

# POLITY

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## RIZANA NAFEEK AND THE ECONOMY

In the euphoria about victory in battle, people seem to be in denial about the serious economic situation and the huge social problems the country is facing - including the plight of displaced persons and migrant workers. The current economic crisis—spiralling inflation, loss of foreign investment, the fall in value of the rupee, the collapse of tourism, the sharp dip in the stock market, and the slowing down of projects—has severely affected workers in Sri Lanka and has eroded the purchasing power of all classes. The burden of the cost of living however, weighs heaviest on the poorest of the poor. The all-round rise in prices—of food, kerosene, petrol, gas, transport and all goods and services—has occurred with hardly any rise in wages. Thus, in effect, the real wages of all have slumped alarmingly. But protest has been muted since the exigencies of the war have made people less likely to strike or demonstrate. Yet, for how long can people bear such hardships?

The situation today is reminiscent of the disasters that occurred in the early 1970s when the sudden, sharp rise in the world price of oil created great hardships locally. This was reflected, at that time, in the increased poverty levels, starvation, a rise in malnutrition and infant mortality, along with the stunting and wasting of children, and shocking scenes of people scavenging for food.

Today, the irony of the situation is that the government's largest foreign exchange earnings come from the

poverty-stricken themselves - namely the cheap labour of Sri Lankan workers. Mao Zedong once said that "women hold up half the sky." It seems that the poorest among the women of Sri Lanka - from urban slums, villages and plantations - are "holding up" the economy through three main areas; foreign employment, work in garment factories and on the tea and rubber estates. In the Middle East, the largest number of Sri Lankan workers are women employed as domestic labour. These workers also help reduce the unemployment problem in the island. Many do well and earn several times what they could in Sri Lanka but for others, the story is sometimes one of harsh treatment abroad and the squandering of their money by their families at home. The plight of those women subject to cruelty has been highlighted in the press, but governments are torn between intervening in abuses that take place affecting Sri Lankan workers abroad, and the need to increase foreign employment - since this is the source of the much-needed foreign exchange.

Recently labour officials in the southern Chinese province of Guang-dong raised the question of the bad treatment and low wages in famous fast-food multinationals such as Pizza Hut, McDonalds and Kentucky Fried Chicken where Chinese part-time workers are paid less than the minimum wage and have to work full-time hours without full-time benefits. The Chinese government intervened to obtain improved conditions. It is also well-

known that in Malaysia, Sri Lankan workers at such multinationals are treated shabbily and over-worked, without any other means of redress except to 'bolt' and work as 'illicit' labour, thereby often risking ending up in prison. But does the Sri Lankan government seriously intervene about their plight? Does it have the bargaining power to do so?

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Clashing with the oppressive practices or harsh laws of the host country, is also not possible for individual migrants: It is the Sri Lanka government that has to show more concern and intervene effectively on issues of migrant labour. Recently 17-year old Rizana Nafeek, from an impoverished family in Sri Lanka was sentenced to death in Saudi Arabia for the accidental death of an infant in the house where she worked. This has shocked local and international opinion, leading to some concern shown by the government. Protests by local organizations and international condemnation has again highlighted the question of migrant Sri Lankan, and the corrupt employment agencies which mislead and exploit workers.

The *Women's Manifesto* issued by 12 women's groups has referred to many of these problems and the weaknesses of the government on the issue of migrant labour. It has urged the signing of bilateral agreements between the State and recipient countries for enforcement of standardized contracts, with minimum standards for recruitment, working conditions, repatriation, and more labour and welfare offices. The *Manifesto* also calls for free legal assistance and counseling for migrant workers in recipient countries; a system of social security, and the granting of the right to vote to migrants at Sri Lanka elections.

The issue of the human rights of migrant workers is now drawing more interest and the case of Rizana Nafeek has helped to publicize their plight. Induwara Thilakarathne and Ranga Chandrarathne have written in the *Sunday Observer* (15 July 2007) on her case and have commented on the 'Social

Cost of a Dollar Spinner'. They emphasize the need for a comprehensive policy on migrant workers, including social security schemes, day care centres for migrants' children, increased intervention on behalf of migrants by the Sri Lankan embassies, and a policy of better training of domestic workers before they take jobs abroad. The writers claim that if social security measures are not followed, the consequences of migration would be very high, making a dire warning that the workers' "hard-earned foreign currency would be of no use," and the very existence of local society thereby endangered, if the social cost is too high.

One hopeful sign is that the problem of migration is receiving official attention and top priority at the highest international levels, culminating in the launching of the Global Forum on Migration and Development. At this Forum held in July 2007 in Belgium, the UN Secretary-General, Ban Ki-moon referred to the world's 200 million migrants as "one of the great global challenges of our century." As Noeleen Heyzer, the Executive Director of the UN Development Fund for Women states, the bulk of migrants are semi-skilled and unskilled workers who take low wages and sometimes perform dangerous work. The Rizana Nafeek tragedy proves how dangerous the work can be, even involving the possibility of a death sentence. Her case has served to highlight the whole issue of migration, and the need for a comprehensive analysis of the phenomenon of the 'export of labour' ( or, what has been called, the new international division of labour.) and a fresh look at the government's record on the signing the need for of International Conventions on migrant labour.

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# SRI LANKA: BACK TO SQUARE ONE

Jayadeva Uyangoda

**T**he escalating war in Sri Lanka has begun to spring interesting surprises. For example, a day or two after Chennai's *The Hindu* ran an editorial under the title 'Tigers on the Run,' there was panic in Colombo that the Tigers had come to the Colombo airport's runway. With the appearance of Tiger aircraft carrying and dropping bombs over the skies Colombo, evading radar detection and fire from the ground, the war between the Sri Lankan government and the LTTE has the potential to reach a new phase where high-tech instruments might play a key role in the way in which the war is conducted.

The developments in Sri Lanka's war during the past few months as well as what is happening at present offer very rich material for analysis of intra-state civil war. The government has opted for a full-scale military offensive, while publicly claiming it was a mere defensive response, knowing very well that an overall outcome favourable to the government might take two to three years. The Rajapakse administration seems to be taking up the challenge of being locked into another protracted and intense phase of war with two outcomes in mind. The LTTE would either be militarily defeated, or so decisively weakened as not to be a threat to the Sri Lankan state in any significant way. Then, as the official vision goes, a victor's peace, or 'peace with dignity,' will dawn in this island.

The section of the government that has conceptualized, planned, strategized and begun to execute the present phase of war appears to believe that in the past the Sri Lankan armed forces could have won the war against the LTTE, but were prevented from doing so not by military factors, but by extra-military, or political, factors. Interference in the strategy and execution of the war by politicians, the pressure from the internationals to move away from a military solution and the concerns for human rights and humanitarian consequences are the three main extra-military factors. In this total commitment to a favourable military outcome, the government seems to be even willing to endure negative economic consequences of a protracted war.

The LTTE on the other hand appears to be ready for a protracted war too. The LTTE's commitment to a protracted

war seems to emanate from a different framework of strategic calculus. This thinking may be summarized as follows: A long-drawn-out war would create grave humanitarian and human rights problems for the government, isolating the regime from the international community. An intense war that escalates the cost of war and spreads violence would seriously damage the economy, eroding the support base of the regime and weakening the capacity of the economy to fund the war. A war that damages the economy while producing serious human rights issues, weakening the rule of law and the democratic process, would also sharpen contradictions in the Southern polity. This thinking is also governed by a very interesting strategic calculation that the LTTE appears to have made. Unlike the government, the LTTE does not seem to aim at a military victory. The LTTE perhaps knows that a military victory over the Sri Lankan state is not possible, in view of both the superior military strength of the state and the configuration of regional and international forces in favour of the state. The LTTE's military-strategic aim seems to focus on preventing the Sri Lankan state from obtaining a military victory, leading to a military and eventually political stalemate in the conflict. The LTTE does not seem to mind the immense suffering of Tamil civilians in this war, as long it is able to score political points internationally.

The war in the Eastern Province during the past six months or so to a great extent demonstrated the working of the competing strategic calculations of both sides. The government, using the forces of the LTTE's breakaway Karuna faction, sought to dislodge the LTTE from the province through a series of conventional battles. The LTTE, facing superior fire-power of the state, has decided to withdraw from the Eastern Province. This was similar to what the LTTE did in the Jaffna peninsula in December 1995. Faced with a massive conventional offensive by the state, the LTTE withdrew all its fighters, cadres and military assets to the Vanni jungles without resisting the advancing army. It also evacuated several hundred thousand civilians to the Vanni, south of the Jaffna peninsula.

Meanwhile, the government, true to its new thinking, did not capitulate before international or civil society concerns

about very serious human rights violations and humanitarian crises. It practiced, quite effectively, the art of denial, cover-up and intimidation whenever these issues were raised. The government also went in search of international support from sources that do not consider these 'political' issues when offering economic and military assistance. So far, both the government and the LTTE have succeeded in maintaining their short-term strategic objectives without incurring huge costs.

At present, the war has shifted from the Eastern Province to the Northern Province. The government's strategy seems to be to engage the LTTE in a long-drawn war while blocking its military supplies and funding. The Rajapakse administration's international campaign that it has been fighting terrorism seems to have struck a more than sympathetic code in Washington, DC. Full backing of the US, with occasional murmurs about human rights and media freedom, might guarantee some success in President Rajapakse's own 'war against terrorism.' The LTTE's lack of a political programme of compromise and militaristic intransigence might even hasten its belated downfall.

Meanwhile, the government might not go for an all-out assault on the Vanni because of the fact that the LTTE is concentrating all its military might there for counter-attack. In this theatre of war, the LTTE might spring more surprises in order to alter the strategic balance. That is the nature and character of the LTTE's war machine. It exploits the element of surprise to reverse previous military losses and to turn the tables on the other side.

In this backdrop, is resumption of negotiation between the Sri Lankan government and the LTTE possible? Objectively speaking, there is no reason for either side to return to talks. There is hardly anything that can be achieved. Both sides seem to be waiting for the outcome of the present phase of war. Is a negotiated settlement to the conflict possible? Not between the Rajapakse administration and the LTTE at present. While the former might wait for a victor's peace settlement, the latter will also wait patiently for a settlement for a separate state. This is Sri Lanka's 'scissors crisis.'

Although it is quite depressing my own assessment is that Sri Lanka's conflict has now reached a stage beyond a settlement through power-sharing. The little interest that the LTTE has shown for several years in negotiated regional autonomy has now totally disappeared. The more-than-little interest that the reformist sections of the Sinhalese political class had earlier developed in a settlement of negotiated regional autonomy has also diminished. This is shown in the proposals prepared by the Sri Lanka Freedom Party, the main constituent party of the present United People's Freedom Alliance coalition regime. President Rajapakse is the leader of the SLFP, and obviously the new proposals reflect his thinking and the thinking of the powerful military-civilian bloc that constitutes the core of the power structure at present.

The SLFP proposals envisage district-based decentralization of power under a strong, centralized and unitary central government headed by the President. These proposals totally ignore Tamil and Muslim demands for regional autonomy and province-based devolution of power. They take Sri Lanka's policy debate on ethnic conflict resolution back to the early 1980s when the J. R. Jayewardene regime, much before the secessionist insurgency by the Tamils developed, attempted district development councils. These minimalist proposals of the Sinhalese political class appear to be prepared by it and for itself. Looking at them from the perspective of the ethnic conflict, they are empty, regressive and hugely majoritarian.

So, Sri Lanka, as they say, is back to square one.

What can one do in these circumstances to prevent Sri Lanka from getting further embedded in a destructive war? Very little, if one wants to be honest. The only option that is worth trying, as far as I can see, is to bring immense international pressure on both the government and the LTTE in order to de-escalate the war, to minimize the grave human rights and humanitarian consequences, and ensure that the war does not get dirtier. ■

May 12, 2007



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# THE CARNIVAL MAY GO ON

Jayadeva Uyangoda

**T**he split which recently occurred within the Rajapakse administration is a significant political development that carries within it some of the inescapable contradictions of the policies being implemented by President Rajapakse and the power bloc which he seems to head. Mangala Samaraweera, a powerful minister representing the old guard of the Sri Lanka Freedom Party--the main constituent party of the ruling UPFA coalition--has now formed a breakaway SLFP. Samaraweera was the campaign manager of Rajapakse during the Presidential election campaign of December 2005. He is also a close ally of former President Chandrika Kumaratunga who seems to be seeking a political role in Sri Lanka. The split has jolted the Rajapakse administration to some extent. It has also given a new impetus to the opposition UNP's campaign against the Rajapakse regime.

President Rajapakse seems to have invested quite a lot on the military campaign with the hope that military successes against the LTTE would bring immediate political dividends. The battle successes in the Eastern province have reinforced the view in government ranks that the LTTE could be wiped out in the North as well. These successes were also used by the government to justify continuing human rights violations, and humanitarian crises. The hostility repeatedly displayed by the government officials, advisors and spokespersons to even mild criticism demonstrated another dangerous trend in governance--the erosion of democratic governance, weakening of democratic institutions and the government's disregard of the rule of law. The sudden appearance in the Colombo skies the so-called Eelam Air 'bombers', the continuing international criticism of the government for its disregard for human rights, and notably the war's negative impact on the economy that has fuelled inflation and dwindled foreign reserves, began to expose the government's stories of successes. Samaraweera's move to cross over and form a new party seems to have widened the space for a new alignment of oppositional forces. There can be stiff competition in the coming weeks and months between the UNP and the JVP to be the centre of the new opposition alliance.

Mangala Samaraweera's critique of the Rajapakse administration is slowly fading away from the media which is more interested in making speculations about his next political moves. Yet, it is important to recall what Samaraweera highlighted in that critique. Among the key points he made are the concentration of state power in the hands of a few rampant corruption, and the move away of the SLFP from its moderate policies.

Meanwhile, the Rajapakse administration has exposed its weaknesses to the world in a big way when it failed to positively respond to the international concerns for Sri Lanka's worsening human rights situation in the context of the on-going war. Japan, Sri Lanka's biggest foreign donor has broken its silence and joined the international outcry about the government's repeated failure to improve the human rights situation. The key figures in the regime--many of whom are unelected advisors or ex-UNPers who changed their political loyalties only after Rajapakse became the President--have been repeatedly demonstrating their incapacity to run a state in the dual context of globalization and protracted civil war. Their behaviour parallels the arrogant, short-sighted and self-destructive policies followed by people like Lalith Athulathmudali and Ranjan Wijeratne in the early and mid-1980s. But sadly, Sri Lanka has a new ruling bloc that does not seem to possess any institutional memory about governance, war and running the state.

It is in this context that the emerging opposition alliance does not seem to have much political depth. The first step towards a new political process is a thorough critique of the policies of the Rajapakse regime, which Samaraweera and the JVP helped to crystallize. These are policies formulated in a tunnel-vision of Sinhalese-nationalist militarism, middle-class desire for authoritarianism and an island mentality of isolationism. It might take some more time for the Sri Lankan people to realize the irreparable damage that these policies are causing to them, their country and their future. Until then, the carnival is most likely to go on.

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*Magawathi's electoral victory in Uttar Pradesh and agitation for tribal status by Rajasthan's Gujjar community has brought to Indian politics the issue of caste in new and interesting ways. Shail Mayaram, a noted Indian anthropologist, provides some valuable insights.*

## CASTE, TRIBE, AND THE POLITICS OF RESERVATION

Shail Mayaram

**A**t the heart of the Gujjar protests is a critique of a model of economic growth that has not trickled down.

The struggle by the Gujjar community in Rajasthan for Scheduled Tribe status has now become one supported by community leaders affiliated to both the Bharatiya Janata Party and the Congress. They now need to do a Chauri Chaura to rein in violence by sections of the community.

In effect, the government of Rajasthan has effectively converted a legitimate democratic protest, articulating a claim to representation and reservation, into an angry mob. State failure lay in the excessive use of force. Were intelligence reports not forthcoming or were they ignored? The movement focussing on the demand to include Gujjars in the Scheduled Tribe category had clearly been building up over the last year, indeed ever since the Jats were declared an Other Backward Classes group by the Vajpayee-led government at the centre. The Rajasthan BJP's election manifesto had itself promised the Gujjars an "upgradation" from their current OBC status.

### Lesson

**T**he Gujjar protest has many lessons. There is, first, the question of backwardness. The Gujjars, estimated to number 1.6 crore nationwide, are internally differentiated in terms of religion, occupation, and socio-economic status. Historically, they have comprised a hugely heterogeneous group ranging from the Gujjar-Pratihara rulers of north India to the Gujjar and Bakarwal nomads of Jammu and the Kashmir valley who are today mostly Sunni Muslim. There is said to have been a migration from Gujarat, Kathiawad, and Rajasthan to Kashmir in the 6th-7th centuries and an earlier one from Georgia via Central Asia, Iraq, Iran, and Afghanistan. In Uttarakhand, they comprise forest communities called Van Gujjars, and in Rajasthan Gujjar

villages in the Aravalli forests and there have been attempts to "rehabilitate" (read displace) them from the national parks of Sariska and Ranthambhor.

The Gujjar protest raises the larger question of the categories espoused by government mentality, colonial and post-colonial. Do groups such as these constitute a tribe or caste? In both Kashmir and Rajasthan, Gujjars are cattle-rearers, but have also become sedentary over time. Should they be incorporated into the OBC or the Scheduled Tribe category? Under the 18th century revenue administration of eastern Rajasthan, the Gujjars were considered a peasant group with a shudra status similar to the Meenas, Meos, Jats, and Ahirs. Nonetheless, folkloric sources indicate a more ambivalent pastoral status, in a Mewati folk-epic, a poor Gujjar woman whose only cow is killed by a tiger weeps in the mountains until she is helped by Meo bandit-rebels!

Another issue is the politics of inclusion into statist categories. In the aftermath of the formation of the State of Rajasthan, the Meenas were declared a Scheduled Tribe but not the Gujjars. The Meenas had been an erstwhile ruling group of the Amber kingdom who were dispossessed by Rajputs much like the Bhil rajas elsewhere in Rajasthan and Gujarat. The Meenas' own internal categories of difference—the zamindari and chowkidari Meenas—suggest their presence in the middle peasantry. The Amber/Jaipur kingdom gave the Meenas a special status; their vermilion mark anointed the king and they guarded the treasury. The Gujjars were treated as a shudra group in the Mughal period and subject to a differential system of revenue assessment by the much-expanded Jaipur kingdom. In eastern Rajasthan, Brahmins paid 12 per cent, Rajputs 33 per cent, and raiyati groups such as Meenas, Gujjars, Jats, and others up to 76 per cent of the produce.

## Upward Mobility

**D**uring the colonial period, upward mobility characterised a small section of the north Indian peasantry, including Jats who benefited from the East Yamuna canal, but most peasant castes and western Jat factions faced an increasingly desperate situation under pressure of high revenue assessment, famines, and growing indebtedness. Gangs of Gujjar, Meena and Mewati raiders had come into being in the late 18th century and become active in the early 19th century, feeding into a colonial discourse of paracriminality that led to the making of the infamous Criminal Tribes Act of 1870-71. The unrest among peasant-pastoral groups such as the Gujjars and Mewatis fed into the making of the Revolt of 1857, William Dalrymple's contention of this being the first jihad, notwithstanding!

The Gujjar mobilisation then is multi-faceted. It is about legitimate democratic aspirations and citizenship. Like African-American leaders of the Harlem Renaissance in the United States, who were disheartened when their participation in the First World War only brought them more lynchings, Gujjars contend that they have contributed significantly to the anti-colonial struggle and to the Indian state. In the districts of Meerut, Bijnor, Alwar, and Bharatpur they mobilised against the 'firangi' (foreigner) in 1857, a contribution that they claim has not even been recognized.

The current protest is about entitlements in jobs and educational institutions, and the perception that in the last 50 years Meenas who had a comparable socio-economic status have forged way ahead of the Gujjars by being declared a Scheduled Tribe. While the former acquired a high representation in the state and all-India services, the latter have to resort to mining and construction labour and, at best, minor clerical jobs. At its heart, it is also a critique of a model of economic growth that has not trickled down and the failure of the neo-liberal model of development that seeks to

establish glitzy SEZs (special economic zones), filmcities, and emerald, gold, and diamond souks but ignores the rural hinterland's predicament of receding groundwater resources, low crop yields, and livelihood crises.

## 'Homo Aequalis'

**T**he Gujjar protest represents another moment in the transformation of caste politics. Louis Dumont's description of the Indian as 'homo hierarchus' in contrast to the Western man as 'homo aequalis' clearly needs revisiting. Surely, caste is about unequal ritual and social statuses and untouchability, but contemporary caste claims are also about 'homo aequalis' and represent visions of justice and equality. Thus, while the earlier phase of lower caste assertion had been about displacing upper castes, a good deal of the caste discourse now is about challenging "creamy layers." Gujjar anxieties are shared by Ahirs, Malis, and others about the Jats cornering all the privileges for OBCs and everyone else losing out.

Gujjars must, nonetheless, also undertake a self-introspection into why a non-violent 'chakka jam' took a violent course and into the larger problem of the politics of quotas. If the creamy layer bedevils Rajasthan's over-inflated OBC category, it is even more the bane of the Scheduled Tribe category where the marginality of the truly backward Bhils and Garasias has only intensified under the welfare state. A pan-Indian debate particularly on alternatives such as the Yogendra Yadav and Satish Deshpande model of merit-handicap points, ensuring that advantaged offspring will not benefit from caste-tribe quotas, might be a better guarantor of social justice. Further, will merely being listed as a Scheduled Tribe ensure quality school education, better quality teaching, and jobs? Finally, what are the gender imbalances that reservation often entails, especially given the experience of certain upwardly mobile individuals who keep their caste wife for the village and undertake inter-caste marriages in the city? ■

**Dr. Shail Mayaram is Professor and Senior Fellow at the Centre for the Study of Developing Societies, Delhi.**

## Correction

With regard to our last issue's article entitled "The November 2006 Midterm Elections in the United States," the table on household income (by each fifth of households, and for the top 15% and 5%) was incorrectly reproduced. It should read as follows:

	<b>lowest 20%</b>	<b>next 20%</b>	<b>middle 20%</b>	<b>bottom 60%</b>	<b>next 20%</b>	<b>top 20%</b>	<b>top 15%</b>	<b>top 5%</b>
<b>1979</b>	5.4	11.6	17.5	34.5	24.1	41.4	26.1	15.3
<b>2000</b>	4.3	9.8	15.5	29.6	22.8	47.4	26.6	20.8
<b>2003</b>	4.1	9.6	15.5	29.2	23.3	47.6	27.1	20.5



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# BATTICALOA FIELD VISIT

## MAY 2007

A team from the Centre for Policy Alternatives (CPA), INFORM Human Rights Documentation Centre, the International Movement Against Discrimination and Racism (IMADR) and the Law and Society Trust (LST) visited Batticaloa District from 17 to 18 May 2007 to assess the resettlement process in Vellaveli (Porativu Pattu D.S. Division) in Batticaloa west.

Given previous instances of forced resettlement, such as the movement of people from Kanthale and Kinniya to Mutur in September 2006 and from Batticaloa to Killivetti Transit Site and Vakarai in March 2007, the team visited to ascertain whether the resettlement was being carried out in line with international human rights standards.

The team spoke to displaced persons awaiting settlement, those who had already been resettled, and local organisations and international agencies involved in humanitarian and human rights issues in the district. The team visited displacement sites including Vinyagapuram Maha Vidyalayam and Alankulam, in Valaichennai. It attempted to visit Porathivu Pattu but was denied access.

This report is one in a series of reports by human rights groups highlighting human rights and humanitarian issues following the upsurge in violence during 2006-7.

### Key Findings

1. The voluntary nature of the resettlement process, which is a basic international human rights principle, was clearly in question. IDPs were not consulted regarding their return and resettlement, thus violating a key article of the Guiding Principles on Internal Displacement. 2. The resettlement process was heavily militarised. Civil administration and relief and humanitarian agencies were clearly excluded from playing any critical role in the initial process of resettlement. 3. Elements of coercion were visible in the early part of the resettlement process—STF guards showing aggression when calling out family names and reportedly even pointing a gun at the crowd. 4. The growing unwillingness of larger international agencies such as the UNHCR to publicly raise the issue of forced resettlement.

### Context

The large-scale military operations launched in March 2007 by the security forces in LTTE-controlled areas to the west of Batticaloa District, and on its borders with Amparai District (including Kokkadicholai, Vavunativu and Thoppigala), saw a mass exodus of residents from these areas to government-controlled areas in Batticaloa. It is estimated that more than 40% of Batticaloa's entire population was displaced over the last six months. By the end of March, the Ministry of Reconstruction and Rehabilitation quoted a figure of 34,927 families consisting of 127,134 persons living in Welfare Centres in Batticaloa.

Since March 2007 the government has engaged in massive resettlement initiatives to ensure that displaced people return to their homes in areas under military control. The haste with which the resettlement was planned and executed raises questions with regard to the observance of and respect for international norms and principles. Concerns were also raised about the lack of consultation with the affected communities and with the local and international NGOs that work with them. Reports indicated that there was forced resettlement and instances where coercion was used. The Minister of Resettlement, Rishard Badurdeen, confirmed these reports.<sup>1</sup> Following the capture of areas west of the Batticaloa lagoon by the military, the government announced plans for resettlement, which was to proceed in three phases. In the first phase from 14 to 24 May, Vellaveli (Porativu Pattu D.S. division home to approximately 38,577 persons from 9,870 families) was to be resettled.

### Pre-Resettlement Concerns of IDPs

On 17 May we travelled to Batticaloa via Valaichchenai. In Valaichchenai, we visited the camp at the Vinjayagapuram School, where the number of IDPs was depleted due to resettlement to Vakarai and Kiliveddy. The families still remaining there were from areas of Mutur East—Eachalampattu and Seruvila D.S. divisions—to which resettlement had not yet commenced. The camp, which had once accommodated over 1000 families, seemed deserted. The people feared that they would be sent to the Killivetti



Transit Centre, which they had heard was in poor condition and saddled with water and sanitation problems. They were also concerned about reports of abductions in the camp and hence claimed that they felt much safer in Vinyagapuram.

We then visited a camp at Ondtachimadam from which people were to be taken to Porativu in the next few days. There was a mixed sense of excitement and anxiety. People were very clear that they did not want to continue living in the tent sites that had been their home for several weeks. Their anxiety about returning was mostly based on the fact that they had no idea as to what to expect. Many of them had heard rumours that their livestock had been stolen and were worried about the implications of this for their livelihood options after resettlement. They were also not at all clear about their entitlements—what they would receive when and where. Their Grama Sevakas had not been with them in this process of displacement and they were not sure whether the GS would turn up once they had returned.

### Procedural Problems

**T**he resettlement of Porativu took place over eleven days, each day being allotted to resettling three G.N. divisions. All the displaced persons were notified of the days on which resettlement would take place for each of the thirty-four G.N. divisions. The Centres where the people from each G.N. division were seeking shelter were identified and these sites served as the gathering points for people to be collected for resettlement.

The Special Task Force (STF) is the primary actor responsible for the resettlement program. It took charge of all the main procedures including transport, registration, and security checks, while some civilians were seen assisting in distributing relief assistance packages.

Each morning a bus comes to each camp, with security provided by the STF. The displaced from the G.N. divisions that have been listed for resettlement on that day, board the bus and are taken to a eucalyptus grove next to the DS.s office in Kaluwanchikudy, where the registration takes place. The buses make multiple trips to and from the camp depending on the numbers from each camp who are set to leave.

At the registration site there are separate queues for each of the G.N. divisions being resettled for the day, plus an additional one to deal with people who missed their assigned

day. The displaced first have to undergo a body search and a thorough search of all their baggage before they are registered and a family photograph taken. The family photograph is a crucial element of this process.

The family photograph created a great deal of insecurity and uncertainty, since the IDPs had been told that this photo would be the basis on which the security forces would accept their right to remain in Porativu. Thus, the IDPs felt that if any member of the family was not present in the photograph for any reason, those persons would have difficulty in entering Porativu at a later date. A particular dilemma confronted families in cases where children had been entered in schools in and around Kaluwanchikudy prior to this round of displacement. There was a fear that if the children did not appear in the family photo they would not be able to visit their families during vacation, and on the contrary that if



they did appear in the family photo, they would be forced on to the buses that were carrying their family back to Porativu. The Porativu Patu returnees reportedly were to be provided with a special identity card, like in Vakara, but this was not done at the registration site. Subsequent reports by other agencies have stated that returnees were given special IDs. The returnees we met at the registration site told us that they were given slips of paper to obtain their ration and, if they possessed a vehicle, another slip with which they could recover it at the Porativu end. They then boarded another bus that took them over the Padiruppu Bridge to Porativu, reportedly to the school where they would be given their two week rations and instructions regarding security and their future.



We visited Thettathivu Camp on the 18th, the fourth day of resettlement, when residents from Kalamunthaveli, Veeranchanai and Gandhipuram G.N. divisions were being taken back to their homes. For the most part, the entire process appeared to work smoothly. When we arrived at the camp at 7 a.m. families were already dressed and packed, waiting for the bus. Individuals from local NGOs and INGOs were also



present and boarded the last bus. There was a general rush to get into the bus and load belongings. On the second trip the bus driver shouted that this was the last trip he would be making which led to a panic among the remaining families. They rushed towards the bus and tried to force themselves onto it, squeezing their belonging and children through the windows. Some traumatic moments had already taken place. For example, a little girl who had been pushed into the bus through a window while her parents remained on the ground trying to get a foot onto the bus, screamed and leapt out of the window in a hysterical state when the bus driver revved his engine. This was an unnecessary situation as it was clear that the bus was full and that the remaining families and their possessions could not be squeezed in. Individuals from INGOs and NGOs intervened and the bus driver agreed to make a third journey.

### The Militarization of the Resettlement Process

At the eucalyptus grove, the registration process was carried out with military efficiency by the STF and in a manner that was sensitive to the basic needs of those being resettled. The selection of the location for the registration site was thoughtful, since the trees provided shade for the mass of people gathered there. Drinking water was provided and there were loudspeakers playing Tamil music. Towards noon, lunch packets were distributed by the STF to those

who were still at the site. There were also simple gestures like providing a chair for old people standing in queue. Importantly, the searching of women was carried out by female police officers.



The militarised nature of this resettlement operation was clear. Though there were civil administrators sitting in one of the tents, procedurally they played peripheral role. Individuals from the D.S. office did drive up to Thettathivu camp during the transport process but there was no attempt by them to engage with the people.

The displaced people in one camp complained to us that the local G.N. was not involved in the process, and only wanted to ensure that they would leave behind some of the items they had received as part of relief packages distributed by various NGOs. In other instances the displaced complained that relief items were provided to the G.N. by agencies but not distributed.

Despite this limited intervention, it seemed that there was a clear decision to exclude the civil administration and relief and humanitarian agencies from playing any critical role in the process of resettlement. This reflected the decision taken earlier in the year, when the resettlement to Vakurai took place. Decisions regarding the process, dates and modus operandi were taken within the security hierarchy.

Batticaloa-based INGOs working with the IDPs claimed that they first found out about the dates of resettlement from the displaced. There were a few local NGOs and INGOs that seem to be actively monitoring the process on a daily basis and trying to intervene.



In addition, the government imposed strict restrictions on access to Porativu Pattu. None of the UN agencies was allowed access until the resettlement process was well under way. Their own security advisories as well as the official denial of access to Porativu had no doubt influenced their decisions regarding the role they would play in this process at this phase. The UN agencies had been taken on one 'go and see' visit by security personnel, and had reported a relatively low level of impact in the area, but NO agency, local or international, was given permission to actually accompany the IDPs on their trip back home. On the 17th, a UN convoy reached the transit point in Kaluwanchikudy by mid-day. The UN was granted permission to enter Porativu only on the 19th, despite having been given assurances that it would have access on 16 May.

Our request to cross the Padiruppu Bridge on May 18th was also refused by the STF. They cited security considerations raising a question as to how safe these areas are. The government is using blanket security to deny any monitoring of the resettlement process in progress.

Overall, the militarized nature of the resettlement process has meant that it is efficiently carried out but because of the fear associated with the military, be it the army or the STF, the lack of a civilian administration and humanitarian agency presence makes the process all the more frightening for the displaced.

### **Voluntary Nature of Return in Question**

**T**he resettlement process to Porativu Pattu has been publicly presented as a voluntary process. The government has stated that it would not engage in forced return, having acknowledged that it had previously done so with regard to the movement of IDPs to Kilivetti from Batticaloa.

Voluntary resettlement, as identified in the Guiding Principles on Internal Displacement, is when the displaced make a free and informed decision and choose to return home. By contrast, forced return takes place when different forms of coercion, be it armed force or the denial or the threat of denial of food and other forms of assistance to the displaced, are used to move people back to their homes. Based on the interviews during our visit it became clear that the voluntary nature of return was clearly in question.

### **Restricted Rights: The key issue regarding the resettlement process that was brought to our attention**

### **was the lack of options presented to the IDPs regarding their future.**

There were no real provisions in place if the displaced did not wish to return. While all actors including government officials repeat the mantra that resettlement has to be voluntary, there is a general expectation that all the displaced will move back. For instance, we did not hear of a government actor informing the displaced that they could continue to stay at the welfare camp or with host families, and continue to receive rations.

There are very specific cases where individuals have been allowed to remain where they currently are. Examples of this are people who are in need of hospital treatment or children who have been transferred to schools outside Porativu Pattu. In these instances INGOs and NGOs have had to rely on the discretion of the local authorities and STF officers. This was the case with children in schools in Kaluwanchikudy who had families in Porativu, and who wanted to be sure that their right to visit their families was not affected by the fact that they did not join the families in the return. It should be noted that at least on one occasion the STF officers permitted individuals with very specific reasons to stay in their current location rather than join the resettlement.

In a press release issued on 15, May 2007, the UNHCR quoted its representative in Colombo, cautioning that "attention should be given to categories of people with special needs".<sup>2</sup> While some local groups and INGOs are playing a crucial role in assisting such cases, it was most often as a response to a crisis situation.

The 'success stories' of the 'special cases' who managed to win the right not to be returned—such as the students, or the ones in hospital—emphasize the fact that the right of refusal to being resettled has been restricted to very specific sets of displaced persons and is no longer a general right.

**Lack of information and a consultative and participatory process:** In our conversations with the IDPs, it became clear that they were not consulted regarding their return and resettlement, thus violating a key article of the Guiding Principles on Internal Displacement.

From the IDPs themselves, we heard a full range of opinions regarding the desire to return to their villages. Some were eager to return immediately due to the poor conditions in the camps. The rains in early April, which had inundated the

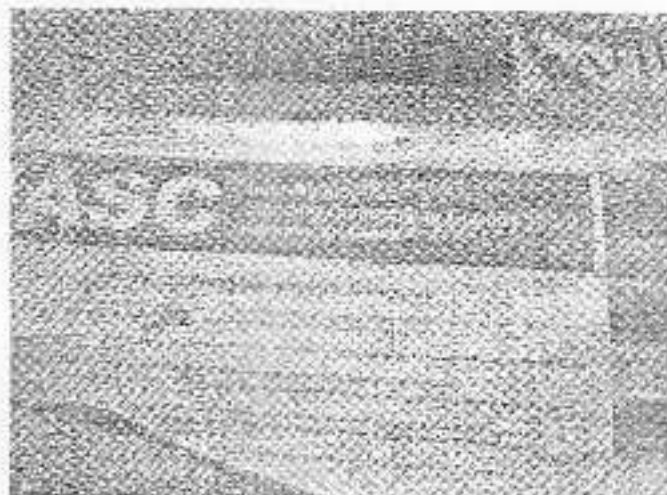
empty fields in which most of the tents and shelters had been erected, had been the last straw for many. Most were determined to return eventually, but were apprehensive of resettling right now. A key reason cited for not wanting to return immediately was security. The IDPs knew that there were some military operations continuing in west Batticaloa, and wanted to return after fighting ceased. This fear is very real, based on their experiences of being used as human shields by the LTTE in the past. They were also haunted by previous experiences of living amidst mortar fire, and some were also concerned about retaliation from the LTTE as it was the STF that asked them to move. The secrecy in which the resettlement process was shrouded heightened this fear.

IDPs who were interviewed questioned as to why NGOs, INGOs and camp officers were not allowed to go and see their homes prior to resettlement. They asked "What are they [the state] hiding? Why are they sending us back but won't let anyone else visit?" They invited us to come and visit them.

The lack of a 'go and see' procedure heightened the suspicion among the IDPs about the process of resettlement. They were anxious because they were returning to a situation in which they did not know whether or not their homes had been damaged, whether or not their household goods were intact, whether or not their means of livelihood (livestock, agricultural implements) had been destroyed or stolen. This meant that there was no assessment, either by the IDPs or by the humanitarian agencies, as to what measures needed to be put in place in order to facilitate the return. In addition, since the IDPs had no clear idea as to what of their goods and belongings were left, they felt that if any one IDP family was to return, the others should go along as well in order to prevent theft and looting. In communities that are poor and lack resources, the desire to preserve possessions is paramount. People also raised concerns that in their absence wild elephants would have caused significant damage to fields and property.

The issue of looting of property was also repeated to us by some recent returnees to Perativu. Some of them said that they were happy to be back but related stories of their houses being damaged and looted. The famous Paduvankara, Kammag Amman Temple in Kokadiyehocholi is not going to hold its annual festival this year. While the security situation and displacement of local residents has been cited as the reason, it was also reported that the temple had been looted. This report, however, has not been substantiated.

The silence of the NGOs regarding upholding the principles that IDPs should be offered choices and that their return should be voluntary, was very critical in this situation. We observed that the IASC notice regarding IDP rights, including on voluntary return, which had been widely disseminated in Tamil, Sinhala and English during the earlier processes of resettlement, as not as widely distributed or reissued during this phase. Nor was there any comprehensive awareness-raising process regarding the resettlement and avenues for reporting grievances.



**Use of coercion:** Firstly, the manner in which transport from the displacement camp was carried out indicated a significant measure of coercion. According to conversations we had with agencies working on the ground and the displaced in the camps, the process we witnessed on the 18th was markedly different to that on the first day. On the 14th the bus was accompanied by not just two STF personnel on board, but also others on motor bikes. They had been much more aggressive when calling out family names and reportedly had even pointed a gun at the crowd. Some of the people we spoke to said that people had actually wanted to resist being returned, having heard the stories from Killivetty and fearing the security conditions in their places of origin. Faced with the aggressive response of the STF, the displaced whose names were on the list for that day complied. This set a precedent. In the following days there appears to have been no resistance. No instances of people being dragged into buses were reported to us. The displaced also told us that the IASC notices gave contact information to report problems. They pointed out the obvious difficulties in finding a phone in an emergency to make a report and also wanted to know what support the NGOs, local and international, could provide them if they chose not to return. Clearly they wanted more international and local presence in the displacement camps, especially prior to and during the boarding of buses.



## The Role of Humanitarian and Human Rights Actors Regarding Protection of the Rights of IDPs

The lack of space for participation of IDP communities and humanitarian agencies in discussions and decision-making regarding the resettlement has made it difficult for the INGOs and local NGOs to be more proactive. Ideally, the decision as to the special circumstances under which people did not have to join the process should have been taken prior to the process being put into action.

The fact that a number of key actors in the humanitarian arena have characterized the resettlement as being voluntary creates an environment in which focusing on the obstacles to a resettlement with dignity for the returnees or with the fullest respect for their internationally recognized rights has become all the more difficult. In its press release of 15, May UNHCR characterized the resettlement as “voluntary and in line with international standards”. This is contrary to our findings, unless the term ‘voluntary’ has been redefined.

The Inter Agency Standing Committee issued a Situation Report (No.75) covering the period 17-24 May in which it reported that an inter-agency mission consisting of representatives of UNHCR, UNICEF, OCHA and the UN Security Division had visited Vellaveli (Porativu Pattu D.S. Division) on 18 May. The statement issued by IASC states that “initial findings reveal that the majority of people wished to return home and that the area was conducive to return.” This finding confirms our findings that many of the people we spoke to expressed a desire to resettle. Our conversations suggested, however, that people were afraid of resettling immediately and felt that they had no choice but to resettle. The IASC also mentions the ‘ideals’ of resettlement—full access to information, re-establishment of local administrative structures, ‘go and see’ visits, grievance mechanism—without mentioning whether these standards were complied with in Phase I. However, the IASC statement also pointed out that the issues of agriculture-based livelihoods and sustainable food security posed a challenge, as did the existence of mines and unexploded ordinance in the area. Again the IASC does not comment on whether this was a violation of international standards in Phase I.

An assessment of Porativu is to be carried out so as to identify immediate needs. Although the initial assessment carried out by a UN Advance Team reported a “relatively low level of impact,” subsequent visits have revealed more extensive damage including by wild elephants, with approximately 1,000 houses being partially damaged.

In general, it seems that there has been a gradual loss of will among critical international agencies, including UNHCR, to publicly raise concerns regarding the process of resettlement, amounting to a significant shift in policy from March 2007. In the case of national institutions, the National Human Rights Commission, which has an office in Batticaloa and also a special IDP Protection Unit at the Colombo office, was notable by its absence, despite its protection mandate. The Commission was not monitoring the resettlement process and was in fact still debating a possible visit to Vakarai, months after the resettlement had taken place.

## Conclusion

**B**ased on our observations, the Porativu Pattu resettlement process or Phase I was not a completely voluntary process given that people were unable to make informed decisions, had little choice and could not fully exercise their right to refuse to return due to the militarized nature of the process. It also seems clear that most of the displaced do want to go back to their homes but are apprehensive about returning immediately, primarily due to security-related fears.

It is important that the IDPs have the right of return and that the government supports that right. It should, however, be a return that is voluntary and with dignity and safety. The government faces a significant challenge in carrying out resettlement and these efforts need to be supported so as to ensure normalization for the affected populations. Yet, the process through which resettlement has been carried out raises a number of key concerns. As such we make the following recommendations, some of which echo those made by the IASC, in the hope that they may have some impact on changing the framework for future processes of resettlement in western Batticaloa and the other resettlement processes in the North, East and border areas:

1. The resettlement process should be spearheaded by civilian authorities, who can draw on the assistance of the security forces when it is absolutely necessary, such as for security related issues.
2. There should be no intimidation or coercion, including the use of armed military personnel to collect people for resettlement, and the threat of cutting off food rations or not providing relief assistance, in order to “engineer” consent to return.
3. Displaced people should be reassured that if they choose not to return they will continue to receive rations and will



not face repercussions, including being deprived of resettlement packages when they do return.

4. Resettlement should not commence before 'go and see' visits by representatives of the displaced (camp committee members) and humanitarian and protection agencies have taken place, so that potential returnees can make an informed choice.

5. Local and international actors, especially humanitarian agencies, human rights groups and independent media, should be allowed access to the areas earmarked for resettlement before, during and after the resettlement process, so as to ensure a more effective delivery of assistance and support for the returnees. This would also help allay the returnees' fears. Access would also facilitate more comprehensive and accurate assessments. If there is a procedure to gain access, this procedure should be made clear to actors involved in advance.

6. De-mining should be carried out prior to areas being opened for resettlement and a de-mining certificate obtained by the relevant government authorities of the area.

7. International and national humanitarian agencies should continue their assistance to IDPs and returnees and identify gaps in the current assistance system.

8. International agencies, particularly UN agencies, should take a more active stance in monitoring the resettlement process and play a more proactive protection role, such as making IDPs aware of their rights through distributing the

IASC notices and being present at all stages of the resettlement process. International agencies should work in a more coordinated manner on the ground and make a rights-based approach a reality for displaced communities.

9. While the failure to appoint the Human Rights Commission in a legitimate manner raises serious questions regarding its independence, the IDP Unit and the Batticaloa Human Rights Commission should be encouraged to live up to their mandate and take an active role in protecting the rights of IDPs, particularly with regards to resettlement, including by monitoring and timely interventions.

#### Notes

1. *Daily Mirror*, "IDPs moved against their will?," March 20, 2007.

2. (UNHCR, Press Release, "UNHCR helps government start return of 90,000 IDPs to Batticaloa district," May 15, 2007).

3. IASC, comprising FAO, OCHA, UNDP, UNFPA, UNHCR, UNICEF, WFP, WHO, IOM, World Bank, OHCHR, CHA, ECF, Sarvodaya, Sewa Lanka, Oxfam, NRC, CARE, World Vision, ACE, ZOA, Solidar, Save the Children, MedIn).

4. Inter Agency Standing Committee Country Team, "Inter Agency mission confirms progress; calls for greater civilian involvement in return process," May 24, 2007). ■

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# MUSLIMS IN SRI LANKA'S ETHNIC CONFLICT

Farzana Haniffa

**R**egardless of precisely when, Sri Lanka's protracted conflict began, is most often cast as one between the majority Sinhalese and minority Tamils. In this bipolar understanding of the conflict, the Muslim community seems to have no place, even though Muslims constitute close to 40 percent of the population in the conflict-affected Eastern Province and have been expelled from the Northern Province. This article describes the plight of these Muslims and analyzes the discursive and political powers by which Muslims are marginalized.<sup>1</sup>

Muslims in Sri Lanka, categorized as a separate ethnic group, are Tamil speaking and have sometimes been claimed by Tamil nationalists to be part of the larger Tamil nation. Though publicly rejected by Muslim leaders at various historical moments, this inclusion in the Tamil nation has been attractive to some Muslims living in the Tamil majority areas of the North and East. Muslim youth of the Eastern Province, for instance, participated in Tamil groups in the early militancy against the state, and Eastern Muslim politicians often joined Tamil political parties to contest elections. This relationship, always difficult, has now deteriorated — with assistance from the state — into a complete polarization between the two communities. Muslims have been targeted, displaced and dispossessed by armed actors of both the state and the Liberation Tigers of Tamil Eelam (LTTE), and recently by the LTTE breakaway faction — the Tamil Makkal Viduthalai Puligal (TMVP).

While there has been some improvement in recognizing Muslim grievances since the beginning of the peace process in 2002, this has not resulted in any substantial policy changes to address such grievances. The peace process has failed to take Muslim issues sufficiently into account despite Muslim political actors being part of the government. In fact, the preamble to the ceasefire agreement, which set off the 2002–2005 peace process, referred to Muslims as a “group not directly party to the conflict.” While civil society and political actor agitations reversed this understanding to a certain extent, the current regime, with its pursuit of a military solution and a clear majoritarian platform, has little interest in Muslim concerns. Today it seems that the meager gains of those times may already have been lost. This article — through brief descriptions of the expulsion of 1990, the Post-Tsunami

Operational Management Structure (P-TOMS) of 2005, and the siege of Mutur in 2006 — will trace the history of Muslim inclusion within the conflict and the peace process.

## The expulsion of 1990

**I**n October 1990, all over the Northern Province, close to 75,000 Muslims were compelled to vacate their homes at gun point, hand over their belongings, and leave.<sup>2</sup> In Jaffna, home to a fairly affluent trader community, the LTTE called all the men to a meeting during which cadres raided their homes. At the meeting, the men were instructed to leave their valuables behind and vacate their homes within two hours. Similar events happened with varying levels of brutality in the five other districts of the Northern Province. The expelled are still haunted by the manner in which they were compelled to leave, of women giving birth on the crowded boats, and of children drowning after falling overboard. Some say that the LTTE sold the abandoned goods at auction; some say they were given away.

These people lost their homes, possessions, livelihoods, communities and personal histories in one day. They left behind their belongings, their community and their sense of citizenship in Sri Lanka. A generation of children, unable to complete their education, lost their futures. Today they live in over-crowded settlements in the impoverished district of Puttalam. Their lives parallel the hundreds of thousands of Tamils and Sinhalese in the country who were also displaced and saw their lives destroyed. The Muslim experience, however, has its own distinctive features, which are reflective of their “no-place” status in the Sri Lankan polity. The story of their forced exodus is not widely known. Few commentators give the expulsion the attention that it merits as a highly significant historical event that changed the lives of the Muslims of the North and East.

The government has neither established a commission of inquiry nor arranged special administrative provisions for the displaced. A newly established government secretariat for northern Muslims located in Puttalam may handle certain administrative matters for the community, but there has been no attempt to find a long-term solution. Sixteen years after the expulsion they are still living as displaced persons in a



district other than their own, amongst those that consider them aliens. Many of the expelled Muslims fear registering themselves as residents of the Puttalam district since they might, thereby, forfeit their right to reclaim their property and resettle in the North.<sup>3</sup> The host community in Puttalam resents the incursion of the refugees whom they say threaten the meagre resources available in the area. The Tamil-speaking Muslims have problems accessing health care and other state amenities due to difference in language. They cannot go back to their places of origin without the consent of the LTTE, the very organization that expelled them, as they fall under their de facto administrative jurisdiction. The other particularity of the suffering of Muslims in Sri Lanka is that their plight does not have a place in any larger nationalist narrative—either a narrative of a liberation struggle (Tamil nationalism), or a fight to safeguard the motherland (Sinhala nationalism). They remain caught in between, and the Muslim political leadership has not been successful in articulating its position in a manner independent of the two nationalisms dominant in the country. This lack of a larger narrative means that many commentators have treated the story of the Muslims as little more than a footnote to the conflict.

The LTTE and Tamil nationalists have different levels of justification for the expulsion—some speak of security issues, others speak of Muslims as traitors to the Tamil-speaking nation. In the first flush of the 2002–2005 peace process, former LTTE political strategist Anton Balasingham stated that the expulsion was a “strategic blunder” on its part and that Muslims were free to return.<sup>4</sup> Tamilselvan, LTTE political wing leader, offered an official apology to representatives of the Muslim community, and assured assistance to resettle when the North was under its administration.<sup>5</sup> Returning Muslims, however, reported different levels of harassment by local cadres. Today, close to 75,000 people from the North live in displacement in the north western district of Puttalam with no status, limited state assistance, and barely any voting rights. Given the severe poverty of the area in which they are forced to live, Muslims have become dependent on politicians, government functionaries and NGOs for all elementary needs.

To make matters worse, the fact that most Muslim political parties have their primary vote base in the East means that they are not especially sensitive to the particularities of the northern experience. The political process is forcing “solidarity” between the Muslims of the North and the East without taking into account the differences between the regions. For instance, the polarization between Eastern Tamils

and Muslims is intense, while Northern Muslims continue to speak of cordial relations with their Tamil neighbours and consider the LTTE rather than the Tamils as a people to be culpable for the expulsion.

## The P-TOMS

The tsunami of 26 December 2004 devastated Sri Lanka’s Eastern Province. The Muslims in the area lived in densely crowded communities that have spread closer and closer to the ocean given the restricted availability of land. The tsunami took a devastating toll on these communities: official figures state that 18,000 Muslims, or 2 percent of the total Muslim population of the island, perished. Given that a large portion of the affected area was controlled by the LTTE, the government was urged by both local activists and the international community to work with the LTTE in formulating a mechanism to channel tsunami assistance. After many closed-door discussions, the Post Tsunami Operational Management Structure (P-TOMS) to address reconstruction in the North and East was unveiled. To the Muslims it was an affront. The arrangement to address the devastation of the tsunami, had been produced as an agreement between the government and the LTTE without the participation or consultation of Muslims. While a representative of the Muslim parties was to be part of the essentially symbolic apex body, the rest of the tiers of the arrangement were weighted heavily in favour of the LTTE, which was also given veto power over the decision-making process. After the 2002 ceasefire, LTTE cadres had ready access to Muslim areas of the Eastern Province, and many incidents of intimidation and extortion were reported. Muslims feared that the P-TOMS would institutionalize this harassment. Another reason that Muslims loathed the P-TOMS was that, given its links to the peace process, many saw it as a precedent for the future exclusion of Muslim parties from the process. Muslim parties felt that this was yet another attempt by the LTTE to undermine their political leadership. By contrast, members of the government felt that the Muslims were not adequately acknowledging the important breakthrough of including Muslims in the apex body. However, Muslims were not happy with the paternalism of a process that “included” them without consultation. Muslim agitation against the P-TOMS compelled the government to address Muslim concerns even after the fact. However, the P-TOMS became irrelevant when the Supreme Court found sections of the agreement unconstitutional and a presidential election resulted in the end of President Kumaratunge’s regime. Moreover, with the current regime’s



pursuit of a military solution, the little that was gained by Muslims now seems lost.

### Muttur in August 2006

The presidential elections of November 2005 brought to power the UPFA candidate Mahinda Rajapakse on an anti-minority, anti-peace process and pro-unitary state platform that was formed through the Sri Lanka Freedom Party's (SLFP) partnership with the two Sinhala nationalist parties. Rajapakse won the election mainly because the LTTE prevented the Tamil population of the North and East from voting. Through this symbolic assertion of its separation, the LTTE effectively prevented the election of the pro-peace, federalist United National Party candidate. From the date of the election victory, the peace process speedily deteriorated, with claymore mine attacks and aerial bombardments, as well as suicide bombings in Colombo becoming the norm. One of the most prominent incidents of the military confrontation was the LTTE's attempt to take over the mostly Muslim Eastern Province town of Muttur which borders one side of the Trincomalee natural harbour. On 1 August 2006 the town came under attack as the two parties fought for control, with both sides firing artillery towards the built-up areas of the town while the civilian population was still there. Forty-nine people seeking refuge in school buildings were killed. In the nearby mostly Tamil town of Thopur a shell landed on St. Anthony MV School, killing twelve people. When Muttur town was largely under LTTE control the Muslim community appealed through intermediaries for the government to end the shelling. The military, however, continued its firing into the town.

After three days of shelling, Muttur Muslims decided to leave the town and were given assurances of safety by the LTTE. On their way to Kantale, they were diverted off the main road (A15) by LTTE cadres, and taken to Kiranthimunai, which is under LTTE control. Here the LTTE picked out individuals alleged to be members of a Muslim armed group working with the government. These men were tied up and the rest were told to move on. The fate of 66 individuals who went missing at Kiranthimunai is still unknown.

### Conclusion

It has long been in the interest of the chief protagonists of the conflict—the Sri Lankan state and the LTTE to propagate an understanding of the conflict in reductive two-party terms. While Muslim community agitations in the aftermath of the CFA of 2002 have compelled both parties to take notice of Muslim interests, their consideration of Muslim issues is little more than perfunctory and often for propaganda purposes only. The LTTE's empty invitation to Muslims to return to the North, and the paternalism of Muslim "inclusion" in the P-TOMS are cases in point. The mortar attacks on Muttur while Muslim civilians were still in the town is an indication of the current government's disregard for Muslim civilian lives. The Rajapakse regime overturned many of the successes of the 2002–2005 peace process. It is unclear what direction the Sri Lankan conflict will take at this point. The regime is pursuing a military solution to the conflict, and its complete disregard for civilian casualties from the minority communities is troubling and does not bode well for the future of Muslims. In pursuing its current policies, the regime is also distancing itself from the international community, and pressurizing tactics that civil society groups use via the international community may not, therefore, be effective anymore. Muslim civil society today is compelled to reorganize and strategize how it might best address community concerns in the new dispensation.

### Notes

1. I thank Shreen Saroor and Mirak Raheem for sharing insights and information. This article is one part of our joint ongoing work on the Muslim community's concerns in Sri Lanka.
2. For a detailed description of the expulsion, see S. H. Hasbullah, *Muslim Refugees: The Forgotten People in Sri Lanka's Ethnic Conflict* (Nuraicholai: Research and Action Forum for Social Development, 2001).
3. Catherine Brun, "Local Citizens or Internally Displaced Persons: Dilemmas of Long Term Displacement in Sri Lanka," *Journal of Refugee Studies*, 16, No. 4 (2003): 376.
4. Press conference in Kilinochchi, April 2002.
5. Conversation with Moulawi Sufiyan, member of the Muslim community displaced from Jaffna, and currently politician and human rights activist. Temporary shelter at a school in Muttur.

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The Institute of Defence Studies and Analysis (IDSA), an influential policy think-tank in New Delhi, recently issued a policy paper on Sri Lanka. It suggests some significant policy measures.

## IDSA

# POLICY BRIEF ON SRI LANKA

### The Unfolding Crisis in Sri Lanka and the Options for India

The recent aerial attacks by the Liberation Tigers of Tamil Eelam (LTTE) at Katunayake military air base in Colombo, and Palaly airbase in Jaffna, have worsened the security situation in the island nation. While security analysts are apprehensive about the LTTE air power and the heightened crisis, human rights monitors have raised serious concerns about the emerging humanitarian crisis due to escalating conflict. The conflict has in fact taken its toll on innocent Tamil civilians in the North and East, caught in the cross-fire between the government of Sri Lanka (GOSL) security forces and LTTE militants. Since April 2006 the conflict, especially in the East, has produced around 200,000 internally displaced persons (IDPs) apart from over 20,000 refugees who have fled to India. The bitter fighting has escalated the humanitarian crisis manifold.

### The Humanitarian Situation

The closure of the A9 highway by the government, citing security reasons, has complicated matters. The A9 highway connects Jaffna with Colombo and it is the main lifeline for the flow of all essential items into Jaffna. The closure has made the people of Jaffna dependent on supplies from Trincomalee by sea or by air. However, after the LTTE refused to guarantee the security of government aircraft and ships carrying essential items, supplies have been inadequate and the people of Jaffna are labouring under harsh conditions. The LTTE has done this with the express aim of forcing the government to reopen the A9 highway. On the other hand, rather than complying with LTTE demands or ensuring other means of supply of food and essential items to Jaffna, the government has imposed restrictions on the operations of NGOs and international NGOs and created a difficult environment for many humanitarian agencies, who would have otherwise come to the rescue of the people. It is also true that the closure of the A9 itself has made access to Jaffna and Kilinochchi areas difficult for NGOs and international aid organisations. All this has led to a grave humanitarian

crisis in the Tamil-dominated areas in the north and east. Another dismal aspect of the whole situation is that both sides have shown scant regard for human rights issues. The LTTE has deliberately tried to use civilians as human shields. It has tried successfully to use attacks by government forces against civilians to draw sympathetic international attention and to increase pressure on the government. The Muttur crisis is a case in point, where civilians were used as shield by the LTTE and prevented from fleeing to a safe place. The military has also made a series of deliberate attacks on civilians while countering the LTTE, which have even resulted in the death of civilians in camps for in Kathiraweli Vaharai in the eastern district of Batticaloa on 8 November 2006. Similarly, reports of displacement, abduction and disappearance of a large number of Tamil civilians in Colombo and Jaffna have also appeared regularly in domestic and international media. Undoubtedly, both the LTTE and government have contributed to this situation and their hands are equally tainted.

The government's handling of humanitarian issues has raised concern in the international community. As a result, President Rajapakse stated on 24 November 2006, that the government had invited an international independent commission to probe cases of "abductions, disappearances and extra-judicial killings" in all areas in the country, headed by former Indian Chief Justice P.N. Bhagwati. Eventually, the test will come in the prosecution processes with regard to which the Commission, being a fact-finding body, can only make recommendations. However, the unrelenting humanitarian crisis does not appear to have been adequately addressed.

### No Letup in Fighting

The flare-up in fighting since April 2006 has resulted in the LTTE suffering significant setbacks. However, the recent air strikes suggest that the LTTE is not deterred by the reverses suffered so far, and it is determined to resist any attempt at finding a military solution by the Sri Lankan government. There is another view that, by drawing the army deeper into the territory in East, the LTTE may be seeking to engage government forces on the home turf later, with lesser

likelihood of losing personnel/equipment through the use of tested guerrilla tactics. Besides, there has been growing speculation of late that the Tigers are unlikely to simply bow down to the Sri Lankan Army (SLA) advances and, in fact, they are expected to come up with a surprise operation that would help them in achieving some sort of parity in military terms.

The LTTE also contributes to the present government thinking by its continuous attack on strategic establishments, particularly in the East and Colombo. For example, the third air bombing by the LTTE on two oil and fuel storage areas in Colombo on 29, April 2007, which plunged the city into complete darkness and caused apprehension among people and air lines in Colombo is being interpreted by the pro-government analysts in Sri Lanka as an instance of LTTE's intransigence and a potential indicator of its determination to use the military option for achieving its demands. Notably, the official ban by the US, UK and EU does not seem to have affected the military capability of the LTTE in any significant way.

### Lack of Consensus

The Rajapakse government, despite its decision to continue the peace process with Norwegian facilitation, has not been able to pursue it with zeal and vigour. One of the main impediments to the peace process has been the lack of consensus amongst the Sinhalese elite on the question of devolution of power. While serious differences persist amongst mainstream Sinhala parties on this score, the hardline Janatha Vimukthi Peramuna (JVP) and Jathika Hela Urumaya (JHU) continue to demand cancellation of the peace process. This poses grave problems for the Sri Lankan government in devising a workable solution. The fact that the ruling elite in Sri Lanka is divided was borne out by the lack of consensus amongst the 17 neutral experts advising the All Party Representative Conference (APRC) working on the devolution plan. Indeed, the APRC, formed by the GOSL under the chairmanship of Tissa Vitharana to draft a devolution model, came out with four different plans for devolution at cross purposes with one another.

Despite some initial scepticism, APRC committee chairman Vitharana submitted the 'majority' report, which has formulated some surprisingly progressive proposals for the future of Sri Lanka. These include: abolition of the executive presidency at the end of Rajapakse's first term; executive prime minister to be elected thereafter; Sri Lanka to be 'one,

free, sovereign and independent state'; the province as the unit of devolution; safeguards against secession; two vice-presidents from different communities; and the President to be subject to judicial and parliamentary control.

Much now depends on how the government's hard-line elements and Sinhala groups proceed. On the other hand, the lack of unity among the Tamils in Sri Lanka and the assertion of equal rights by Tamil Muslims especially in the East have changed the conflict dynamics and raised new problems in finding a feasible solution to the ethnic question.

### LTTE Reverses: Karuna and the Paramilitary Factor

As things stand today, the GOSL has succeeded in not only challenging the LTTE in the East militarily, but also in raising a counter Tamil paramilitary force led by the LTTE deserter Karuna, through its superior air power and international backing. The government also managed to woo away a large number of Tamil Muslims concentrated primarily around the eastern district of Batticaloa from the struggle of the LTTE, thanks to the LTTE assault on the Muslims in the North and the East. Through this measure the GOSL has not only succeeded in weakening the strength of the LTTE but also in bringing about a significant demographic change in the Tamil 'homeland', demanded by the LTTE, by gaining Sampur and Vaharai. The government may be thus thinking seriously of a demerger of the North and the East, putting the clock back on the Indo-Sri Lanka Accord of 1987. It appears that the government wants to revert to the pre-1987 position through military aggression and constitutional and political manipulation.

It has been emphasized by neutral observers (like the SLMM, the UN and European community) that Karuna has been playing an important role in the East in curtailing the capacity of the LTTE. Karuna has been adopting the same tactics as the LTTE—targeted killings, kidnapping of children and fielding them as combatants, and guerilla assaults, etc. His intelligence inputs has helped Sri Lankan security forces immensely in the battlefields of Sampur and Vaharai. Given the deepening relationship between the non-LTTE groups and the government (especially in view of the extraordinary success of such strategy), it is highly unlikely that the government will ever oblige the LTTE on its demand that the government disarm the Karuna group. Instead, the government may further bolster the non-LTTE Tamil groups in countering LTTE's dominance among the Tamils. This does



not augur well for any meaningful dialogue between LTTE and the GOSL. Indeed, the civil war appears all set to intensify further.

## Considerations for India

**D**espite maintaining a close watch on the developments in Sri Lanka, India has refrained from adopting any proactive policy on the Sri Lankan issue. While India's preponderance in the region as well as its critical importance in the resolution of the Sri Lankan conflict has been acknowledged by external powers, including those seeking a peaceful solution in the island nation, New Delhi has adopted a once-bitten-twice-shy approach and limited its policy prescription to a politically correct principled position that it wants the conflict to be resolved through peaceful means, keeping in mind the genuine interests of all communities within a united Sri Lanka.

Many critics have called this posture a do nothing policy. They believe that India may not like to step into the crisis, unless there is an internal push of some kind affecting either its internal security or political situation. Moreover, any kind of mediatory role by India is circumscribed by its unwillingness to talk to the LTTE, given its involvement in the assassination of former Prime Minister Rajiv Gandhi.

There also does not appear to be any external pressure on India to engage directly and proactively in the Sri Lankan conflict. While Pakistani and Chinese influence in Sri Lanka has grown in the last few years, both at government level and in the field of economic cooperation, this is not seen as threatening vital Indian interests in any significant way. The development of port and bunker facilities at Hambantota in southern Sri Lanka by China and, of late, Pakistan's increasing military support to the Sri Lankan government has not reduced India's influence or space in Sri Lanka in any major way. The allocation of an exploration block in the Mannar Basin to China for exploration of, petroleum resources, just a few kilometres from India's southern tip and reports of Pakistan's effort and interest in bringing the Muslim population in Sri Lanka under its influence may have raised concerns in certain quarters. The government of India however, has refrained from taking any concrete steps to resolve the escalating ethnic conflict in Sri Lanka.

Be that as it may, the large-scale influx of Sri Lankan Tamil refugees to Tamil Nadu during last 11 months has created a fresh political context in Tamil Nadu—perhaps for the first

time since Rajiv Gandhi's assassination. Local political parties, including the ruling DMK, have begun to voice concern about the humanitarian situation in Jaffna and express their support for the cause of Tamils in Sri Lanka more openly. Though their influence at the centre remains strong, they have not come together to pressurise the government, to collectively seek direct involvement in finding a solution to the Tamil problem due to political (coalition) compulsions. However, pressure on the central government is likely to mount in the coming months, because the increasing level of human suffering and the arrival of Tamil refugees from the island are beginning to impact the political space in Tamil Nadu. In fact, if the situation in Sri Lanka deteriorates further, it may affect provincial politics, compelling the central government to revise its policy of watchful-inaction in future.

In fact, while India is perceived by all concerned as having the ability to turn the course of the conflict decisively, such ability is constrained by the Tamil constituency in the southern state of Tamil Nadu and its genuine concern for the legitimate rights of Sri Lankan Tamils.

## The Options

**I**ndian policy makers could consider the following line of action for resolving the Sri Lankan crisis:

- \* In view of the growing sympathy in India for the cause of Sri Lankan Tamils, the government needs to engage the GOSL proactively and persuade it to avert the humanitarian costs of its war efforts against the LTTE and to put the peace process back on track.
- \* India needs to sensitise the key international actors on the deteriorating humanitarian conditions in the North and the East and urge them to revive the peace process in Sri Lanka.
- \* It is primarily the GOSL's responsibility to evolve a fair and equitable constitutional framework for devolution of power in the North and the East. India needs to put this point across to the GOSL in a more emphatic and firm manner. The tentative blueprint of APC Chairman Vitharana, outlining a devolutionary arrangement between the central and provincial governments can be taken as a basis for discussion on constitutional revision.
- \* The government of India needs to further strengthen its economic ties with Sri Lanka, keeping in mind the need to ensure wider economic development of all regions and all communities by encouraging Indian business to invest in both manufacturing and service sectors, rather than limiting efforts to the capital city of Colombo. This would lead to a better



appreciation in Sri Lanka of the benefits which would accrue from closer economic engagement with India. India could also consider the option of participating in the reconstruction and rehabilitation efforts in the conflict affected areas.

\* India should consider engaging non-political groups, think tanks, academics and civil society leaders in creating a conducive atmosphere among the Sinhalese in the south. The Track II method of discussion can be encouraged in this regard.

\* On the security front India has to ensure that the LTTE does not become a major concern for India. In view of the reported illegal smuggling from Tamil Nadu by the LTTE, the government of India needs to strengthen coastal surveillance and vigilance along the east coast to avert the possibility of Tamil Nadu becoming a hub of LTTE activities in India.

\* At the same time, any effort aimed at weakening the

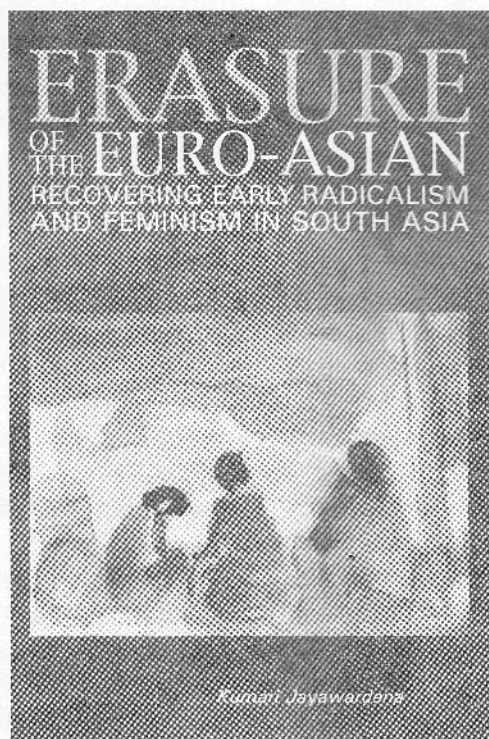
capacity of the LTTE by the GOSL will have to be weighed by India against the willingness of the GOSL to concede devolution of power to moderate Tamil elements.

\* The government of India could consider engaging the Tamil National Alliance (TNA), the elected representatives in the North and the East, in the absence of direct dealing with the LTTE, in its effort at finding a solution.

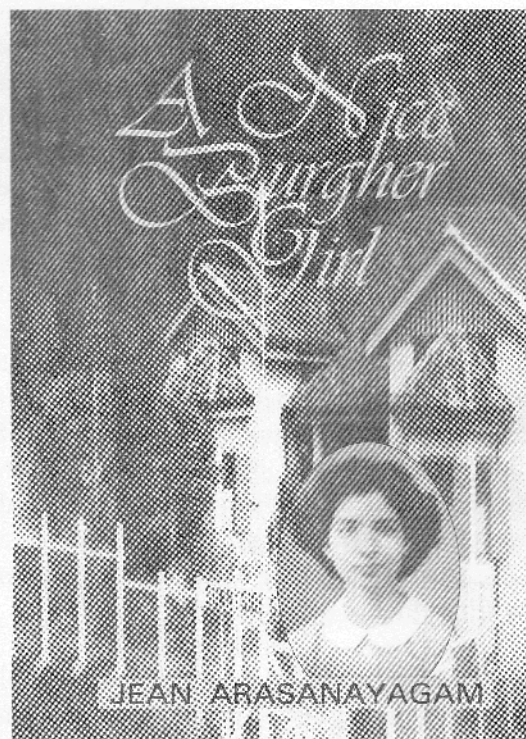
\* The government of India can subsequently make efforts to bring the GOSL and LTTE together in finding an amicable solution. Its leverage with both may be limited, yet the importance and the effectiveness of any serious role of India in the resolution of the conflict is understood well by both parties to the conflict.

[Prepared by members of South Asia cluster and other scholars in IDSA working on Sri Lankan issues: Alok Bansal, Ashok Behuria, Mayilvaganan, Medha Bisht, Sukanya Podder and Virendra Gupta]

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## DOCUMENTS

*The Link of Devolution and the Extent of Devolution are two key themes in Sri Lanka's contemporary debate on central devolution. It is the Sri Lankan Prime Minister, the all-Party Representative Committee (APRC), the District Development Councils Bill, began to be published. He published before a press document in which former Prime Minister Dudley Senanayake, a leader of the UNP, and Mr. Ranasinghe, the present of the District Development Councils Bill, stated: "this letter indicates, and committed ourselves."*

Prime Minister  
Ceylon

PM/LC/68(1)  
Colombo,  
21 February 1968.

Dear Mr. Ranasinghe,

I am in receipt of your letter of 25 January, 1968, which you have printed, I presume, for purposes of distribution. I am glad you have written to me outlining the fears that you have about the proposed District Councils Bill because that provides me with an opportunity of clearing your doubts, which, I trust, are based on a misunderstanding and a misapprehension of the present Government's intentions.

I must say at the outset that it is surprising that you have taken up such an attitude on the issue without having any idea about what the final form of the legislation will be. I am at present, as you may have heard, having discussions with the leaders of the constituent parties of the National Government on this matter but we have not yet decided on the final shape of the Bill. I should think that, in fairness to the Government, you might have waited until the draft Bill was presented before arriving at the conclusions that you have presently asserted. You have assumed that the National Government has drafted the proposed District Councils Bill under a threat issued by the Federal Youth League. I presume that here you refer to the so-called "deadline" which certain newspapers referred to at the end of the 30th of January before which the Bill was to be produced. You will yourself note that the 30th of January is now past and that no Bill has been presented. It would therefore be obvious that there was no deadline and there was never any semblance of the Government being threatened to produce a Bill before a given time. As a matter of fact, the question of District Councils was first discussed between leaders of the United National Party and the Federal Party some months before the General Elections of March 1965 and have been stated in specific

terms in the three Throne Speeches of the National Government. In each such instance we have said very deliberately that District Councils will be established under the control and direction of the Central Government.

Let me describe the history of this District Councils idea so as to place in its proper perspective the position of the present Government on this matter. I believe the first mention of the desirability of the decentralization of administration was in the Donoughmore Commission Report of 1931 in which it was recommended that Provincial Councils be set up that "might result in a large part of the administrative work now carried out in the Legislative Council coming into the hands of persons permanently resident in the country districts and thus more directly in contact with their needs." In 1940, the State Council debated and passed the following Motion which was strongly supported by the Hon. S.W.R.D. Bandaranaike, then Minister of Local Administration. The Motion read as follows:

This Council is of opinion that immediate effect should be given to the recommendation of the Donoughmore Commission with regard to the establishment of Provincial Councils. (Debates of the State Council of Ceylon, 1940, Session 10 July 1940)

Thereafter, from time to time various schemes for the establishment of Regional Councils were considered. The Choksy Commission Report (Sessional Paper XXXIII of 1953, paragraph 112) refers to "Regional Councils which were to be composed entirely of members elected by the people on the same qualifications as were prescribed for Village Committee Members under the Local Authorities' Election Ordinances."

This was based on a recommendation made by the Hon. S.W.R.D. Bandaranaike, Minister of Health & Local Government in 1950. In 1951 Mr. Bandaranaike, at the inauguration of the Sri Lanka Freedom Party (September 2, 1951) declared:



The difficulties in the way of local self-Government, financial as well as otherwise, must be removed so that Local Government, which is the foundation of any democratic form of Government, should be established in a firm and sound footing. Provincial Councils, which are urgently required to complete the structure of Local Government and decentralize many functions today vested in the Central Government, must be established without delay.

You have, yourself, referred in your letter to me to the discussions between Mr. Bandaranaike and the Federal Party, which resulted in the well-known Bandaranaike-Chelvanayakam Pact, signed in 1957, and to the opposition that the United National Party conducted at that time against that Agreement. I am glad you have referred to that Pact, because what was contemplated therein was fundamentally different from the concept of District Councils that the present Government is working on. Mr. Bandaranaike's position on Regional Councils can best be judged by examining the provisions of his joint Statement which he released to the public as 'Annexure B' of the Bandaranaike-Chelvanayakam Pact on 13 August 1957. I give below the full, unabridged, content of 'Annexure B' of that publication:

"Joint Statement by the Prime Minister and Representatives of the Federal Party on Regional Councils"

(a) Regional areas to be defined in the Bill itself by embodying them in a schedule thereto.

(b) That the Northern Province is to form one regional area whilst the Eastern Province is to be divided into two or more regional areas.

(c) Provision is to be made in the Bill to enable two or more regions to amalgamate even beyond provincial limits; and for one region to divide itself subject to ratification by Parliament. Further provision is to be made in the Bill for two or more regions to collaborate for specific purposes of common interest.

Direct Elections

(d) Provision is to be made for direct election of regional councillors. Provision is to be made for a Delimitation Commission or Commissions for carving out electorates. The question of M.P.s representing districts falling within regional areas to be eligible to function as Chairmen is to be considered. The question of Government Agents being Regional Commissioners is to be considered. The question

of supervisory functions over larger towns, strategic towns and municipalities is to be looked into.

Special Powers

(e) Parliament is to delegate powers and to specify them in the Act. It was agreed that regional councils should have powers over specified subjects including agriculture, co-operatives, lands and land development, colonization, education, health, industries, and fisheries, housing and social services, electricity, water schemes and roads. Requisite definition of powers will be made in the Bill.

Colonisation Schemes

(f) It was agreed that in the matter of colonization schemes the powers of the regional councils shall include the power to select allottees to whom lands within their area of authority shall be alienated and also power to select personnel to be employed for work on such schemes. The position regarding the area at present administered by the Gal Oya Board in this matter requires consideration.

Taxation, Borrowing

(g) The powers in regard to the regional councils vested in the Minister of Local Government in the draft bill to be revised with a view to vesting control in Parliament wherever necessary.

(h) The Central Government will provide block grants to the regional councils. The principles on which the grants will be computed will be gone into. The regional councils shall have powers of taxation and borrowing.

I would draw your attention to a few significant features in this Agreement. Firstly, the Northern Province, including the administrative districts of Jaffna, Mannar and Vavuniya, were to form one regional area while the Eastern Province, consisting of Trincomalee and Batticaloa, including Amparai, was to be divided into two or more regional areas and there was to be provision made in the Bill to enable regions to amalgamate even beyond provincial limits. Secondly, Parliament was to delegate powers to the Regional Councils who would have powers over specified subjects including lands and land development, colonization, etc. There is no mention here of any control or direction by the Central Government and it would appear that these powers were to be handed over in toto to the Regional Councils. Thirdly, it was agreed that in the matter of colonization schemes, the powers of the Regional Councils, would include the power to select allottees, and fourthly, since the draft Bill (which was then



under preparation) envisaged certain powers being vested in the Minister of Local Government in regard to the Regional Councils; that draft was to be revised with a view to vesting control in Parliament. This, you will note, is significant in that such powers that the Minister of Local Government was to have were to be removed and given to a remote authority, viz. Parliament. The limited power which the Executive had in this matter was to be further watered down. It was because of precisely these reasons that the United National Party at that time campaigned against the Bandaranaike-Chelvanayakam Pact and obtained its abrogation.

As you are aware, the problem of decentralizing Government administration occupied the attention also of Mr. Sirima Bandaranaike's Government. Although the idea of Regional Councils had by then been dropped, that Government accepted as its policy that "authority should be decentralized to take administrative decisions as rapidly as is practicable in order to accelerate social development in the country." The Sirima Bandaranaike Government therefore declared in its Throne Speech in July 1963 that early consideration would be given to the question of establishing District Councils to replace the Kachcheries. You will note again that no mention is made of any direction or control by the Central Government and that the entire work of the Kachcheri organization was to be transferred to the District Council that was to replace it. With this end in view, the then Government appointed an official Committee in 1963 to prepare a scheme of decentralization for the purpose of establishing District Councils. This Committee obtained the views of official organizations, local authorities, Heads of Departments and Government Agents and prepared a Report and draft Bill which was submitted to the then Government for consideration. In its one but the last Throne Speech, in July 1964, the Sirima Bandaranaike Government announced that a draft Bill to implement the proposal to establish District Councils would be placed before Parliament. That Session of Parliament was an extremely short one and that was probably the reason why such a Bill could not be placed before Parliament before the Government itself was finally defeated in December 1964. In the first Throne Speech of the National Government, on 9 April, 1965, we stated our position that earnest

consideration will be given to the establishment of District Councils, which will function under the control and direction of the Central Government. This position was re-enunciated in the Throne Speeches of 8 July 1966 and 8 July 1967. You will note the fundamental difference between the District Councils or Regional Councils, as envisaged under the Bandaranaike Governments and the District Councils that we propose to establish now. You will no doubt be able to see for yourself when the District Councils Bill is presented, the extent and degree of that control by the Central Government, which we have emphasized as a cardinal point in our concept of District Councils. In fact, you will then see that the District Councils will have even less autonomy than Local Bodies. In the case of Local Government Bodies, as you know, they have complete authority over certain subjects assigned to them by statute, but the District Councils will function under the control and direction of the Central Government. You will therefore agree that the fear that some people have expressed that the District Councils are "a first step to Federalism" is a completely unwarranted one and based on a misconception of what is intended.

I recall that in regard to the Indo-Ceylon Agreement Implementation Act, too, you expressed great fear that the passage of that legislation would result in this country being "overrun by the Indians," to use your own language. You can see for yourself that nothing of the sort has happened. Similarly, I have no doubt that your fears regarding the future of this country's integrity as a consequence of the District Councils coming into force will also be imaginary ones. I appreciate your anxiety on behalf of the Sinhalese in particular and I need hardly assure you that I myself am not unmindful of the need to safeguard the legitimate rights of the majority in this country while protecting and respecting the interests of the minority races. That has been a guiding principle in my political life, and I can assure you that all who accept such a principle as being fair and just will have no cause for anxiety when the Bill is finally presented.

Yours sincerely,  
Dudley Senarayake  
PRIME MINISTER

Sirisantha Ramasinghe Esq.,  
Kekuriva.



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# SRI LANKA'S HUMAN RIGHTS CRISIS

## EXECUTIVE SUMMARY AND RECOMMENDATIONS BY THE EUROPEAN UNION

**T**he resumption of war between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) has been accompanied by widespread human rights abuses by both sides. While the LTTE has continued its deliberately provocative attacks on the military and Sinhalese civilians as well as its violent repression of Tamil dissenters and forced recruitment of both adults and children, the government is using extra-judicial killings and enforced disappearances as part of a brutal counter-insurgency campaign. The likely results will be the further embitterment of the Tamil population and a further cycle of war, terrorism and repression. Without ignoring or minimising the serious violations of the LTTE, the international community needs to bring more pressure to bear on the government, through UN mechanisms, a reappraisal of aid policies and intensified political engagement. The alternative is a further decline into authoritarianism, violence, terrorism and repression.

Civilians are repeatedly caught up in the fighting. More than 1,500 have been killed and more than 250,000 displaced since early 2006. There have been hundreds of extra-judicial killings, and more than 1,000 people are still unaccounted for, presumed to be the victims of enforced disappearances. Hundreds more have been detained under newly strengthened Emergency Regulations that give the government broad powers of arrest and detention without charge. The security forces have also expelled hundreds of Tamils from Colombo. Forces commanded by the ex-LTTE commander Karuna, leader of the Tamil Makkal Viduthalai Pulikal (TMVP) now aligned with the government, engage in child recruitment, extortion, abductions for ransom and political assassinations.

While many deaths result from military clashes, the army – assisted by pro-government Tamil paramilitaries – is also engaged in a deliberate policy of extra-judicial killings and abductions of Tamils considered part of the LTTE's civilian support network. Targeted assassinations have been particularly frequent in Jaffna and parts of the east, often victimizing civilians with no connection to the LTTE. Political killings, abductions and disappearances have also spread to Colombo, where abductions for ransom have targeted both Tamils and Muslims.

Tamils are increasingly fearful and alienated from a government that claims to be liberating them from the LTTE but has failed to promote any viable political solution to the conflict. The violence and abuse suffered by many Tamils has ensured increased support and funding for the insurgents. The counter-insurgency campaign is leading to more authoritarianism in the country as a whole. Officials now routinely brand their political critics and human rights advocates as LTTE sympathisers, while political opponents and journalists have been arrested under the Emergency Regulations. What began as an effort to target LTTE supporters shows disturbing signs of becoming generalized repression of dissent. While routinely attacking moderate democratic forces, the government has given free rein to Sinhalese nationalist groups.

For the most part the government has responded to criticism with denial, obfuscation and virulent, verbal attacks on its critics. In an attempt to deflect international criticism, it has also established new institutions to investigate allegations of human rights abuses. A Presidential Commission of Inquiry (CoI), backed by a panel of international observers, is investigating a series of atrocities. However, the history of such institutions in Sri Lanka is grounds for scepticism: previous commissions have been ineffective in stopping abuses or prosecuting perpetrators.

In any case, the CoI is no substitute for proper action by the law enforcement agencies and judiciary to investigate and prosecute abuses. The national Human Rights Commission is deeply flawed and has lost all credibility after being stocked by political appointees. Other domestic institutions are increasingly politicised or dysfunctional, leading to calls for an international human rights monitoring mission, which may be the only way to end the present wave of abuses. The international community has responded to the renewed conflict and human rights abuses, however, in a disjointed and lacklustre way. While there has been some public criticism, there is little sign of a coordinated approach that would put real pressure on the government to change course.



If the government does not begin to reassert the rule of law, it may find itself unable to bring under control the violent forces that have been unleashed – including the TMVP, other Tamil paramilitaries and criminal elements. The nature of the campaign against the LTTE has spawned a rise in general lawlessness. Democratic state institutions are increasingly threatened by the development of a regime that is becoming more authoritarian.

## RECOMMENDATIONS

### To the Sri Lankan Government:

1. Pursue vigorously investigations, indictments and prosecutions against those alleged to be involved in atrocities.
2. End the policy of extra-judicial killings and disappearances and take active measures to prevent abductions, killings and arbitrary detentions in government-controlled areas.
3. Assert effective control over the TMVP paramilitary group by:
  - (a) restricting it in civilian areas to unarmed political activity;
  - (b) arresting and prosecuting all members engaged in criminal activities, including abduction, child recruitment, extra-judicial killings and robbery; and
  - (c) strictly limiting the role of TMVP members in administration, relief and resettlement programs.
4. Prevent, prosecute and end any government facilitation of child recruitment by pro-government paramilitaries.
5. Guarantee the constitutional right to freedom of movement and residence of all citizens and end all threats and harassment by security forces of Tamils visiting Colombo.
6. Appoint the Constitutional Council and allow it to nominate the members of independent commissions, including the Human Rights Commission and National Police Commission.
7. Ensure that the Human Rights Commission publishes accurate data on complaints, and publish the report of the Mahanama Tillakeratne Commission on disappearances and other reports commissioned by the government on human rights issues.
8. Establish and implement safeguards against arbitrary and abusive detentions, including by:
  - (a) repealing those aspects of the Emergency Regulations that are not consistent with international human rights norms;
  - (b) enforcing existing laws and presidential directives providing for transparent arrests and detentions and instituting strong penalties for non-compliance;
  - (c) allowing the Human Rights Commission and the International Committee of the Red Cross (ICRC) to visit all places of detention, including TMVP offices; and

(d) prosecuting officers who refuse to identify themselves, take down complaints or give receipts to family members when a suspect is arrested.

9. Give every possible assistance to the Commission of Inquiry, including by:

- (a) providing sufficient funds to retain private counsel so it need not rely on government lawyers;
- (b) establishing and properly funding effective witness protection procedures;
- (c) providing it full documentation and ensuring that officials called to testify cooperate fully; and
- (d) proceeding expeditiously with prosecutions.

10. Invite the UN High Commissioner for Human Rights and other UN representatives, including the UN Working Group on Enforced and Voluntary Disappearances, to visit Sri Lanka.

11. Allow the Office of the UN High Commissioner for Human Rights (OHCHR) to establish a human rights field operation mandated to monitor abuses by all parties, protect civilians and perform capacity building in support of domestic institutions.

12. Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and renew commitments to other human rights treaties, by new legislation if necessary.

13. Incorporate the concept of command responsibility into law and make forced disappearance a criminal offence.

### To the Liberation Tigers of Tamil Eelam (LTTE):

14. Cease all political killings, abductions, extortion and suicide bombings and suppression of dissent.

15. Open all prisons and detention centres to inspection by the ICRC and the Sri Lanka Monitoring Mission (SLMM) and cooperate fully with international bodies, including The United Nations Children's Fund (UNICEF) and the OHCHR.

16. Cease all forced recruitment, of children and adults, and forced military training of civilians.

17. End harassment of humanitarian agencies and forced recruitment of their staff.

### To the International Community:

18. Support a strengthened resolution in the UN Human Rights Council calling for an OHCHR human rights field operation mandated to undertake monitoring, protection, and capacity-building activities.

19. Maintain political engagement, through high-level contacts and visits, including a visit by senior members of the U.S. Congress and similar visits by delegations from other parliaments.

20. Maintain pressure on LTTE financing and extortion of the Tamil diaspora.

21. Encourage the UN Security Council to impose targeted sanctions against both the LTTE and the TMVP if they continue to recruit child soldiers.

22. Support capacity building for domestic human rights protection, including:

(a) funding and enabling an effective witness protection program that includes provisions for asylum and assistance to witnesses outside the country;

(b) suspending funding for the Human Rights Commission (other than special aid for its effective regional offices) until its

members are reappointed on nomination of a new Constitutional Council; and

(c) giving more effective support to civil society organisations, particularly those committed to civilian protection and coordinated monitoring, documentation and advocacy initiatives.

23. Convene a consultation meeting of bilateral and multilateral donors to discuss new approaches that take into account widespread human rights abuses and the renewal of conflict, including significantly limiting aid to the government and increasing support for civilian protection and humanitarian initiatives. ■

Colombo/Brussels, 14 June 2007

**Forthcoming from the SSA**

## **International McCarthyism: The Case of Rhoda Miller de Silva**

**Selected Writings, with a Commentary**

**by**

**Judy Waters Pasqualge**

In 1954 Rhoda Miller de Silva was labelled as a subversive and deported from Sri Lanka (and separated from her husband Joe). A journalist from New York, who had already published books on post-war Poland and the Rosenberg case, Rhoda, supported by friends in New York, would successfully challenge the United States-inspired deportation. She returned to Sri Lanka and became noted for her hard-hitting weekly column in the *Ceylon Daily News* on current affairs, covering global and local issues. This book contains forty of these articles, with those on Sri Lanka providing a good view of the country in the late 1960s; many of the topics are still highly relevant today. Also included are excerpts from several of her books. The commentary on her 'life and times' is a story that weaves in and out of the US during the New Deal and Cold War, the Russia of her Jewish immigrant parents (and those of her first cousin, writer and activist Howard Fast), and Sri Lanka in the 1950s, '60s and '70s.



# APPEAL ON BEHALF OF RIZANA NAFAEEK

Your Excellency Hon Mahinda Rajapakse  
The President  
Democratic Socialist Republic of Sri Lanka

Your Excellency.

Once again a Sri Lankan, this time a very young woman Naffeeek Rizana is facing the death sentence in Saudi Arabia, allegedly for the strangulation of a four month old baby.

Naffeeek Rizana was born on February 4, 1988 and comes from a war-torn, impoverished village. Like many impoverished families her parents had sent her abroad. According to newspaper reports she left Sri Lanka as an under-aged child at the age of 17 years. It is rather unfortunate that children of our country get exposed to such dubious rackets of employment agencies. In the case of Naffeeek Rizana, the altered birth date, which is to be found in her passport now, is February 2, 1982. It was on the basis of this altered date that the employment agency fixed her employment in Saudi Arabia and she went there in May 2005.

She is a young teenager to whom was entrusted the task of feeding an infant by her employers. It is obvious that she had no experience in feeding babies. As it has been reported the baby-boy died under tragic circumstances due to choking.

Misunderstanding the situation the family members had treated the teenager very harshly and handed her over to the police, accusing her of strangling the baby. At the police station also, it is reported that she was very harshly handled. Like in all other past cases this young teenager had no translator nor other assistance to explain what was happening. It is alleged that she was made to sign a confession and that later charges were filed, in court of murder by strangulation.

According to reports, the judges who heard the case requested the father of the child to use his prerogative to pardon the young girl. However, the father refused to grant such pardon. On that basis the court sentenced her to death by beheading. This sentence was made on June 16, 2007.

There is a period of one month for the lodging of an appeal. However, an appeal has not yet been lodged. We are appealing

to you to intervene immediately and get a pardon for her as what actually has happened is a tragic event and is not a intentional murder by strangulation.

Bearing in mind the close and cordial relationship you have with countries in the Gulf we look forward to effective intervention by you speedily to save the life of Naffeeek Rizana.

Yours Sincerely,

Mothers and Daughters of Lanka  
Sri Lanka Women's NGO Forum  
Women and Media Collective  
Social Scientists Association  
Muslim Women's Research and Action Forum  
Women's Education and Research Centre  
International Movement Against all forms of  
Discrimination and Racism  
Action Network for Migrant Rights  
INFORM Human Rights Documentation Centre  
Women's Resource Centre  
Movement for the Defense of Democratic Rights  
Women's Development Centre – Badulla  
Uva Wellasa Govi Kantha Peramuna  
Women's Centre  
Vikalpani  
Women's Development Centre - Kurunegala  
Dhabidu Collective  
Diriya Katha Organization  
Devesarana  
Binhanna Gami Kantha Organization  
Pahala Uva Human Rights Organization  
Irangani Serasinghe  
Prof. Neloufer de Mel  
Menika Vanderpooten  
Seetha Ranjani

Cc: Hon. Minister Keheliya Rabukwella  
*Ministry of Foreign Employment, Promotions and Welfare*

Ms. Indrani Sugathadasa  
*Secretary*  
*Ministry of Child Development and Women's Empowerment*

# ON APOLOGIES: THE TESTAMENT OF BISHOP LAKSHMAN WICKREMASINGHE

Devanesan Nesiah

The apology extended by the Prime Minister to the Tamils evicted from their lodgings in Colombo on 7th June 2007 has evoked mixed reactions. Some of his Ministerial colleagues have questioned the need for an apology. Many others, Tamils and non-Tamils, have warmly welcomed it. A retired Sinhalese Major General has publicly thanked and congratulated the Prime Minister and strongly endorsed the apology. This particular eviction is related to our understanding of human rights and the concept of exclusive homelands. There is also the broader question of who, if any, should apologise when some wrong has been done. Apologies must emerge spontaneously from the heart and cannot be prescribed. However, few would deny the positive consequences of an apology or dispute the need for the wrongdoer to apologise for any wrong done. But is it ever necessary to extend an apology for the actions of others? For example, if some children do harm to others, would it not be appropriate for the parents, teachers etc, even if they had no hand in that wrong, to apologise? By extension, would it not be appropriate, on the principle of command responsibility, for leaders or persons in authority to apologise for the wrongdoing of officials and subordinates, even if that action was not authorised?

Further, what if there is no vertical line of command connecting the leaders to the offenders but only linkages arising from common identities, in cases where that wrong was committed in the name of one or more of those identities? For example, should someone who is blameless apologise for acts of religious bigotry committed by others of the same faith, or of ethnic cleansing committed by those of the same ethnicity, or of caste oppression by those of the same caste, or of unprofessional conduct by those of the same profession? Was the apology of the Sinhalese Major General for the eviction of the Tamils from the lodges warranted? Similarly, are apologies warranted from Tamils who were unconnected with the massacre of Muslim worshippers at Kattankudi and Eravur or of Sinhalese at Arantalawa or the attack on the Dalada Maligawa?

When Gandhi carried out his non-violent Satyagraha campaigns, he expected the Satyagrahis to submit to any violence inflicted on them without retaliating in kind. Whenever some of his followers resorted to violence, Gandhi not only called off the campaign but also apologised, even if such retaliatory violence was a response to greater violence inflicted on Satyagrahis. Did Gandhi need to apologise? Closer home we have the example of Bishop Lakshman Wickremasinghe. He was in the UK under treatment for a very serious heart condition when the 1983 pogrom occurred. Disregarding his doctor's orders he promptly returned to Sri Lanka in response to the national crisis. He came to Jaffna to meet the displaced. His visit lifted the spirits not only of those displaced but also those of others concerned, such as myself (I was then District Secretary / Government Agent, Jaffna). Twenty four years on, the memories of that visit have not faded, nor his message staled. He then went on to

other districts in the North and East to meet the displaced. What he saw and heard affected him deeply and, by the time he reached his ancestral home in Colombo and his office in Kurunegala his health condition was precarious. Then, as Bishop of Kurunegala, he wrote a profound and deeply moving pastoral letter in October 1983, and died soon afterwards. In that pastoral letter he confessed, "I was among those who tried hard and failed [to find a solution to the ethnic conflict]". A central feature of the Bishop's pastoral letter was an apology as a Sinhalese addressed to Tamil victims of the pogrom. The Bishop first analysed, one by one, from a Sinhalese perspective, the familiar reasons widely put forward to explain the violence directed against the Tamils. Did the many acts of violence by armed Tamil militants warrant violent retaliation against other Tamils? The Bishop's response is that we need to rise above "tribal vengeance" and "tribal morality". Further, did the Sinhalese have undue disadvantages and suffer discrimination at the hands of the British? Did the Tamils continue to enjoy undue advantages and privileges? Even if the pogrom was unjustified, did it help to bring about a more equitable balance in opportunities as between the Sinhalese and Tamil populations? Rejecting such arguments, the Bishop proclaims that, "We [must be] ashamed as Sinhalese for the moral crime other Sinhalese have committed."

The Bishop goes on to explore the need for an apology to the Tamil victims. Since he had no hand in the riots or in the build up to the riots, and was in no position to stop it, was an apology due from him? He cites the pride the Sinhalese today take in the Sinhala heritage, including Sinhala Bhuddism. Did they contribute to that heritage? Is not their pride based merely on their sense of ethnic and national identity with those responsible for developing that civilisation? If that sense of identity warranted pride in those achievements, then should it also not require apologising to the Tamil victims for the terrible actions in July 1983 of those claiming to act on behalf of the Sinhalese? The Bishop proceeds to make an unqualified apology as a Sinhalese to the Tamil victims of the pogrom of July 1983. Bishop Lakshman Wickremasinghe's pastoral letter, written in the wake of the pogrom of July 1983, focuses on that crisis. But the message of the Bishop is equally relevant to all of us. Victims and perpetrators of communal violence are found among all sections of the population; confessions and apologies are due from each of us. An apology made under pressure is of limited value, but a spontaneous apology could be an irresistible first step towards reconciliation. His pastoral letter, formulated while yet "in the midst of our worst national crisis since the beginning of our independence", is not a detached scholarly theological offering but an anguished message from the heart of a thoughtful and deeply caring Bishop. That message from one of the great Sri Lankans of our time is a classic that needs to be read and re-read carefully and thoughtfully by all of us. ■



## BOOK REVIEWS

# REVOLUTIONARY TRAILS: EDMUND SAMARAKKODY: A POLITICAL PROFILE

**Perera, T. 2006, *Revolutionary Trails: Edmund Samarakkody: A Political Profile*, 222 pages. Colombo: Social Scientists' Association. Price Rs. 400.**

**D. Wijeratne**

Beginning in the early 1930s Edmund Samarakkody was associated with the working-class movement and Marxist politics in Sri Lanka, not merely during the forward sweep of its heyday, but importantly during its times of crisis and retreat. Adhering to the fundamental principles and practice of Marxism-Leninism, he participated to the end of his life in the working class led anti-capitalist struggle, for the overthrow of capitalism-imperialism and its replacement by an international socialist order.

Inspired in his youth by the tumultuous tramway strike in 1929, during which workers burned down the Maradana Police Station and law students with flags and red sashes demonstrated in sympathy with the strikers, Edmund sat down to write a leaflet entitled, "Students of Ceylon Arise." Urging the workers to fight he exhorted the students to give "up their splendour and come out to the streets and join the workers to save the destruction of civilisation and bring universal equality, happiness and prosperity."

A youthful cry indeed! Many an impressionable young man of his age might have been similarly inspired, even if they had not put down their feelings in so many words. How many nevertheless would have clung to their thoughts and developed them into maturity, over a span of 60 years?

In point of fact, most of the one-time stalwarts of the Left movement itself with whom Edmund had collaborated fell by the wayside, each in his own time, and succumbed to the established social order. Edmund is among the few who stood their ground. This would have been not surprising, if in the meantime the self-same issues that tormented society then had not developed into menacing proportions, both nationally and internationally. The fate of mankind is indeed more terrifying to contemplate today than it was in 1929.

As a Marxist-Leninist Edmund believed that the major problems of society, such as those of the working class, the peasantry and the oppressed and toiling masses and all forms of political and national oppression are inextricably bound up with the capitalist-imperialist world order, and that the path to their solution lay in its revolutionary overthrow through working-class struggle.

Without being merely a biographical narrative about Edmund Samarakkody, T. Perera's work serves as a welcome study to those readers interested particularly in the history of the left movement, the so-called "collapse of the left" and even "the death of communism." What had appeared to be a mass-based movement and a revolutionary Marxist party (the LSSP), making great strides in challenging the capitalist order in Sri Lanka, ended up becoming collaborators of the capitalist class, as co-partners in coalition with the SLFP, and being reduced to the position of servitors of the very same capitalist order against which they had been fighting.

Here the reader is taken back by the author to the momentous developments within the Marxist movement in the early 1940s. It is against the backdrop of the crisis of imperialism during World War II that the LSSP, formed in 1935, actually underwent a transformation in an attempt to forge itself into a revolutionary party and help build the BLPI (Bolshevik Leninist Party of India) of which the LSSP was to be its Sri Lankan section.

However, with the failure of the BLPI to utilize the momentous revolutionary possibilities opening up in 1942 in India, and the consequent emergence of a relatively settled national capitalist order under the Indian National Congress led by Gandhi, the BLPI itself broke up and immersed itself in the politics of the Congress.

The split in the local section of the BLPI itself into the reformist LSSP led by Philip and N.M. and the BSP (Bolshevik Samasamaja Party) led by the Colvin-Leslie group and the subsequent unprincipled re-unification of the two groups, as the LSSP, soon paved the way to the transformation



of the LSSP once again into a parliamentary reformist, social democratic party.

Although a Marxist tendency did emerge in the party subsequently and existed up to the 1960s, it was the reformists who managed to take over the party and the movement and eventually ended up in the coalition with the capitalist SLFP in the 1970s. Edmund all along worked within the Marxist tendency up to the split in 1964. In due course, however, with the acknowledged leadership of the revolutionary wing itself succumbing to the reformists, it was a largely a disparate section that split in 1964 to form the LSSP-R (Lanka Sama Samaja Party – Revolutionary).

Accordingly it was from 1964 onwards that Edmund's role in the Left movement begins to acquire greater significance. In Edmund's own view, as the author of the biography suggests, the crucial shift in the direction of parliamentary reformism had its origins in the late 1940s, and the coalition politics of the 1960s and 1970s were the eventual end result of that regressive process.

The role of the Marxist tendency and of Edmund himself in relation to the task of averting the rightward slide in the party from the 1940s onwards are problems that could be examined in further detail. T. Perera's book provides in particular a broad but valuable survey of the part that Edmund together

with his leftwing colleagues played in seeking to build once again a revolutionary party and movement in Sri Lanka.

As mentioned earlier, T. Perera's profile of Edmund is no run of the mill biographical narrative. Edmund's political life is here studied, as it necessarily has to be done, to render it meaningful in the context of a variety of issues affecting the international socialist movement. The author has endeavoured to do so within the ambit of a small book. He has also made use of published and unpublished material.

It might be said that it was the last twenty five years of Edmund's life that added stature and made him a more remarkable personality in the Marxist movement. He alone among the first generation leaders of the movement such as Philip, N.M., Colvin and Leslie had without succumbing to parliamentary reformism steadfastly adhered to the path of Marxism-Leninism.

In the words of his longtime comrade and collaborator Meryl Fernando in his introduction:

Edmund kept his faith in socialism. But he had to swim against the current in his attempt to build a viable political group in Sri Lanka, to help build a Trotskyist centre internationally. He remained in the arena of struggle till the end. ■

**The writer was a member of the LSSP from the 1950s to the 1964 split and subsequently a member of the LSSP-R and Revolutionary Workers Party.**

**Available at the Suriya Bookshop**

**Price : Rs. 170/-**





# THE EMERALD CITY AND THE RED FORT

Ram Manikkalingam

I read two books recently: *Imperial Life in the Emerald City: Inside Iraq's Green Zone* by Rajiv Chandrasekaran recounts experiences of the administration of Paul Bremer and the occupying forces in the Green Zone; and *The Last Mughal: the Fall of a Dynasty*, Delhi, 1857, by William Dalrymple, on the extraordinary story of the last Mughal emperor of India – Bahadur Shah Zafar – in the Red Fort. The disgusting and disturbing spectacle of Saddam Hussein's hanging and my chief editor Abbas Raza's constant pressure to name my favourite books of 2006 got me thinking about the curious coincidence that two among them link imperialism and evangelism, and recount the remaking of other societies.

Comparisons are odious, particularly between the tolerant, gentle and cultivated head of a great dying dynasty and the unsophisticated evangelical representatives of a declining superpower, although both were cocooned in their respective courts. The last Mughal built his own world of poetry, music, hunting, dancing and partying in the Red Fort. The Americans built theirs of BBQs, movie theatres, trailers, press conferences, bars and discos in the Emerald City.

Shah Zafar, a poet who understood his condition as a virtual prisoner of the British living out the end of a dynasty, wrote:

“Who ever enters this gloomy palace, Remains a prisoner for life in European captivity.”

Although an expert marksman, Zafar was no warrior. He patronized the poets, musicians and intellectuals of Delhi, and focused his energy and effort on the intellectual and cultural life of the city. He was tolerant towards all faiths: refusing to bow to the conservative imam's demand to change his doctor who converted to Christianity and wary of Muslims who insisted on converting Hindus or slaughtering cows to fulfill Islamic obligations. On non-religious occasions, Shah Zafar is known to have refrained from entering mosques, since he also could not enter temples. He was not very adroit at managing his complex and cumbersome harem of many wives and concubines. His “harem was notoriously lax as far as discipline and security were concerned.” And the

punishments he meted to his concubines who crossed the line were lenient, if administered at all.

The mutiny of 1857 took not just the British but also Shah Zafar by surprise. The Indian troops – Muslim and Hindu – rallied around him as the rightful ruler of India with the political objective of restoring the Mughal Empire. The pious old (he was 82 years at the time) Sufi poet Shah Zafar suddenly became the reluctant head of a rebel army that rallied to Delhi as the last seat of Mughal sovereignty. He vacillated, not because he was timorous or weak, but because he was torn among knowledge of imminent failure and duty towards the troops rebelling in his name, and a desire to protect his subjects, the Delhi dwellers caught in between two contending armies.

The rebellion had powerful religious overtones to it. The divide was as much between British rulers and Indians ruled, as Christian versus Hindu and Muslim. The rebellion struck a chord, because it was responding to an imperial shift away from a religiously tolerant, even assimilationist, form of British rule, to one that combined Christian evangelism with British power. British agents, who had once taken on Indian wives and ways, and even Muslim religion and Hindu rituals, refraining from eating pork and beef, now felt that they were there to remake native societies in their own image. The rebels spared Muslim Englishmen (yes, there were some in Delhi) but not Christian Indians. There were atrocities committed against English men and women trapped in Delhi. But all of this paled in comparison with British reprisals after the rebellion collapsed. British soldiers committed mass murder, rape and the wholesale destruction of one of the world's most beautiful cities. Palaces, mosques and madrasas were destroyed in a misguided effort to punish a city for the rebellion.

Shah Zafar was exiled to Rangoon shortly afterwards, and died there in 1862 at the age of 87. He led a sad and humiliating exile. And his chief wife and surviving sons were not allowed to return to India under British rule. Today, Shah Zafar's burial place is, fittingly for a man who loved poetry and was both religious and tolerant, a Sufi shrine where Muslims in Burma come to worship.

*Imperial Life in the Emerald City* describes a very different form of isolation—rulers choosing to set themselves apart from the ruled by building a bubble around themselves. The members of the occupying authority ate pork (served by Muslim workers), drank alcohol and touched not a morsel of food grown in Iraq within the green zone. The only contact with Iraqis were those who worked under them, and were therefore hesitant to criticize them, and Iraqi politicians dependent on the occupying authority for their power.

The rulers in the green zone demonstrated a remarkable lack of curiosity and interest in Iraqi history and politics. They believed that they had correctly conceived the new Iraq. And all that was required to execute this conception was the right combination of men, guns, dollars and cement. In their evangelizing zeal, they believed that Iraqi politicians and American soldiers who raised questions about how exactly to execute this conception of Iraq, or needing more men and dollars, were inadequate to the task at hand. As the going got tougher, the plans got fancier.

Efforts were made to privatize state industries running at a loss, lay off workers and secure foreign investors, at precisely the time when unemployment was the biggest challenge facing Iraqis, and no foreigners could travel to Baghdad to view their potential investments, let alone try to turn them around. Other plans that would have had a far-reaching impact on ordinary Iraqis included taking away rations of food in exchange for cash, at a time when transporting goods to the market, not the money to pay for them, was the key issue. More fanciful plans included giving debit cards to families to pay for food in a country where phone lines did not work because of regular losses of electrical power.

My favourite is the plan to have a state-of-the-art stock market, with the fanciest computers and the most squeaky clean transparency regulations to ensure that Iraq's stock market would be up and running, when all the Iraqis wanted was a large room with dry-erase boards. The young American advisor spent months and hundreds of thousands trying to get the stock market off the ground with his grandiose plans. Two days after he left Baghdad, the new Iraqi stock market opened successfully with white boards to write bids and chits of paper to note transactions. The American advisor expressed frustration at the lack of Iraqi cooperation. Still, he felt that if he had not done his job, maybe nothing would have happened at all. When asked what would have happened in the absence of the young American advisor, the Iraqi Chairman of the Stock Exchange responded that they would have opened months earlier. At precisely the moment when no American civilian members of the occupying authority could travel outside the green zone, the planning for the wholesale economic reconstruction of Iraq got more and more ambitious.

Like Shah Zafar who wrote his beautiful poetry and encouraged his court musicians to sing and intellectuals to write, because he knew he had no power outside the Red Fort, the rulers in the Emerald City were encouraged to formulate plans and promulgate laws they need not ever worry about implementing. But unlike Zafar in the Red Fort, these officials of the occupying authority were out of touch with reality. Zafar was a sad old man, who wrote poetry because he knew he had no power to do anything else. By contrast, the new rulers in Iraq were strutting around the Emerald City, spending more and more time drawing up grander and grander plans, without realizing that they were doing so at precisely the moment when they no longer had the ability or power to implement them. ■

**Ram Manikkalingam is a fellow of the Open Society Institute & an Assistant Director at the Rockefeller Foundation based in New York**

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# IMAGINING KARMA

Premakumara de Silva

*Imagining Karma : Ethical Transformation in Amerindian, Buddhist, and Greek Rebirth*, by Gananath Obeyesekere, University of California Press.

Gananath Obeyesekere, professor emeritus of anthropology at Princeton University, is no doubt one of the world's greatest living anthropologists. The impressive genre of works he has produced over the years has earned him a canonical status within the discipline of anthropology. His recent work, *Cannibal Talk: The Man-Eating Myth and Human Sacrifice in the South Seas* (2005), solidifies this status. Obeyesekere's prior work *Imagining Karma* (2002), a study of the concept and practice of reincarnation, is one of the grandest theoretical labours that speaks to the theme rebirth from a broad cross-cultural perspective. It explores in rich detail the beliefs of small-scale societies of West Africa, Melanesia, Siberia, Canada and the northwest coast of North America, and compares their ideas with those of the ancient and modern Indic civilizations and with the Greek rebirth theories of Pythagoras, Empedocles, Pindar and Plato. This groundbreaking study shows that rebirth eschatologies are not unique to Indian religious tradition, as many Indologists and intellectuals assume, but are found scattered in other parts of the world. In his words:


My initial rationale for embarking on this project was to justify decentering India as the home and ground of rebirth. But I go beyond my Buddhist prejudice to a vision of a larger purpose: I explore the common fate of those societies that through historical accident or through the circulation of ideas or through independent invention...in reincarnation as an integral part of their larger eschatological and cosmological belief systems (2002:XV).

Obeyesekere demonstrates the process by which a simple rebirth eschatology is transformed into the Greek rebirth eschatology and the Buddhist karmic eschatology. As far as

small-scale societies are concerned there were no ethical or moral (good or bad behaviour sends one at death to heaven or hell) questions that determined one's rebirth. But in "civilized societies" 'ethicization' affects a person's destiny after death. Obeyesekere argues quite convincingly that when ethicization is systematically introduced into any rebirth eschatology the latter must logically transform itself into a "karmic eschatology." Once reborn into a world where an ethicized morality already exists, the individual must perforce continue in his life trajectory doing good or bad, acquiring sin and merit. In such world kinship affiliation no longer determines who goes where after death but moral action does. In religions like Buddhism animals get demoted in such a way that human beings who do wrong or commit sin might be punished with rebirth as an animal or other lower form of being. Here, Obeyesekere gives considerable attention to elaborate relation between reincarnation in animals and vegetarianism.

There are seven long chapters in the book. The first chapter discusses the logic of karmic eschatology and rebirth in Indic religions, and the second chapter provides the comprehensive account of non-indic theories of rebirth. Chapter three presents a detailed analysis of the transformation of the rebirth eschatology and the emergence of the karmic eschatology. Chapters four and five, respectively, give brilliant accounts of Buddhist and Greek eschatologies of rebirth and karma. Chapter six explores the Greek rebirth theories and discusses the idea of God in relation to soul. The final chapter opens up debates on Trobriander, Buddhist and Balinese rebirth and raises important methodological issues in comparative studies.

This provocative work deals with the most fundamental questions of human existence and challenges us to reexamine the accepted ideas about death, cosmology and eschatology. One book blurb says, a few scholars would attempt this kind, of a project today, but Obeyesekere does it quite brilliantly.



**Dr. Premakumara de Silva teaches Sociology at the University of Colombo.**

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# LAUNCHING 'A NICE BURGHER GIRL'

Elizabeth Tinley

There have been some crazy things written about me!" says Jean Arasanayagam emphatically adding with characteristic good humour "I suppose I am a bit controversial." She is sitting on her porch, dressed in white and we look out onto the jungle of home from the noise of the main road.

Jean is approaching the launch of her book, *A Nice Burgher Girl*, an anthology of poems and stories in which she explores her identity and heritage. She talks about her motivations openly and with the articulacy of a writer whose output has often been described as 'prolific':

The book is rather strange I suppose, I needed to look at myself and what I was as a Burgher. I am always querying who I am, what I am, what made me a writer and how important my identity is in what I am writing. This book is also a search for the people who are important in my life, such as my parents and siblings. [She pauses], "ultimately I want to know how successful a woman can be in finding herself.

Questions of identity and belonging have been at the forefront of Jean's writing since her first publication in the early seventies. A Burgher of mixed European descent and born and educated in Sri Lanka, she is one of a generation of intellectuals she refers to as 'left-behinders.' It is through the medium of writing that she constantly examines the causes and effects of this multi-ethnic background.

In speech as well as the written word, she is a gifted story teller as she works back through the processes that brought *A Nice Burgher Girl* to completion, saying "I originally wanted it to be called "The Jousen Jollyman."

The inspiration was the innumerable entertainers that used to be on the streets of Kandy when I was a child. My mother used to call this particular entertainer the Jousen Jollyman. He would wear these elaborate patchwork costumes and entertained us with a mix of

songs, nursery rhymes and dancing. I thought that it would be a good title because it goes with the Burgher ethos.

A written passage in the book about the Jousen Jollymen serves to explain the affinity she sees between her hybrid heritage and a traditional entertainer: "He danced in his motley patched clothing singing the ballads of his own creating a language which caught echoes from all the conquests that had taken place in this country".

In the end my daughter suggested I keep to *A Nice Burgher Girl*. But then I had to examine the definition of it. What is a nice Burgher Girl? Does she follow strictures? What? I didn't know, very variegated, much like the Jousen Jollyman. The problem was... "That I had been to these places, but what had they to do with being a nice burgher girl? I had to find answers and the book is all about making these connections.

The title and its allusions knowingly throw Sri Lanka's culturally turbulent past into light. "When I was young things were different," she explains. "There are all these '-isms' now. Colonialism, Post-colonialism, these things just didn't exist then. I had no idea what feminism was and wasn't ambitious at all. All I wanted to do was read my books."

*A Nice Burgher Girl* finds Jean re-examining her childhood, travels and hybrid background and aiming to understand them from the perspective of her identity and heritage. The stories and poems are composed into vibrant visions of old-colonial gentility and the world of women she inhabited as a child. She remembers bread and jam teas surrounded by a melee of aunts and set against the backdrop of Kandy with its English pubs and boating regattas.

Chapters are at times serious explorations into her ancestry and mixed heritage and at other times are dreamlike, descriptive and nostalgic. All, however, share the common theme of self-examination, which perhaps for Jean arose out



of a steadily growing awareness of difference. Her marriage to a Tamil provided fuel for an already growing fire and she isn't shy of describing the difficulties she has faced as a result of her choices.

In a recent publication by Martin Pioris, she describes how she lived for a time in temporary camps after she and her family narrowly escaped insurgency in 1983. She went on to write *Apocalypse 83* about the experience. Pioris' book, *The Sri Lankans* relates the stories of both Jean and her husband Arasa, in a photographic anthology dedicated to the lives of some of Sri Lanka's most iconic people. As a heavily awarded and much examined author, Jean's presence confirms her as one of Sri Lanka's most foremost literary figures.

Her next big release, a fiction novel to be launched around June, once again touches on the complexity of her creative processes and the issues they raise. Based on the life and diaries of a real (but deceased) acquaintance, it blends fact and fiction into a tale that again explores the position of women in the world:

The woman it is based on moved into my community and I befriended her. I have a set of diaries recording her stay in England (1938) where she went for her studies in education at the University of London, and holidays in the English countryside, Wales, Scotland, the Continent. I used excerpts from the 1938 diaries abroad which I also rewrote making them fictional.

more than factual in parts. I also explore the beginnings of Martin being, my protagonist, a Eurasian woman together with her relationships with her Sinhala mother and father, a British planter, against the colonial background of Ceylon. The scope of the novel spans almost a century from the latter part of the nineteenth century to the latter part of the twentieth. Martin was a very interesting woman. I am not writing about her life alone but about the

fact that she managed to find an identity as a woman, sensitive, intelligent, perceptive.

"It is called" she says, pausing for emphasis between each word, *Dragons-in-the-Wilderness*. "Now how did I get that title? I don't know. I thought I heard it somewhere in church during a sermon. A friend later told me it was from Revelations and it tells of a woman who wanted to give birth and was threatened by a dragon. She was given eagle's wings so she could fly to the wilderness and live in safety." It is a metaphor represented in the book by the protagonists' gradual estrangement from a multi-ethnic background and subsequent travels overseas. The final safe refuge sees her and her sister living refuge in a convent and looking back over their lives.



Jean Arasanayagam

Jean admits to frequently questioning the ethics of fictionalizing someone else's life. So what conclusion has she come to? She is thoughtful for a moment and replies: "There are ethics of writing, but I made her into a character she would be proud to be. Isn't writing about other people and their lives, what we are doing all the time? Isn't that what Martin has done about me?" ■

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## IN MEMORIAM

### SYDNEY WANASINGHE - PEERLESS PUBLISHER

Sydney Wanasinghe, the veteran LSSP activist, died following a heart attack on 29 April at his home at Wellawatte, Colombo. He was 75 years old. He was in failing health for some time, which affected his physical movements but left untouched his marvellous memory. He was a boon to struggling writers researching the left movement.

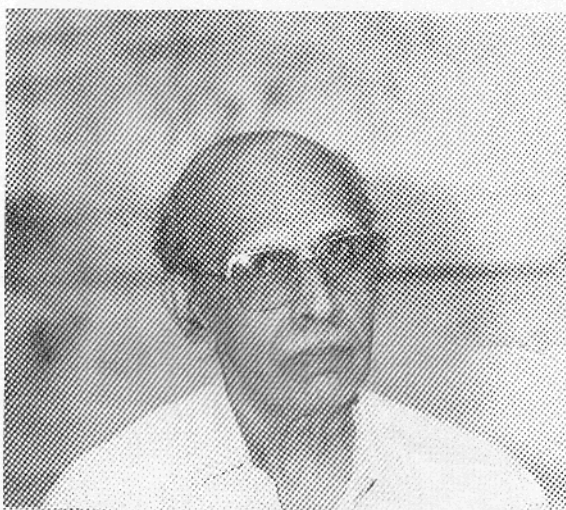
He was born at Raddoluwa, Seeduwa, on 16 February 1932 and was educated at St. Mary's College, Negombo, St. Joseph's College, Colombo, and S. Thomas' College, Mount Lavinia. He joined the LSSP while still a university student in the early 1950s. He was the live-wire of an active group of Samasamajists who distributed the party documents on the Peradeniya campus. These were the pre-and post-Hartal days when the LSSP dominated campus politics. Sydney and his university comrades used to collect bundles of the party weeklies at the Peradeniya railway station for street sales in Kandy.

After his graduation Sydney served as a teacher at Carey College, Colombo. In the 1960s he was back at Peradeniya University to obtain a diploma in education. He was also active in the teachers' trade union.

In 1958 he was nominated by the party to contest the Wellawatte North ward of the CMC. He succeeded his friend and party comrade Osmund Jayaratne as the LSSP representative for this ward. In the municipal by-election that ensued Sydney won the seat, which he held till 1965.

In the heady university days Sydney had teamed up with Vijaya Vidyasagara and Saravana Bhagawan (Baggy), editors of the *Samasamajist*. In the years to come they were drawn more closely together. Baggy began publishing Marxist classics in pamphlet form under the Star Press imprint. And eventually Sydney took over where Baggy left off and blossomed as a

peerless publisher of left books. He initiated the popular *Young Socialist* series, the publication of which coincided with the emergence of the left-wing faction in the LSSP on the eve of the party split in 1964. At that time he also opened a sales outlet – Suriya Bookshop.



Following the electoral defeat in the mid-1960s of the SLFP, its allies the LSSP and the CP unleashed a chauvinist campaign against Tamils. It was left for Sydney in the *Young Socialist* to document the wave of dreadful diatribes in the LSSP and CP press.

Sydney was one of the signatories of the resolution moved by fourteen central council members at the party conference in June 1964, which opposed the resolution of the leadership for entry into a coalition with the SLFP-led government. The former was defeated by an overwhelming margin and supporters quit the LSSP to form the LSSP-R. Sydney later rejoined the party.

In the 1990s he became senior partner at the 'firm' of Wanasinghe and Wesley Muttiah. They searched the party archives and offered readers several volumes of vintage speeches and writings of the iconic figures in their glory days, when they reached commanding political heights. It has been a successful publishing venture; their books to mark anniversaries of working-class struggles spearheaded by the LSSP and birth centenaries of the left luminaries. Sydney was preparing a memoir of his friend Baggy when the end came.

His remains were cremated at the General Cemetery, Colombo, on 30 April. We extend condolences to his family, comrades and friends.

T.P.  
Kelaniya



# BERNADEEN SILVA LIVES ON IN THE MOVEMENTS SHE WORKED FOR

Selvy Thiruchandran

My association with Bernadeen started twenty-five years ago, except for a brief period when I was in the Netherlands. I was in touch with her constantly. The conversations we had over the phone and the meetings were meaningful. She had a tone that was very determined and forceful. There was no lingering. She personified kindness and compassion and was ready to help anyone. She was able to easily transcend ethnic, religious and class factors to join in any struggle for achieving justice, peace and fair play. She was quick to condemn ethnic chauvinism, religious extremism and class oppression. Unlike many others in our midst she was loud and clear in the views she expressed.

She was always available for people in need. We could go to her without appointment, if necessary. Often she would think aloud without hesitation "What can we do? We should do something."

For a person with such conviction and ideological commitment it is not strange that she was sought after and became associated with the formation and founding of many important organizations in Sri Lanka. She will no doubt find a place when the history of Alternative Movements in Sri Lanka comes to be documented. Her vision was not limited but covered a wide spectrum.

She was, along with others responsible for founding *Kandeshanila, Puro Koral* in Tamil and *Power of Women* in English. This organization was the first feminist organization of the 1970s and pioneered the women's movement of this country into new directions. The original copies of the journal brought out by this organization would bear ample testimony to the level of new dialogues it started. The first meeting during which the need for a women's organization was discussed, was held at Bernadeen's home at 1681, Don Carlos Road, as well as the subsequent meetings until the organization found its own premises.

Bernadeen was associated with the founding of Centre for Society and Religion (CSR) – the pioneer movement for Liberation Theology in this country. In fact, she operated in

many of the issues that were launched by the CSR. The pamphlets, journals, newsletters and books that were published by the CSR bear witness to Bernadeen's intervention and input. In 1971, when there were many human rights violations, The Civil Rights Movement (CRM) was also launched which gave us lessons in *The Value of Dissent* in a society that was fast deteriorating into intolerance. Bernadeen was one of the founders of CRM, and first CRM meeting was inaugurated in Bernadeen's flat at Barnes Place. Knowing her commitment to such issues as peace and justice and fair play others sought her out. The Social Scientists' Association, the National People's Council (NPC) and People's Action for Free & Fair Election (PAFFRE) got her into their organizations and benefited immensely by her contribution. She had the time and energy till the last to play a proactive role in various such alternative movements.



My personal dealings with Bernadeen began when I joined Women's Education Centre (WEC) in the founding of which Bernadeen was instrumental. WEC was later renamed Women's Education and Research Centre (WERC) and accepted its directorship. Bernadeen as a Trustee and Board member gave us directions and guidance along with Kumar Jayawardena. It was indeed a pleasure working with the coordination and cooperation extended to me. Bernadeen took a keen interest in the development of the organization, in buying a premise and in converting the old house into the present structure. She played a major role in the progress of WERC. When depressed over external disasters or private problems, Bernadeen was there to give advice and guidance and cheer us up.

Bernadeen was involved in all our activities at WERC. It was a joy that she was always there at meetings seminars and parties. At the end of such get-togethers she would stay behind to say a few words, talk to the staff, find out how they are faring and cheer us up all. She talked, sang and danced with us.

One question that came to all our minds, when Bernadeen's passing was, will we ever again have anyone like Bernadeen Silva. The loss is irreparable. ■



## GUERNICAS ARE EVER ALIVE

The collage of wounds on the murals of bodies  
show death in the measured dance of the  
bull fighter.

The matador falls behind the red screen  
as the black bullock heaves pulsing  
through the flesh, tears with the pierce  
of strong horns, wounded eyes out of  
the gouged heart.

The guns splatter opening bullet holes  
of windows in the sunlit afternoon  
spitting out firesparks bursting out of  
the slits of dark watchful eyes.

Bombs fall from the spangled air  
and the feet keep running, running  
on the edge of panic.

slip sharply off blood-blades shearing  
flesh to slither on the rutted plain.

No one waits for the applause to end  
as the slow stains spread widening on the sand.

the light peeled off reveals strips of  
blackness unreeling death's witness.

Bodies sprawl.  
Revelations are naked.

Shadows decapitated.  
Limbs wrenched off,  
the skull parting from the blows  
into severed pieces  
shatter with explosives  
into splinter-crumbs of bone,  
blood scraped off with tearing fingernails  
bodies lying athwart each other  
in the deceptive semblance of love.

Silence now crouches hushed  
Within coverts, the tremor of wounded  
bodies stilling after choked screams  
Strangle the throat.

Strange vineyards  
the black grape clusters of heads  
flung high wedged between luscious branches.

Soon the vats will brim with wine  
from the crushed fruit slowly gathering  
its vintage in war's sealed cellars.

Jean Arasanayagam