalties to both contexts” (Thurairajah, 2011, 137). What is silenced in this response to the Gardiner Protest is any form of broader critique or challenge to the narrative of liberal multiculturalism based on the unabashedly racist response to the legitimate demands and resistance of Tamil protesters. Instead it is the Tamil community itself that is marked for study, targeting, and surveillance.

The liberal multicultural state, secured by white settler colonialism, necessitates such moments of multicultural ‘crisis’ because it is at such moments that the narrative of Canada’s ‘tolerant multiculturalism’ can be enacted and re-enacted, and the line between those who tolerate, and those who may be tolerated, and those who are inherently intolerable is drawn. As Haque writes, “the liberal autonomous individual is uniquely identified with the capacity for tolerance and, more specifically, non-liberal subjects and practices are designated as inherently intolerant and potentially intolerable” (Haque, 2010, 83). The script of such crises serves the project of the white settler state because it

silences considerations of race and other power relations which cannot be named. It is not possible to narrate the racism against Tamil protesters in media and public discourse because under this view Canada is a non-racist, liberal, multicultural state. Rather, it must be that Tamil protesters overstepped the bounds, and the 'privileges' accorded to them by liberal multiculturalism, that they are a 'problematic' community, and that they need to be monitored, disciplined, targeted, surveilled, deported, and detained. Here Tamils become a 'threat' to the liberal multicultural promise of Canada, rather than a community that is under threat by this state, the GOSL, and by a global world order that remained complicit in and excused a mass genocide of Tamils even in the face of diaspora calls to action and popular resistance.

IV. Conclusion

The protests by the Tamil community on the Gardiner Expressway and throughout downtown Toronto in the spring of 2009 are an indication that criminalization and racialization of dissent have severe impacts beyond the reputation or legitimacy of democratic and legal systems. In this case, criminalization through the racialization of Tamil dissent and resistance has contributed to a state of exception that operates transnationally around atrocities and genocide committed by the GOSL against Tamil civilians, and ongoing processes of militarized occupation. Yet the protest on the Gardiner Expressway by Tamil protesters was additional fodder for the state's criminalization, racialization, and demonization of the Tamil community and Tamil refugees. The marking of Tamil protesters, the Tamil community, and the Tamil diaspora as a whole as outside the bounds of white civility and a threat to Canadian

multiculturalism served, and continues to justify a state of exception around Tamil civilian deaths in the conflict between the GOSL and the LTTE. As such this marking, and the requisite targeting of second-generation Tamil youth is intricately connected to the racialized global logics of the ‘War on Terror,’ and the framing of Tamils as *always already* terrorists, as well as being on the fringes of civility and humanity. As Ashutosh (2013) writes, “Sri Lanka’s civil war is not an event simply occurring elsewhere, but its violence is a basic reflection of the constitution of membership and belonging” (Ashutosh, 2013, 204). Yet even as the state of Canada applied the very same racialized logics in discarding the claims of Tamil protesters, and marking them as terrorists, it successfully claimed its status as a liberal multicultural state, successfully setting itself apart from the failures of Sri Lanka. However the framing of Tamil protesters on the Gardiner Expressway, the targeting of Tamil youth, and the narratives that have emerged that reduce the community’s resistance to a ‘crisis’ of multiculturalism and threat to the nation-state demonstrate the collusion, complicity, and similar backdrops in the Canadian and Sri Lankan political landscapes. I further argue that the targeting and marking of Tamil protesters on the Gardiner Expressway, particularly the attention paid towards women, youth, and children served as a notable precursor to the positioning of Tamil refugees on the Ocean Lady and MV Sun Sea as ‘terrorists,’ ‘threats to public safety,’ and bodies deserving of either detention and mass arrest as humanitarian ‘rescue,’ a subject I explore in Chapter 5.

Chapter FIVE

“Those who need our protection”: Securing Canadian Humanitarianism in the Education of Detained Tamil Refugee Children

We are also proud of our long humanitarian tradition of being a place of protection and refuge for victims of persecution and violence, those who need our protection. This goes back long into our history, in fact to the days of the arrival of the United Empire Loyalists, the Black Loyalists, the Underground Railroad, the eastern European refugees before the war, the refugees from Hungary and Soviet and Communist oppression after the war, and, most famously, the over 60,000 Indo Chinese who were welcomed by Canadians in 1979 and 1980. This underscores our long and deep humanitarian tradition as a place of protection.

--Minister Jason Kenney, introducing ‘Bill C-49: Preventing Human Smugglers from Abusing Canada’s Immigration System Act,’ October 27th 2010

Following the defeat of the LTTE in May 2009, the GOSL’s genocide against Tamils and occupation of Tamil homelands continued unabated. Transnationally the targeting of Tamil refugees by Australia, the UK, and as I will discuss in this chapter, by Canada demonstrated Western complicity in perpetuating the GOSL’s racialization of Tamils as ‘terrorists’ even in the post-war situation. Fleeing their homeland Tamils were denied the basic protections and political rights that ought to have been accorded to them because their race marked them as ‘terrorists’ and ‘threats.’ In this chapter I examine the arrivals of the two ships, the Ocean Lady and MV Sun Sea and discuss the processes of racial management brought against Tamils as refugees in the state of Canada through the ongoing global marking of Tamil refugees as ‘terrorists.’ I specifically examine how the

education of detained Tamil children was celebrated as humanitarian ‘rescue,’ and how public discourses and educational curriculum about the MV Sun Sea functioned as a site for nation-building and the narration of Canadian liberalism, humanitarianism and benevolence.

I argue that it is not only securitized, but also humanitarian discourses that produce the figure of the Tamil ‘terrorist,’ and the ongoing marking of the Tamil body as being outside of political community. In tracing humanitarian arguments evident in public discourses on the education of detained of Tamil refugee children, I note that critiques of securitized responses to refugees fail to acknowledge the problematic and racializing humanitarian discourses that Tamil refugees aboard the Ocean Lady and MV Sun Sea also encountered. In this gap, the sole focus on securitization precludes an examination of the productive effects of gender and humanitarianism in the making of a Canadian national identity, and the oppositional racialized ‘Other.’

I. Securitization and Humanitarianism in the Racialization of Refugees

On October 16th 2009, a shipping vessel named the Ocean Lady was apprehended by Canadian authorities off the Pacific Coast and directed under military escort to cruise ship terminal Ogden Point, Victoria on Unceded Coast Salish Territories colonially known as British Columbia (BBC, 2009). Initial reports indicated that human smuggling was being investigated and mainstream media sources within Canada and internationally reported that 76 ‘illegal immigrants,’ ‘queue jumpers,’ or ‘Tamil Tiger terrorists,’ (Neve and Russell, 2011, 41) from Sri Lanka were thought to be aboard the Ocean Lady. This story was immediately linked to the conflict between the Liberation Tigers of Tamil

Eelam (LTTE) and the Government of Sri Lanka (GOSL). Investigations into the refugees' ties to the LTTE became the paramount adjudicator of the validity of their claims to asylum. As Citizenship and Immigration Minister Jason Kenney's spokesperson, Alykhan Velshi was quick to comment, "We won't allow Canada to become a place of refuge for terrorists, thugs, snakeheads and other violent foreign criminals" (Cader, 2011). As such the detention of refugees and intensive inquiries into their identities and presumed ties to the LTTE were normalized, while the fact that refugees were survivors of genocide and an ongoing conflict who had been persecuted and forced to leave their homeland was silenced. The body of the Tamil refugee in such discourse came to be marked as destined for detention, suspicion, and deportation. Through such narratives the arrival of the *Ocean Lady* entered Canadian political discourse, like the previous arrivals of the *Komagata Maru*, the *SS St. Louis*, and ships carrying migrants from the Fujian province of China, as a political, social, cultural, racial, and economic threat to Canadians.

Almost one year after the arrival of the *Ocean Lady*, on August 12th 2010, similar narratives emerged when the *MV Sun Sea* was intercepted by Canadian authorities and directed under military escort to Canadian Forces Base (CFB) Esquimalt. This time 492 Tamil refugees, including according to the Canadian Border Services Agency 63 women and 49 children, were mass arrested and detained for months (Carlson, 2010; Naumetz, 2011; CBC, 2010(b)). Upon their arrival Tamil refugees encountered state, media, and hostile public responses. Tamils were again framed as 'illegal immigrants,' 'queue-jumpers,' and threats to public safety (Neve and Russell, 2011, 41) and faced significantly aggressive efforts by the Canadian government to keep them under

detention for months. The mass arrest and detention of Tamil refugees aboard the MV Sun Sea occurred despite the fact that all detainees aboard the Ocean Lady had been ordered released by the Immigration and Refugee Board (IRB) in the absence of security concerns to justify their detention. Despite the precedent of released Tamil refugees who arrived in 2009 aboard the Ocean Lady, refugees aboard the MV Sun Sea were again detained under the guise of being ‘terrorists’ and threats to national security simply because of their method of arrival and the geopolitical framing of the conflict between the GOSL and the LTTE as a battleground in the ‘War on Terror.’ Even once released, Tamil refugees aboard the MV Sun Sea continued to be harassed in and out of court, including through tactics of intimidation like home-visits by the Canadian Border Services Agency (Quan, 2011). What is unique about the discourses of threat and risk to Canadians from the arrivals of the Ocean Lady and the MV Sun Sea is the specific marking of Tamil refugees as not only ‘illegitimate,’ and ‘queue jumpers,’ but crucially—as ‘terrorists.’

The government has consistently referred to the arrivals of the MV Sun Sea and the Ocean Lady as threats when seeking to bring in new legislation that further targets and endangers the health and safety of refugees and relies upon white supremacist logics to criminalize refugees. New legislation like Bill C-49 (later renamed Bill C-4) has consistently been denounced by refugee and migrant rights advocates because it mandates detention for ‘irregular’ refugee arrivals for one year, effectively criminalizing any method of entry deemed ‘irregular’ by the state (Cader, 2011). The Canadian government also appointed Ward Elcock, a former Canadian Security Intelligence Service (CSIS) director as a special advisor on ‘human smuggling’ and increased

coordinated efforts with Thailand and Indonesia to detain Tamil refugees before they depart for Canadian shores (Berthiaume, 2012). A report in *The Ottawa Citizen* noted:

About \$7 million has been set aside specifically for training and equipping police throughout the southeast Asian region, including \$2.5 million specifically for Thailand, which has emerged as Canada's primary partner for tackling the problem of human smuggling and migrant boats (Berthiaume, 2012).

Ward Elcock was reported to have visited "Sri Lanka, Thailand, and other countries to improve co-operation and information sharing" (Canadian Press, 2010). In urging international co-operation against 'human smuggling' to prevent the entry of Tamil 'terrorists' to Canada, Canada's problem of Tamil refugees became cast as a global one in need of a transnational response focused on strengthening law enforcement institutions of states in the Asia-Pacific region. Like Australia's 'Pacific Solution,' which involves the exchange of large amounts of aid to South Pacific states economically dependent and tied to Australia in exchange for using them as offshore processing centres (Rajaram, 2003), Canadian co-operation with Sri Lanka and Thailand, and the deployment of aid to the Global South to achieve Canadian national interests against the entry of racialized bodies indicates the significance of the figure of the Tamil in securing and perpetuating a globally organized counter-terrorism regime. As Neve and Russell (2011) find, "Canadian officials may have worked closely with authorities in Thailand on two separate occasions in October 2010 to arrest and detain as many as 250 Tamil migrants who were allegedly making arrangements to travel to Canada by boat" (Neve and Russell, 2011, 40). Since unlike Canada, Thailand is not a signatory to the UN Refugee Convention, Canadian collaboration with overseas enforcement is evidently an

outsourcing of practices that ‘humanitarian’ Western states like Canada are not supposed to engage in. Canada did not demonstrate any indication that it had ensured those detained by Thailand would “be treated in accordance with international human rights and refugee standards” (Neve and Russell, 2011, 40). Through such measures designed to prevent the occurrence of ‘mass arrivals’ of Tamil refugees in the future, Canada nevertheless retains its humanitarian image, an image of great importance to Canadians (Razack, 2007). For as Neve and Russell (2011) note, the awarding of the UN High Commissioner for Refugees Nansen Medal in 1986 to the ‘People of Canada,’ is the only time this honour has been bestowed upon an entire country (Neve and Russell, 2011, 39).

Through measures that mimic Australia’s Pacific Solution, Canadians retain the ability to imagine themselves as humanitarian and good even as they remain part of and implicated in state violence against Tamil refugees. In fact, the narrative of criminal and deviant ‘human smugglers’ further secures the benevolent actions of the Canadian state in acting to *protect* refugees where as Rajaram (2003) finds, “The capacity of the state to equate its particular goals (of self-preservation) with the moral good, creating an affective link between the community and the office of the state, is an integral aspect of the territorialisation of human life” (Rajaram, 2003, 297). While the Canadian state’s targeting of ‘human smugglers’ is equated with a moral good, critics of schemes that exchange aid for detention of refugees have also condemned state responses to refugee arrivals as processes of human trafficking. For example the Secretary General of the Pacific Islands Forum noted, ““The emerging refugees market in the region where Forum Island Countries lease out their territories for quarantine and processing services carries unknown risks... That is how I see the evolution of this thing—you are basically trading

people” (Rajaram, 2003, 299). Such critiques and interrogations did not however appear in Canadian political discourse where both Liberal MP Justin Trudeau, and NDP MP Olivia Chow criticized the Conservative government for being unprepared and not doing enough to stem the tide of Tamil refugee arrivals (Greenaway, 2010).

II. Humanitarianism in the Education of Detained Tamil Refugee Children

Critics of the government’s responses to Tamil refugees have by and large focused on Prime Minister Stephen Harper; Jason Kenney, the Minister of Citizenship and Immigration, Vic Toews, the Minister of Public Safety, law enforcement agencies like the Royal Canadian Mounted Police (RCMP), the Canadian Border Services Agency (CBSA). With the significant exception of di Tomasso (2012) whom I will discuss, critics and scholars have not examined how the Canadian state responded to Tamil children who arrived aboard the MV Sun Sea and were detained along with their parents. When the Ocean Lady arrived in 2009, the fact that all its passengers were adult males was cited as evidence of the ship’s ties to the LTTE and the men’s identities as ‘terrorists.’ For example a leaked U.S. diplomatic cable noted, “The men’s excellent physical condition and the fact they are all of military age increases the suspicion of Tamil Tiger ties” (US State Department, 2009). Thus the arrival of Tamil women and children aboard the MV Sun Sea interrupted the gendered logics that had been adopted in racializing Tamil refugees aboard the Ocean Lady as ‘terrorists.’ In this section I examine the specific discourses and practices that were deployed towards justifying the detention of all refugees aboard the MV Sun Sea, including women and children. In examining if and how the figure of the Tamil child influenced public discourses around the MV Sun Sea I

argue that humanitarianism became a significant vehicle for the racialized targeting of Tamil refugees. Humanitarian discourses of ‘rescue,’ including the rescue of Tamil refugee children from their parents, their community, and their homeland as a space destined for terror, war and destruction served as necessary companions to the securitized discourses that demonized and criminalized Tamil refugees aboard the MV Sun Sea as ‘terrorists.’ The humanitarian depiction of Tamil children as ‘innocent’ further marked their parents and the Tamil diaspora as ‘terrorists,’ who were responsible for terror in the state of Sri Lanka, and were now seeking to import that terror to Canada.

An organizing feature of the detention of MV Sun Sea refugees was their separation into gendered groups. As Cader notes:

Several of the children were removed from their parents and placed in B.C. foster care. Everyone else was moved to jails. Men, including teenagers, were detained in the Fraser Regional Correctional Centre, the Lower Mainland’s primary provincial jail. Women without children were detained at the Alouette Correctional Centre for Women. Mothers and children were detained at the Burnaby Youth Custody Services Centre. One pregnant woman who had originally been detained at Alouette was transferred to the Burnaby jail after her delivery (Cader, 2011).

Here men and women are not only detained separately, but women are distinguished from mothers—as is most evident in the transfer of a pregnant woman from Alouette Correctional Centre for Women to the Burnaby Youth Custody Services Centre after the delivery of her child. In media reports on the detention of Tamil refugees, it is continually repeated and hence normalized that children should be detained alongside their mothers,

not their fathers (Times-Colonist, 2010; Sin and Luymes, 2010; Woo and Hansen, 2010). In this manner even though men, women, and children arrived together aboard the MV Sun Sea the Canadian state's detention regime ensured that they were divided into racialized and gendered constructs of powerless 'Third World' femininity, and dangerous 'terrorist' masculinity. Significantly the concept of a Tamil family is never allowed to appear in media reports. While women can be represented as having children, men remain individuals rather than fathers or members of families. In casting men as separate from women and children, Canadian media reports mirrored the state's detention regime in facilitating the removal of Tamil men from the humanitarian associations of 'refugeeness' as powerless, passive, feminized, helpless and in need of Western humanitarian rescue such that Tamil men could be indisputably racialized as 'terrorists.'

By securing a different threat level posed by women, and specifically, mothers, and their children the Canadian state also narrated and emphasized the humanitarian rescue of Tamil refugee children through their education while under detention. The lack of educational programs for detained children was first raised in the media through criticisms from the Tamil community (Godfrey, 2010). A spokesperson for the Canadian Tamil Congress noted that detained refugee children "have not had access to books or school programs for more than a month," and that certified Tamil-speaking teachers willing to undergo the necessary security checks were being prevented from accessing detention centres (Godfrey, 2010). Yet rather than permitting educators from the Tamil community to enter detention centres, the Burnaby school board developed its own program which is celebrated in the B.C. Teacher's Federation Magazine as an exemplar of educators acting out of goodwill and helping Tamil refugee children because they are

innocent victims (Knickerbocker, 2010). While the lack of educational programs available to children was briefly raised as a critique of the Canadian state and its targeting of racialized migrants, the education of Tamil refugee children soon came to be narrated as a humanitarian gesture and a success of the benevolent Canadian state.

The B.C. Teachers' Federation sought to represent the education of detained Tamil refugee children as a positive service by educators because they were acting in an 'apolitical,' and humanitarian manner. These educational programs work to secure the teacher and educator as a benevolent, humane, and civilized actor. Against a backdrop where news media widely reported an Angus Reid online poll which found that "50 percent of Canadians thought the passengers and crew of the *Sun Sea* should be deported back to their countries even if they have legitimate refugee claims and are not linked to terrorist activities" (Global Detention Project, 2012) it was Canadian teachers who were represented as standing up for the rights of Tamil children and reminding the public of their humanitarian responsibilities. Teachers were crucial in establishing the category of Tamil children in need of rescue, and in separating *children's* rights from the rights of their parents, and from the rights of refugees or Tamils as a collective. As one of the teachers interviewed stated, "People are too caught up in where they stand on these issues...It's the children we are providing this for. Children have rights, and we're just there to help them" (Knickerbocker, 2010). Here the role of Western and white women in the educational project of the white settler state confirms that Tamil refugee children are in need of Western 'rescue,' rather than the support and political organizing of the Tamil community itself, or even an overhaul of the Canadian detention regime.

Education plays a particular function intertwined with the violence the state exerts, and in narrating and justifying such violence. In this case, the suspension of the rights of children and their families is actually depicted as a humanitarian gesture because stigmatization, surveillance, repression, and control of racialized migrants are not recognized as such when delivered by female educators but are easily framed as rescue, service, responsibility, and charity. As Razack (2008) has argued “Empire is a gendered project not only in the sense that what happens to colonized men often differs from what happens to colonized women, but because the work that the ruling race *does* is also stratified along gender lines” (Razack, 2008, 17). The Western woman does not take up the position of policing in the same way that the Western man does, but her role is to emphasize both her own liberation and emancipation in contrast with the colonized woman, as well as Western values—like humanitarianism and benevolence (Razack, 2008, 17).

Here the role of gender as a technology of empire and what Razack identifies as a “politics of rescue” (Razack, 2008, 17) coincides with what Ticktin (2011) has termed ‘regimes of care’ that have increasingly come to script Western racial management of immigrants and refugees. The gendered response of female Canadian educators draws upon humanitarianism, which Ticktin (2011) finds “often responds more urgently to recognizably gendered, sexualized, and racialized bodies, that is, women and children of the global South” (Ticktin, 2011, 18). Ticktin’s study of the increasing prevalence of ‘apolitical’ regimes of care and compassion in organizing the governance of immigrants in France finds that state nurses, doctors and social workers do not understand themselves as political or state actors yet “rather than remaining outside the system in their desire not

to engage with politics, they work to reinforce the status quo...” (Ticktin, 2011, 19).

While Ticktin’s (2011) work does not implicate educators, it is evident in the case of the MV Sun Sea that educators also enable the state to announce its humanitarian character.

They can become, as Ticktin states, “the doctor who has come to save the world—the contemporary cowboy” (Ticktin, 2011, 22). Teachers come to represent the Canadian state ‘caring’ for Tamil refugee children yet Ticktin argues “brutal measures may accompany actions in the name of care and rescue—measures that ultimately work to reinforce an oppressive order,” such as the detention of children (Ticktin, 2011, 5). Here, emphasis on ‘humanitarian’ care by Canadian educators precluded an examination of increasingly restrictive and securitized detention practices in public discourse. Despite the public emphasis on Canadian humanitarianism and benevolence, Canadian detention policies compare unfavourably to other countries. According to the Global Detention Project (2012):

Canada remains one of only a handful of major industrialized countries to make widespread—and, in the case of Canada, increasing—use of prisons to confine non-citizens in administrative detention... in contrast to other major detaining countries, Canada has no institutionalized framework for independent monitoring of detention conditions and making reports on these conditions publicly available. Additionally, Canada’s lack of detention time limits places the country in the company of a dwindling number of states (Global Detention Project, 2012).

Humanitarian narratives as related by educators in the public discourse around the MV Sun Sea played a significant role in silencing political discussions in favour of a ‘regime of care’ (Ticktin, 2011, 3). Instead through the humanitarian narration of the education of

Tamil refugee children, the focus once again became ‘Tamilness’ and its link to ‘terror,’ rather than the organization of Canadian citizenship according to structures of power, white supremacy, and white settler colonialism that together secure the Canadian detention regime.

III. Public Discourse on ‘Innocent’ Tamil Refugee Children

In a comparative discursive analysis of public comments posted on two articles on the Canadian Broadcasting Corporation (CBC) website di Tomasso (2012) examines how the specific construction of Tamil children as ‘innocent’ in public discourse further justifies the racialization of their families (di Tomasso, 2012, 332). The first article was published on July 16 2010 before the arrival of the MV Sun Sea. Titled “Tamil Migrant Ship Heading for B.C.,” it reports that “illegal Tamil migrants” including “members of the Tamil Tigers, the military arm of the Tamil separatist movement” were thought to be aboard the ship (CBC(a), 2010). The second article was published on September 27, 2010 and is titled “Tamil migrant children start school in B.C.” and describes the efforts of the Burnaby School District and B.C.’s Ministry of Children and Family Development in providing school and early development programs to Tamil children (di Tomasso, 2012, 339; Ibid, 343; CBC, 2010(d)). In the first article, even before the arrival of the MV Sun Sea, di Tomasso traces an aggressive response from respondents to the threat posed by Tamils, the positioning of Tamils as fraudulent refugees, respondents’ ‘multicultural fatigue’ and proclamations of the limits of Canadian tolerance:

- "...we can get ready for more terrorists being paid by us to live and train in Canada..." (163 for, 14 against)¹⁰
- "This is the greatest country in the world, and we have to accept another boatload of terrorist trash" (25 for, 2 against)
- "Our navy should be dispatched to the border line. If the ship crosses it shoot a few rounds across the bow and force it to turn around" (150 for, 9 against)
- "A boatload of illegal Tamils will cost the taxpayers \$10M + a torpedo goes for how much?" (35 for, 7 against)
- "I was raised with Canadian values of politeness, tolerance, acceptance. Even I can't stand these types of stories anymore. I've totally lost my patience and sympathy" (154 for, 10 against) (di Tomasso, 2012, 339-342).

Notably, these are comments that passed the CBC's policy for submissions, where the CBC monitors comments and reserves the right to remove comments that violate the website's Terms of Use which does not allow users to "post or transmit any Submission that promotes racism, bigotry, hatred or physical harm of any kind against any group or individual..." (CBC in di Tomasso, 2012, 338).

In the second article on the education of detained Tamil refugee children, di Tomasso finds a markedly different response, "The same discourses that racialize and criminalize children's parents were cited in tandem with dominant Western discourses on childhood to mobilize narratives of Canadian benevolence" (di Tomasso, 2012, 343). Di Tomasso's discursive analysis includes the following comments by respondents as examples of the mobilization of Canadian benevolence, humanitarianism, and as a consequence, Western racial superiority:

- "We cant criticize the govt for providing education to innocent children"
- "The children still are not responsible, nor should they be punished for the actions of their parents" (9 for, 42 against)

¹⁰ Respondents comments can be supported or opposed by other readers and a tally is displayed alongside each comment on the CBC's website. Di Tomasso's figures represent the tally as it was in December 2010 (di Tomasso, 2012, 339).

- “Can we not agree that at least the young children are innocents here? Even if these children were the children of terrorists—which nobody has proven they are—would that not be all the more reason to give these children the benefit of an education while their parents are detained so that they can break the cycle?”
- “It is these kinds of moral standards that assures Canada does not disintegrate into the hell holes that so many countries have become for their people. We give up our humanity we give up what has kept Canada strong and alive” (13 for, 66 against)
- “Although it is costing me money, I am glad that I, as a Canadian, am helping these children” (511 for, 377 against) (di Tomasso, 2012, 343-4).

Other commenters while implicitly recognizing that ‘innocent’ Tamil children deserved different treatment from their ‘guilty’ parents, accused Tamils of using their children as a ploy to remain in Canada:

- “...in this case children are the tools to get naïve Canadians stuck and caught by sympathy” (19 for, 3 against)
- “...Canada should not allow the Tamils to use their children as a means of justification to live in Canada” (25 for, 3 against) (di Tomasso, 2012, 344).

As di Tomasso notes, in these particular discourses the humanization of Tamil refugee children as innocent and deserving of sympathy occurs alongside the requisite dehumanization of their parents as deviants who constructed a ‘trap’ for the Canadian state and public (di Tomasso, 2012, 344).

In the same articles that di Tomasso (2012) analyzes, I find evidence of specific racialization of Tamils as ‘terrorists’ in respondents’ comments, as well as the marking of the Tamil diaspora:

- “If we actually turned this ship away the Gardiner in TO would be closed within minutes and the bombs would start to go off. The gov’t is fully aware of this and so any Tamil who makes it to our border will be given a hero’s welcome” (CBC, 2010(a))
- “...The majority of Tamils feel ‘discriminated’ wherever they are, and are calling for their ‘rights’ and, will eventually end up being brainwashed enough so that they can blow themselves up for a hallucinatory ‘cause’” (CBC, 2010(d))

- "...The Canadian Tamil Congress and Diaspora learnt from the first experience when 70 odd Tamil men came alone. The Canadian people were suspicious and less sympathetic towards the Tamil men. With the lessons learnt from that experience they got pregnant woman and as many as possible children on board the second ship. Now you Canadians got to care for the pregnant woman, ensure education for the children to prove to the world what good guys you are and finally you will not be in a position to send them back because the whole world is watching. Should there be problems accepting these refugees, on the next ship you will also find their goats and cattle to keep the Canadian animal protection people busy. The CTC knows how to get through" (Ibid, 2010(d)).

Another theme in these discourses is that Tamil refugees, the Tamil diaspora and its organizations like the Canadian Tamil Congress (CTC) are holding the Canadian government and public 'hostage.' As I have argued in the case of the Gardiner Protest the focus on 'Tamilness,' 'terror' and here, the figure of the Tamil child refugee, functioned to absolve the Canadian state from critical examination. A further effect of the 'humanitarian' justification for the detention of Tamil refugee children by state educators, and public respondents was in de-legitimizing political opposition from the Tamil community and migrant justice advocates to the Canadian state's response to the arrivals of the Ocean Lady and the MV Sun Sea. For example, we now know that shortly after the arrival of the Ocean Lady and the apprehension and detention of the 76 Tamil male refugees aboard, in leaked U.S. diplomatic cables released by Wikileaks to CBC News, the "loud voice of the 250,000-strong Tamil community in Canada" was described as a stumbling block to a "balanced approach" to processing the refugee and asylum claims (US State Department, 2009). In particular the cables identified the Canadian Tamil Congress and No One Is Illegal as vociferous advocates for granting refugee status for all the detained men and relayed warnings from an anonymous Canadian official in Colombo that Canada's Immigration and Refugee Board (IRB) might be unduly

influenced based on the politicization of the cases because the IRB is “composed of appointees who have often been accused of pursuing individual agendas rather than upholding common standards for approving claims” (US State Department, 2009). The concern held by the US State Department and the GOSL regarding the processing, detention, and treatment of refugees they insist are ‘terrorists’ and ‘potential terrorists’ is indicative of a transnational landscape that has and continues to target Tamils by casting them as a group undeserving of political rights and justice. Furthermore the interest of the U.S. State Department in naming the Tamil community and No One is Illegal as threats to the Western agenda additionally demonstrates that such groups are specifically targeted and cast as ‘terrorist supporters.’ Thus while the education of Tamil refugee children by Canadian state educators can be represented as a ‘humanitarian’ gesture, the racialized discourses of the ‘War on Terror,’ ensure that advocating for the rights of Tamil refugees by the Tamil community and migrant justice organizations is a threat to ‘national security,’ and the ‘integrity’ of the IRB process. It is on these same grounds that Tamil teachers willing to work with detained refugee children are cast as ‘suspicious’ and denied security clearance while when that role is filled by non-Tamil teachers appointed by the Burnaby school board they are lauded as ‘humanitarian,’ charitable, and benevolent rescuers.

Both securitized and humanitarian responses have the effects of closing political space to political challengers, and as the leaked U.S. State Department cables demonstrate—casting Tamil community organizing as being in support of ‘terror.’ Investigating claims of ‘human smuggling’ and ties to the LTTE reinforced the Canadian state’s entitlement to legitimate governance and sovereignty, emphasizing specifically

Canadian narratives of white supremacy and white settler colonialism that incorporate Canada's mythic national identity as a humanitarian state. Where Tamil refugees were to be understood as victims, they were only victims of 'human smugglers' not targets of an international order that consistently demonstrated little interest in their safety or political rights. Rather, as both the U.S. State Department cables and respondents' comments on the CBC articles demonstrate, a globally organized directive unfolded in such a way that the very same 'People of Canada' who received that Nansen Medal in 1986 were able to imagine themselves as humanitarian and good even as they were part of violence against Tamil refugees. As Jiwani (2011) writes, "Race, class and sexuality determine what constitutes worthiness in a victim. Constructed as threats to national security, alleged terrorists stand little chance of being considered worthy victims" (Jiwani, 2011, 6). In this manner the marking of Tamil refugees as 'terrorists' and the mass detention of refugee arrivals aboard the Ocean Lady and later the MV Sun Sea invited Canadians to understand themselves as legitimate occupiers, protectors of the nation-state and guardians of Canadian sovereignty and humanitarianism. Indeed Rajaram notes of the Australian context, "Refugee bodies are thus instrumentalised: they become usable in the greater project of cohering Australia" (Rajaram, 2003, 301).

IV. Educational Curriculum About Detained Tamil Refugees

In addition to the role of educators in relation to detained Tamil refugee children, the MV Sun Sea 'crisis' was also narrated in classrooms and everyday educational contexts to serve a nation-building project. Here I analyze a Canadian Civil Liberties

Association¹¹ (CCLA) ‘Teaching Critical Thinking for Social Justice’ lesson plan entitled, “Seeking Refuge: Then and Now,” developed at the Grade 10-12 level for subjects including History, Law, Civics, Social Science and Politics (CCLA, 2011). The “Seeking Refuge: Then and Now” lesson plan consists of a comparison between Canada’s turning away of the SS St. Louis with 937 Jewish people fleeing Nazi Germany in 1939 and the case of the MV Sun Sea. The lesson plan introduces these two case studies to students through newspaper articles, offering a significant intersection of the media, law, and education in rescuing Canadian national identity following incidents of less than compassionate treatment of refugees. For the case of the SS St. Louis, students are provided with a 2008 article in the Toronto Star by the Bernie Faber, the CEO of the Canadian Jewish Congress, entitled “Voyage of the SS St. Louis: Journey toward a better future” (Faber, 2008). The article significantly begins by relating “a game played by children” on the SS St. Louis:

“Are you a Jew?” asked one of the guards.

“Yes,” answered the child at the barrier.

“Jews are not admitted,” snapped the guard.

“Oh please let me in. I’m only a very little Jew” (Faber, 2008).

Here, as in the comments on articles relating to the education of Tamil refugee children (di Tomasso, 2012), it is the figure of the child that provides a vehicle for the nation’s humanitarianism towards refugees. Faber’s article, written following acknowledgment from the Government of Canada of errors relating to the treatment of passengers aboard

¹¹ The CCLA served as an intervenor in legal cases I discussed in Chapter 3 including *Suresh v. Canada*, *Sriskandarajah v. USA*, and *R. v. Khawaja*, advocating against the security certificate regime, deportation of non-citizens to torture, the extradition of Suresh Sriskandarajah and Piratheepan Nadarajah, and the overbroad provisions of the Anti-Terrorism Act respectively.

the SS St. Louis and the Komagata Maru, along with “an announcement of funds for an educational program related to the St. Louis,” (Faber, 2008) strongly commends Canada’s recognition of historical wrongdoings as a process that strengthens the nation and confirms an inevitable march of progress, securing Canada as a liberal democracy. Faber also notes “History must be a vehicle of education, heartfelt lessons to future generations” (Faber, 2008). For Faber, Canada’s wrongdoings are definitively historical, located squarely in the past, and the work of educating, improving, and commemorating the past serves to re-inscribe and strengthen Canadian national identity, and indeed, its innocence. As Faber writes:

Indeed, Canada has transformed itself in many ways in the last 70 years, not the least of which has been the evolution of our national attitudes toward the "other" – from intolerance to tolerance of difference, and now, in many cases, to a celebration of our diversity. The road so far travelled has been steep. Marking the errors of the past is the only way to safeguard our gains and prevent their erosion (Faber, 2008).

The lesson plan’s second case study focuses on the MV Sun Sea and three newspaper articles are offered for students’ consideration: (1) An August 21 2010 Toronto Star article by Petti Fong entitled “3 months on the MV Sun Sea: Tamil migrants describe their journey;” (2) A February 14 2011 Hill Times article by Tim Naumetz entitled, “Mass detention of 300 Tamil migrants cost \$18-million, says Canada Border Services Agency;” and (3) An August 12 2011 Globe and Mail article by Sunny Dhillon entitled “It’s been a difficult year, but Vancouver’s Tamil migrants would do it all again” (CCLA, 2011).

In the first article, Tamil women and children appear as having experienced hardship over the course of their voyage (Fong, 2010). The article also includes quotes from a letter written to the *Star* by some of the detained Tamil women stating:

“We are not terrorists. If you think we are terrorists, please consider this: Can the children, pregnant women and seniors who came with us be terrorists? No” (Fong, 2010).

And, in another excerpt from the letter quoted in the article, the women describe having to leave wounded relatives to die amidst gunfire during the conflict between the GOSL and the LTTE:

“We cannot write our deep sorrow and anguish,” said the women (Fong, 2010).

The article focuses upon Tamil women refugees, casting them as sympathetic figures, while Tamil men remain implicitly—terrorists and potential terrorists. Again, the figure of the Tamil woman can only be cast as redeemable and innocent when separated from the Tamil man. The claims of Tamil women are only acceptable for public consideration if they draw upon gendered narratives and expectations to assert that they cannot be threatening in the same way that Tamil men are. Additionally, while a Tamil woman is interviewed about the refugees’ difficult experiences aboard the MV Sun Sea, and during the conflict in their homeland, there is no discussion of perspectives on or experiences of detention in Burnaby. Consequently the violence enacted by the Canadian state through its detention regime, as well as its co-operation with the GOSL in preventing Tamil refugee arrivals is silenced, perpetuating a narrative that casts Canada as a ‘safe haven’ for refugees. The article also perpetuates the representation of the conflict between the GOSL and the LTTE as an unimaginable horror outside of social, political, historical, and

economic context. As such the Tamil woman refugee is a suffering subject in need of saving through humanitarianism and compassion, rather than political change, advocacy and resistance—namely Tamil demands for nationhood, sovereignty, and self-determination.

The Hill Times article focuses on securitization in response to the arrival of the MV Sun Sea including Bill C-4 (previously Bill C-49), and Liberal and NDP MPs' opposition to the immense costs that would be associated with mandatory detention for 'irregular arrivals' (Naumetz, 2011). The article also relates Liberal MP Justin Trudeau's claim that the Conservative Party, and particularly, Immigration and Multiculturalism Minister Jason Kenney, are attempting to "divide new and established immigrant communities" arguing that the Harper government's treatment of the MV Sun Sea refugees "fits in with the government's desire to make Conservative inroads in the larger, more established communities" (Naumetz, 2011). Trudeau is quoted telling *The Hill Times* that the Conservatives are successfully telling first-generation immigrants who hold Canadian citizenship that:

it's because of these new refugees that you're having to wait eight years to bring over your ailing parents from India... It's trying to convince people to close the door behind them after they're in, and it's pandering to the very worst of human instincts, but that's what [the Conservatives] do very well for political strategy (Naumetz, 2011).

Here neither race nor racism are permitted to appear as organizing social structures that required the securitized response of the Canadian state and mass detention of Tamil refugees. Instead, in Justin Trudeau's criticisms of the Conservative Party's strategy of

lobbying ethnic communities, racialized citizens are depicted as lacking and failing to live up to true Canadian humanitarianism and benevolence.

Finally the *Globe and Mail* article examines the experiences of three MV Sun Sea refugees on the first anniversary of their arrival (Dhillon, 2011). Two men and one woman are interviewed, and they all affirm their gratitude toward Canada as a ‘safe haven’:

All three spent months in custody and were demonized as illegitimate refugee claimants, their plight turning into a federal election issue. But asked if it was worth it, if they’d do it all again, the answer was a unanimous, unwavering ‘Yes.’ “If I was in Sri Lanka, my family would be marking the anniversary of my death,” one of the men, a mechanic, said through an interpreter (Dhillon, 2011).

The article emphasizes the gratitude expressed by the refugees interviewed casting Canada as a place of refuge and safety. The article notes that the woman interviewed “appears better-adjusted to Canadian life than the two men” (Dhillon, 2011), and identifies this as being partially the result of the fact that the woman was detained for much less time than the two men interviewed—she was however detained for three months at Alouette Correctional Centre. The article notes, “When she was in Sri Lanka, the woman said she was in constant fear she would be raped or killed. Now she lives near a park and goes for walks without concern” (Dhillon, 2011). Throughout the article the unjustified detention faced by refugees, financial hardship, and accusations of being terrorists are brushed aside because the refugees are all “glad to be here” (Dhillon, 2011). As the article significantly notes, despite being detained for nearly 12 months it is emphasized that one of the refugees “showed no signs of anger” (Dhillon, 2011). In this

manner Canada is positioned as a saviour, rather than a state complicit in the atrocities and persecution Tamil refugees fled. While the article details in interviews with three refugees, the persecution and targeting by the GOSL, throughout the article and the CCLA's lesson plan, Canada's co-operation with this very same state in apprehending and detaining refugees is silenced even though it has been acknowledged and even trumpeted by the Canadian government, and Minister Jason Kenney in particular (Canadian News Centre(a), 2013; TamilNet, 2013). As the Government of Canada has noted:

Thanks to very alert policing and intelligence action, recent human smuggling operations were shut down before they could leave port. Other operations that planned to smuggle Sri Lankans to Canada from Thailand and Indonesia have also been disrupted in the past two years (Canadian News Centre(a), 2013).

In doing so, both Canadian and Australian co-operation with the GOSL have increased risks faced by Tamils where international agencies have documented interrogations, beatings, torture, and disappearances of returned refugees at the hands of the Sri Lankan police and military (Head, 2012). However such co-operation between Canada and Sri Lanka in targeting Tamils does not appear in the lesson plan, where Sri Lanka's abuses only appear towards distancing 'humanitarian' Canada from the persecution of Tamil refugees. As such the ongoing occupation of the North-East by the GOSL is removed from geopolitical context and particularly, the co-operation of Western states that it relies upon.

According to the lesson plan, students are instructed to read the three articles and analyze the Canadian government's response by determining "whether it is reasonable for

the Canadian government to limit the rights and freedoms of the Sri Lankan migrants aboard the MV Sun Sea” (CCLA, 2011, 3). The lesson plan recommends that students be divided into small groups where using information gleaned from the newspaper reports, they identify what rights and freedoms guaranteed by the Canadian Charter of Rights and Freedoms are limited or curtailed by the government’s treatment of MV Sun Sea passengers, and to further analyze whether such limitations are legally reasonable and justified (CCLA, 2011, 3). In this manner the CCLA’s lesson plan locates the MV Sun Sea’s as another ‘incident’ in Canadian history and an opportunity for the strengthening of Canadian institutions, rather than an event indicative of the racialized structures of the state, its institutions, and its transnational geopolitical interests in constructing and perpetuating a globalized ‘War on Terror.’ The only available remedy to Tamil refugees is the Canadian Charter of Rights and Freedoms, entrenching Canadian legal structures and ‘rule of law’ while erasing, as I have discussed in Chapter 3, the consistent racialization of Tamils as ‘terrorists’ in Canadian courts, including in Charter appeals like *Suresh v. Canada* and *Sriskandarajah v. USA*. The CCLA’s centering of the Charter is further notable because the document has been criticized for its focus on individuals and individual rights without recognition of collectives or group rights. This mirrors the silencing of race, racism, white supremacy, and whiteness in the lesson plan where although students are asked to consider whether racial or religious discrimination affected Canada’s rejection of the SS. St. Louis (CCLA, 2011, 2), they are not provoked to asked such questions about the MV Sun Sea. Instead, in the context of the MV Sun Sea, they are asked “How should our desire to keep terrorists or war criminals out of Canada be balanced with our obligations to those who are truly in need of our protection?” (CCLA,

2011, 4). Canada here is a state that doles out protection on the international stage, not threat or persecution. In the lesson plan Canada becomes cast as a place of justice, free of structural racism, violence and colonialism because it has a Charter of Rights and Freedoms. ‘Canadian-ness’ significantly becomes the route to mobilize for justice, and students are educated to understand membership in Canadian political community as resting upon notions of liberalism and human rights. The lesson plan serves to strengthen the state of Canada and its legal institutions while foreclosing alternate possibilities of resistance and reform such as the Tamil liberation project, anti-racism, and decolonization of Canada, the Canadian legal system, and its institutions.

Consequently, the Canadian state, its national identity, and its citizenry can remain uninterrogated. Thus it is in the space of the classroom that the Canadian nation-state can be redeemed and its national identity secured as humanitarian, good, and benevolent. The MV Sun Sea becomes a site for citizenship education, for the strengthening of national institutions, legal channels and here education functions to secure images of Canada as civil, humanitarian and governed by the rule of law—unlike, of course, the state of Sri Lanka. As Minister Jason Kenney noted on the very same trip to Colombo where he heralded Canadian and GOSL co-operation in preventing criminal ‘human smuggling’ operations:

Canada will continue to stand up for freedom and political accountability in the world... We further urge Sri Lanka to demonstrate its commitment to fundamental Commonwealth values and principles, including the importance of fundamental human rights, democracy, and rule of law (Canadian News Centre (b), 2013).

Here, as in the Mosaic Institute initiatives I discussed in Chapter 1, the narration of the MV Sun Sea in educational curriculum reiterates the marking of Tamil demands for nationhood, self-determination and sovereignty as antithetical to responsible Canadian citizenship. Tamil community organizing, including the organizing of Tamil youth against the GOSL remains potentially violent, risky, problematic, and cast as ‘terror’ because it locates the possibility of liberation as lying in a sovereign political community other than the Canadian or Sri Lankan states and their respective institutions. The example of the CCLA’s educational curriculum about the MV Sun Sea indicates the significance of education in securing a particular understanding of the Canadian state and its liberal, tolerant, multicultural, and humanitarian political community, and crucially how the encounter with a racialized Tamil ‘Other,’ provided the vehicle for this narrative to enter classrooms.

IV. ‘Terrorists’ in the Making

I have argued that the Canadian state was strengthened through its representation in discursive spaces where the arrivals of Tamil refugees aboard the Ocean Lady and MV Sun Sea were taken up. I have also traced humanitarian discourses in the ongoing marking of the Tamil body as being outside of political community, the education of detained Tamil refugee children, respondents’ comments on CBC news articles, and in educational curriculum about the MV Sun Sea. The education of detained refugee children points towards the role of humanitarianism in justifying brutal processes of state violence and in de-legitimizing collective resistance that seeks to challenge or overthrow existing power relations in favour, as is evident in the CCLA’s lesson plan, of making

such processes more ‘compassionate.’ Significantly, in respondents’ comments on the CBC website, the framing of the education of detained Tamil refugee children as ‘rescue’ from their parents and community, indicates that racial management, and the constitution of Tamils as ‘terrorists,’ and Tamil youth as therefore ‘terrorists’ in the making, comes dressed up as a humanitarian gesture.

The detention of Tamil refugee children should be understood not only as indicative of the Canadian state’s violation of international legal norms cautioning against the detention of children, but also alongside the racialized targeting of Tamils, especially Tamil youth for deportation, incarceration, extradition, ‘rehabilitation,’ ‘de-radicalization’ and surveillance. I have traced the racialized civilizing impulse that continues to demarcate worthy and unworthy refugees, asylum seekers, and ‘victims.’ The Canadian state’s humanitarian discourses thus serve to separate the racialized ‘terrorist’ bodies that belong in non-recuperative categories, and who are according to white supremacy ungrievable and less than human, from children who can ‘rescued’ only if they are separated from their ‘terrorist’ parents and community.

In so doing white settler occupation and sovereignty over occupied Turtle Island is further legitimized. The occupation of Turtle Island by the Canadian state retains its mythology of being a noble enterprise through the management of racialized and Indigenous peoples, particularly when narrated as the ‘rescue’ of racialized children. It is also in understanding the ‘illegitimate’ refugee as a threat to the Canadian state that the settler subject is also invited to continue to understand himself as having the rightful authority to occupy Indigenous land, resources, and perpetuate genocide against Indigenous peoples. For example, following the arrival of the MV Sun Sea and detention

of the men, women and children aboard, Prime Minister Stephen Harper commented that this case of ‘human smuggling’ was a matter of Canadian sovereignty and a threat to the nation-state, “It’s a fundamental exercise of sovereignty, and we’re responsible for the security of our borders and the ability to welcome people or not welcome people when they come” (Stephen Harper quoted by CBC(c), 2010).

I argue that the arrival and mass detention of Tamil refugees, as narrated and performed in mainstream Canadian media, public discourse, and legislative responses functioned to secure the Canadian citizen as a ‘humanitarian’ actor. While assessments of the Canadian state’s response to the arrivals of Tamil refugees aboard the *Ocean Lady* and *MV Sun Sea* have critiqued the Conservative government’s securitized response in favour of a human rights oriented approach to refugees, I have demonstrated where education, human rights, and humanitarian discourses furthered the project of racializing Tamil refugees as ‘terrorists’ in need of racial management. Together, humanitarianism and the securitized discourse of the white settler state’s sovereignty draw upon the notions of racialized threats towards justifying the use of force in the ‘War on Terror,’ the policing of the borders of Western states transnationally in the Asia-Pacific region, and the requisite detention, incarceration, and deportation of racialized bodies deemed ‘terrorists.’

Chapter SIX

Conclusion

This thesis has explored the marking of Tamils in the diaspora, particularly youth, as ‘terrorists,’ ‘extremists’ and ‘radicals.’ I have examined both securitized regimes of detention, deportation, and incarceration as well as ‘humanitarian’ interventions through educational programs designed to secure ‘de-radicalization.’ Noting Canada’s involvement in framing Tamil political resistance as ‘terrorism’ through the proscriptions of the LTTE and the WTM, I have also traced the Canadian state’s promotion of Tamil political positions it defines as ‘moderate’ rather than ‘extremist.’ This thesis indicates a globally organized and structured targeting of Tamils as ‘terrorists’ which does not only necessitate the complicity of the GOSL, but also of the Canadian state. In invoking the Canadian public in the process of casting out the Tamil ‘Other,’ this process also shapes who belongs in the Canadian public.

The figure of the Tamil youth thus holds a significant place in the transnational landscape of the ‘War on Terror.’ The arrests of four University of Jaffna student union leaders on November 27th, 2012 and their detention and interrogation by the GOSL’s Terrorism Investigation Department (TID) is indicative of the threat faced by youth who continue to organize and politically resist the Sri Lankan military occupation of their homeland (Veerasingham, 2012). By also drawing attention to sites of racial management in Canada’s counter-terrorism project such as its education initiatives through the Mosaic Institute, the narration of detaining refugee children as a humanitarian act, the positioning of Tamil youth protesters as harbingers of a multicultural ‘crisis,’ and the exclusion of Tamils from the rights and protections of citizenship and belonging in legal proceedings I

have argued that the targeting, detention, and monitoring of Tamil youth is not only integral to the GOSL's genocide, but is also crucial to the Canadian state's project of white settler colonialism.

Yet rather than examining the Canadian state's targeting of Tamils, scholars have tended to study and analyze the Tamil diaspora's, and particularly second-generation youth's, identity 'crises' that arise from being torn between the 'homeland' and the 'host nation.' I hope that this thesis has demonstrated what is lost by such de-politicized approaches and secures a call towards a greater investigation of the global geopolitical dimensions around Canada's political and economic interests in managing its Tamil diaspora, as well as influencing the post-war situation on the island. It also demonstrates the need for a further examination of how the 'radicalized' bodies of Tamil youth have come to represent the need for transnational state management of racialized diaspora populations, and particularly of the politics of diaspora youth.

As a settler colonial nation-state Canada has obvious interests against the political projects of Tamil nationalism, separatism, sovereignty, and self-determination that have nevertheless not been widely interrogated. Canadian interests are readily apparent in Mosaic Institute programs funded by the Department of Foreign Affairs and International Trade, the Department of Citizenship and Multiculturalism, and Public Safety Canada that promote white settler mythologies and technologies of liberal governmentality like the rule of law, democratic institutions, and a tradition of accountability as characteristics of the Canadian state to young Tamils. Similarly the promotion of 'apolitical' and 'humanitarian' solutions serves to displace and deny the possibilities for collective change and political resistance, while continuing the racialized marking of Tamil political

organizing as ‘terror.’ Thus it is important to recognize organizations like ‘Sri Lankans Without Borders’ in the diaspora as state-funded nation-building enterprises for the state of Canada itself, that seek to instill colonial truths about the Canadian state as just, democratic, free, and therefore a model for conflict-ridden countries of the Global South like Sri Lanka. By troubling discourses which position Canada and other Western liberal democracies and settler states as ‘safe havens’ for Tamils, I have demonstrated the need for the Tamil struggle to respond not only to the Sri Lankan state, but to also take into consideration the transnational structures of globalized white supremacy, capitalism, heteropatriarchy, and colonial governance.

In the my discussion I have focused on the figure of the Tamil as the ‘Other,’ while in critical scholarship on the post-9/11 security state the Muslim body has been studied as the exemplary civilizational ‘Other.’ Yet as Andrea Smith writes on the American context, “it is important to understand that this war against ‘terror’ is really an attack against Native sovereignty, and that consolidating U.S. empire abroad is predicated on consolidating U.S. empire *within* U.S. borders” (Smith, 2005, 179). As Byrd (2011) writes, “the Indian is the original enemy combatant who cannot be grieved” (Byrd, 2011, xviii). Byrd argues that the American Declaration of Independence marks the ‘Indian Savage’ as the original ‘terrorist,’ as inhabiting a non-recuperative category outside the frontier, and finds that in the twenty-first century “the United States has used executive, legislative, and juridical means to make ‘Indian’ those peoples and nations who stand in the way of U.S. military and economic desires” (Byrd, 2011, xx). In Smith’s (2005) and Byrd’s (2011) re-centering of settler colonialism in the critique of empire, “the United states propagates empire not through frontiers but through the production of a

paradigmatic Indianness” (Byrd, 2011, xxxv). Thus I argue that it is also necessary within the diaspora context to interrogate the state of Canada itself, including the structures of Euro-Canadian white settler governance that promote capitalist extraction while denying Indigenous sovereignty, land rights and treaties, self-determination, and self-governance, and to do so based on shared anti-colonial principles with Indigenous nations and people of colour.

To achieve this it is necessary to centre power relations, privilege, and complicity in education, within and outside of colonial educational institutions. It is also significant and necessary to highlight the failure of multiculturalism to challenge and de-centre hegemonic whiteness and name racism, white supremacy, and hierarchies of power in the Canadian state. Colonial authorities have governed and continue to govern, police, limit and channel encounters between racialized migrants and Indigenous peoples in social, cultural, economic, and political realms. The task of organizing Indigenous-settler solidarity then within racialized communities must then both understand and respond to forms of colonial governance that seek to prevent the formation of anti-colonial alliances between racialized and Indigenous peoples.

As an example of solidarity building relationships between Tamil community organizers and Indigenous communities, specifically Six Nations, I’ve chosen to conclude by sharing a quote from a meeting I attended last year when members of the Tamil community in the Greater Toronto Area and representatives from Six Nations attended a solidarity-building meeting in Scarborough. At the meeting Members of the Men’s Fire at Six Nations called for the support and alliance of the Tamil community, and Tamil political leadership towards dealing honourably, respectfully, and peacefully

on a nation-to-nation basis. Representatives from Six Nations noted that as a community of racialized and targeting migrants, Tamils have understood integration, belonging, and building lives and homes on occupied Turtle Island as a process where guidance and approval is sought from the laws, institutions, systems and structures of the Canadian state. But reclaiming and asserting their sovereignty, representatives of Six Nations told the Tamil audience, “What the Canadian state didn’t tell you was they weren’t the ones you were supposed to talk to, it was us—the Haudenosaunee.” Thus in writing on white supremacy, settler colonialism, capitalism and heteropatriarchy I am also grounded in the knowledge and experience that hegemony is not *always already* a given, and that colonization is incomplete everywhere. I hope this work indicates the possibilities for, and necessity of anti-colonial critique, resistance, and education.

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