

CHRISTIAN WORKER

Quarterly in the interests of the Working People

9 Executive Presidency
and the Humbug of
Cohabitation

↳ Batty Weerakoon

16 Amnesia and Misdirected
Peace Activism

↳ Rajan Hoole

55 A Bhikkhu's Role
in Politics

↳ Revd. Baddegama Samatha MP

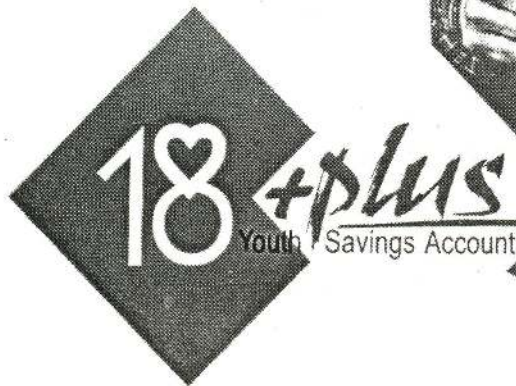
THE STRUGGLE FOR PEACE

An Analysis of the 2001 General Election Results ↳ D.E.W. Gunasekera

The Sri Lankan Constitution and the Failure of Law Enforcement Agencies ↳ Basil Fernando

The Ageing of the Sri Lankan Population ↳ Nimal Sanderatne

The Moving Finger Writes... Moves on... ↳ L.C.C. Kuruppu



ශ්‍රේණිගත සේවාවන් සපයන
ලංකා බැංකුව
සැමවිට ඔබ සමඟයි

The Struggle for Peace

(SEE YELLOW PAGES)

COMMENTS

- 5**
An Analysis of the
2001 General Election
Results
- 9**
Executive Presidency and
the Humbug of
Co-habitation
- 12**
The Sri Lankan Constitu-
tion and the Failure of Law
Enforcement Agencies
- 16**
Amnesia and Mis-
directed Peace Activism
- 21**
The Ageing of the Sri
Lankan Population
- 29**
Fight for the Right to Live!
End Hunger!
- 32**
Cuban Green
Revolution
- 34**
The Moving Finger
Writes...Moves on...

WORLD AFFAIRS

- 36**
World Leaders seek
'ethical globalisation'
- 37**
The Enron Debacle:
- 39**
The C.I.A. and the school
for terrorists
- 41**
Israel: A terrorist
success story
- 43**
Israel's economic war
against the Palestinians
- 44**
Cross to bear
- 46**
A new approach for
Islamic World needed

HUMAN RIGHTS

- 48**
Conference on
'Disappearances'
- 49**
Legal Liability for
'Disappearances'

WORKERS STRUGGLES

- 51**
UNP rule begins with
victimisation of workers
- 51**
Trade Unions and
Labour Refoms
- 52**
Trade Union Response
to Privatisation
- 53**
Bank Union on
Retrenchment
- 53**
Employers face
legal claims
- 54**
Unemployed Graduates
Demand 30,000 Jobs

RELIGION

- 55**
A Bhikkhu's Role in
Politics
- 58**
Christians, the Crucifixion
of Jesus and Crime of
Torture

61 FELLOWSHIP IN ACTION

4th Qr. 2001 & 1st Qr. 2002

**CHRISTIAN
WORKER**
Quarterly in the Interest of the Working People

ISSN 1391 - 3905

Subscription Rates
(Inclusive of postage)

Annual Sub	:Rs. 200.00 (Local)
SAARC countries	:US\$ 8.00
Asia	:US\$ 10.00
Other countries	:US\$ 20.00

Cheque in favour of
CHRISTIAN WORKER
Kamkaru Sevana
10/1 Attidiya Rd. Ratmalana,
Sri Lanka
Tel: 634376, 612142/3
Fax: 622441, 612142

Printed by
CRC press (PVT) Ltd.
Boralesgamuwa

To our Readers

As intimated to our readers earlier, owing to rising costs we had to increase the Local Rates of *Christian Worker* to Rs. 50 per copy and the annual subscription to Rs. 200.

This change will take effect from 2002. Those who have paid their 2002 subscription at the earlier rate of Rs. 150 will however not be affected. Please note that even this new rate for local Readers is a subsidised one since it does not fully cover costs of publication! Any donations from our friends will therefore be most welcome to help meet the difference.

Thank you
Editorial Board of *Christian Worker*.

FROM OUR READERS

The Constitution and Legitimacy

University Don Rohan Edrisinha's lengthy analysis in the issue of the *Christian Worker* (3d Qr - 2001) carries a caption "The need for legitimacy and consensus" - which by a quirk of fate could be more appropriate to the situation after the general elections of December 5th than in the context of the Referendum proposed last year. Inasmuch as he questions the legitimacy of the proposed referendum, we, lesser mortals, await with bated breath his expert opinion on the legitimacy of some of the actions taken by the UNP/UNF to wrest certain constitutional powers from the President and to neutralise the office of President. *Inter alia*, does Mr. Edrisinha true to his conscience believe (a) that the office of

the Executive President could be considered in isolation of the institution recognised as 'Government' under the Constitution in the context of Article 30(1) which specifically declares that "the President is the Head of State, the Head of the Executive and of the Government and the Commander-in-Chief of the Armed Forces"? (b) That if the President is all that has been mentioned, the President has no right morally, constitutionally to breach the trust and confidence placed in her by the sovereign people to abdicate her powers voluntarily or otherwise? (c) that the President is enjoined through the Oath of Allegiance to uphold and defend it, inasmuch as members of the legislature too have the same duty and respon-

sibility? (d) that nevertheless, certain provisions of The Constitution have been breached practically under 'duress'? (e) That amendments to the Constitution could not be deemed to have been made through voluntary abdication, MOU's, quid pro quos or transfer of constitutional powers effected without amendments passed by a 2/3rd majority (with Referendum where appropriate) as Mr. Edrisinha had advocated in the Article on the Referendum?

Would not Mr. Edrisinha in similar vein educate the people of the legitimacy or otherwise of the present situation *vis-à-vis* the Constitution and whether or not the sanctity of the Constitution has been undermined? - that the present UNF faction in the legislature is acting through unconstitutional or extra constitutional measures which he himself abhors in his article?

Mr. Edrisinha refers to a JR style manipulation of the Constitution to change the form of the political debate by proroguing Parliament. A better example he has chosen to ignore, was that of President Premadasa at the time of his impeachment. To rebut the stand taken by the *Christian Worker* he argues that the PA received less than 50% votes after "cobbling together" a coalition. What indeed would he say now with the UNF polling less than 50% and manipulating the Constitution with extra constitutional means? And is the UNF not a "cobbled up" coalition? E also describes the proposed referendum as an illegal coup d'etat. Is not the present situation a Parliamentary coup d'etat?

In his view, a Constituent Assembly is an extra constitutional method of change. "The people must draft and adopt the Constitution", he says, contradicting his own view that constitutionally the elected representatives must first pass it by a 2/3rd majority. He seems to have forgotten that the Select Committee itself sought the views of the public and that the UNP had agreed to most of the draft provisions until it suddenly thought of the Maha Sangha! If that was not a "virtual conspiracy" then what? "The problem with both the Republican Constitution, 1972 and 1978 was that they were both partisan constitutions designed with the interests of the ruling government in mind" – he says. He also agrees that "Both the Constitutions of 1972 and 1978 are fundamentally flawed...". Yet, he would wait like Micawber for something to happen for a 2/3rd majority in Parliament instead of banking on the sovereignty of the people which a colossus like Sir Ivor Jennings had recognised when he opined that even revolutions can be legal. "Revolutions if successful make new law. All revolutions are legal when they have succeeded and it is the success denoted by acquiescence which make their constitution law" (Jennings) "The future is frankly grim. But as always, the masses will prevail over constitutions and not the other way around. That is a lesson of history" (Dr Colvin R. de Silva). With the stance adopted by Mr Edrisinha, a new Constitution can be a non-event! The alternative, therefore, is to do nothing! Let us now have his clear and unbiased views about the legitimacy of wresting powers of the President through a virtual Parliamentary Coup d' etat.

I. P. C. Mendis
Moratuwa.

Reply to Rohan Edrisinha

Dear Christian Worker,

I was surprised to see some vituperative comments made by Rohan Edrisinha against my article appeared in *Christian Worker* (August 2001) titled "The Need for a New Constitution," quite unrelated to what he was writing on the subject. It appears that Edrisinha is single-minded to advise on editorial policy of other journals and blames both *Christian Worker* and *Pravada* for publishing my article and not dealing with what he believes to be important in the constitutional crisis in August 2001, namely the referendum issue. I have no disagreement that the proposed referendum was an important issue, but I was writing my article to the Daily News highlighting the need to change the constitution, given the crisis unleashed mainly as a consequence, in my opinion, of the rigid, contradictory and undemocratic character of the 1978 Constitution.

Edrisinha says that my article was 'inane and irrelevant.' Well, these are strong words to use to anyone's writings, let alone an academic colleague, especially when the 'insults' are not substantiated. Freedom of expression should not be a blank cheque to abuse other people simply because they hold different viewpoints. Relevance or irrelevance of an article is a relative judgment, and I believe that the editors of both *Christian Worker* and *Pravada* sought my permission to re-publish the above article considering its relevance. Both journals in fact published the article as their lead articles.

'Inane' is something that the author should have proved before using the word. Only direct criticism by Edrisinha of my article seems to be the following:

"Dr. Fernando's article failed to address the highly debatable, contested issue outlined above at all. In fact it could very well have been written in 1994! It summarised the main weakness of the 1978 Constitution which have been highlighted over the years by politicians and scholars including trenchant critics, N. M. Perera and Chanaka Amaratunga."

I have no hesitation to admit that my article did not (not failed!) address what Edrisinha outlined as the 'highly debatable and contestable issue.' Does that make my article inane? I also have no hesitation to admit the valuable criticisms made by N. M. Perera or Chanaka Amaratunga on the constitution. It would have been honour for me if I were to summarize what N. M. wrote on the question. He was one of my political mentors indeed. But mine was a different piece having realized and been outraged by the political crisis that the country was undergoing because of this irrational constitution. I also should remind Edrisinha that I was one of the critics of the 1978 constitution, as a young lecturer, when it was adopted, of course in the Sinhala press. I don't know whether Edrisinha was in the political kindergarten at that time or whether he reads Sinhala newspapers at all.

What amuses me most is the way Edrisinha calls others for 'shadow boxing.' He seems to have assumed that *Christian Worker*, *Pravada* and Laksiri Fernando, all have believed that 'a new Constitution could be adopted by unconstitutional or extra-constitutional means.' Then he poses his so-called 'highly debatable and contestable issue' or rather challenge.

Did the ends justify the means? If *Christian Worker* and *Pravada* thought that they did, they should have confronted the question head on, dealt with the arguments on both sides, and thereafter justified their conclusion. (My emphasis)

Nothing of the sort on my part; I simply cannot speak for *Christian Worker* or *Pravada*. My answer is simple. I did not think that 'ends justify the means.' Therefore, I did not have to confront a non-existent question 'head on' as Edrisinha prescribes. That is his 'imagined question' I strongly feel that Edrisinha should stop preaching to others what to write.

Dr. Laksiri Fernando
University of Colombo

M.M. Dajal

Whither Pastoral Council?

After much hue and cry and a lot of money and energy spent the much talked about Pastoral Council of the Diocese of Badulla has come and gone. Some of us must be so elated and overwhelmed to the point of tears that the whole exercise was a roaring success.....

Yes... in a way it was a great success... that people who never had a chance to voice their opinions got their chance to speak their hearts out. What was clear as daylight was the recurring cry of anguish of the people of Uva that they were not happy with the efforts of their priests working in the diocese of Uva. In every commission and discussion the underlying note was, give us better service... give us attention... give us a place in the working of the Church.

As we all know, since the Vatican II the Church has been saying that the Laity should be given a bigger role to play in the Church...not just a bigger role to play in the spiritual side of the Church but also to be thoroughly involved in the administrative aspects of the Church too.

But unfortunately it looks as if the only role we want our Laity to participate in is the smooth running of feasts and to take an active place in the Liturgy and spiritual well being only. The question is are we giving the laity a role to play in the administration of the Diocesan and parish affairs.? When it comes to , making decisions who is the final boss? Even in our parish Councils the President has to be the Parish Priest. Why cant a layman take the main chair? Surely they are responsible and sometimes more mature and knowledgeable than the priest!

Is it because the Church is still not capable of accepting the place of the Laity or is it because the Church is scared of losing her place and influence among the Laity?

We talk a lot about Laity participation but how many of our major Commissions have a layman at the top? Surely there are enough and more laymen in the Church who are very competent in many fields where the Churches presence should be felt. In short there are enough Christian Laymen who can teach the priest what to do and what not to do. Are we really open to them or do we just give them this much and that much only and tell them you do the work but I am still the Boss who will make the decisions. This I feel is what we fail with the Laity.

We are prepared to go with them this far and only that far and nothing beyond. Sorry to ask the Question but how many times have we done things...bought places... constructed buildings... Organised

meetings and started projects thinking that we know best and failed miserably when a simple honest consultation with a reliable knowledgeable layman could have saved us a lot of money.. trouble and embarrassment.

Now that the Pastoral Council is over it's high time we get into action.

What the people want is a priest who is down to earth, caring and loving, a man who can talk to them and with them, sit and eat with them instead of sitting at a royal elevated table surrounded by yes men who would agree with all our decisions be it right or wrong.

What the people want is a priest who can listen to them instead of pretending to be an all knowing bureaucrat who will talk to them only when a feast is near or when he wants some work done and use them only as cats paws.

in a globalised world I think it is high time to shed the much unwanted paraphernalia the cardboard crowns and purple trimmings, the prefixes and the suffixes added to our names and the titles and the unearned doctorates added after our names.

I think it is high time for all of us to get down from our pedestals and gleaming automobiles and mix with the common man, take a bus ride, to know how difficult it is to stand in a crowded bus when it takes a curve or how frustrating it is to stay long hours standing for a doctor even after paying him an exhorbitant price to get a tooth extracted.

It is high time to make our masses more meaningful and participatory to our, people... pray for them and with them.

An Appreciation A Reflection Edmund Samarakkody

This month, (January 2002) marks the 10th Death Anniversary of Edmund Samarakkody. It is good to, in an Appreciation, reflect on the life and work of the person concerned.

Those of us who came under the spell of Doric de Souza's political thinking at Peradeniya, were also attracted by the thinking and the work of Edmund Samarakkody. It was Amaradasa Fernando, then working at the Peradeniya library, who gave us all the literature that we were made to read. Thanks to Meryl Fernando, writing in one of the Sunday papers, we have been reminded of Edmund Samarakkody.

Edmund had his own views on the burning National Question. To Edmund, it was very clear, that our National Problem was in a sense, a dominant class, refusing to acknowledge the legitimate aspirations of the minorities. I wonder what the Political History of Sri

It is high time to know everyone in the Parish except knowing only the big wigs...the rich and the prominent.

It is high time to regularly visit our people especially in time of need and sickness. They would, I am sure like to see us at other times too.

It is a challenge to open our hospitals and our centres to the poor.

It is a challenge to revise our hospital and medicine rates challenging others who are fleecing the poor with exorbitant hospital bills and medicine prices.

More than ever it is a challenge to be able to talk to our people of God in a language understood by them.

Finally, my friends it's nearly two months since we heard from our people...Have we changed or are we the same old power hungry uncaring, unloving rigid and unapproachable people we were before the Pastoral Council?

If we can answer this with a clear conscience then my friends ...the Pastoral Council has borne fruit.

If not we are in the same old rut as when we started.

God be with you.

Fr. Tilak Jayawardene
Counsellor, Career Guidance
Sabaragamuwa University of Sri Lanka
Belihuloya

Lanka would have been if persons like Edmund Samarakkody had had their way, in and through the Old Left in our Country. It is strange but true, that the Left soon moved to Sinhala Only with the reasonable use of Tamil from their prior position of parity of status. It is also a fact of history, that those who stated in 1956, in the context of the Sinhala only debate, one language , two nations, two Languages, one nation, in 1972, were responsible for the Unitary State. And at the last General Election, the Old Left in the PA allowed the type of a Campaign bordering on racism. I wonder whether, Edmund Samarakkody would have allowed all these.

It is also a well known fact that in 1971, when the first J.V.P. insurrection took place Edmund Samarakkody, while being critical of the J.V.P. for their methodology condemned the massacre of the innocents by the Government of the day.

So today, in the context of the Political History of our Country and the betrayal, of the Old Left, we salute the memory of Comrade Edmund Samarakkody.

The Very Revd. Fr. S.L.C. Knight
The Dean
The Cathedral of Christ, The Living Saviour,
Colombo 07,

Prime Minister's Warning on bankruptcy

The Prime Minister's intimation to the Parliament on 22rd January to the effect that the country is the verge of bankruptcy is not something any citizen can ignore. It is a serious warning and the citizens must try to ask what it means?

Here are a few simple questions that comes to mind?

- Will more people lose jobs?
- Will more enterprises be closed?
- Will prices of goods go up?.
- Will the rupee further be devalued?
- Will foreign currencies accounts be affected?
- What services will be affected and how- Education, Health, transport etc?
- Will there be retrenchment in the State

- sector and corperation sector?
- Answers to these questions, will give rise to others?
- Will crime increase?
- Will corruption further increase?
- What ways are there to avoid it-End of war?
- As Prime Minister has suggested?Any other factor that may contribute to economic recovery?
- What Contingency plans—?
- Have any been thought of?
- How will people react-?What will be the implications of such reactions?

All these are very relevant issues for democratic movements and civil rights movements. In fact, they are relevant to every one. In a situation of bankruptcy it is no use blaming any one. Every one has to face the consequences. So it is time to think practically and constructively. For that some answers are necessary for those questions raised above.

N. Wadugodapitiya

The Mythical Monster

Bin-Laden is here, he is there,
Say Bush and Blair,
And are burning a hay stack in search of
a needle,
The U.N. to hoodwink and diddle.

It 's Afghanistan's turn now,
To test their high-tech weapons of mass
destruction know-how,
To fire from sea and air,
The fragile fabric of Afghan society in
sheds to tear.

The U.N. America's puppet,
Fully supports the American and British,
war duet,
Orchestrated by the American Jews, by
turning the U.S. financial screws.

Bin-Laden presently hiding in Tora-Bora
Will suddenly be spotted by the N.B.I. in
Ramallah,
To give the Zionist a chance.
To perform the American and British war
dance.

In search of this mythical monster,
They will cause genocidal disaster
By many a devastating air strike
The Palestinians from the face of the
earth to wipe.

This mythical monster will then be spotted
in various poorer parts of the Global village,
Which Bush and Blair will seek to plunder
and pillage,
To bomb from sea and air,
The fate of the Red Indians to share.

This monster who came to the fore
After the fall of their old foe,
The Soviet Union,
For seventy years or more the world's
demon.
These masters of plunder and genocide,
By international or moral laws will not abide,
In God's name,
They will play with the Bible and missiles
the old colourful game.

The US was founded after wiping out the
aborigines of America,
Which the British Empire failed to do in
Asia,
They are acting jointly again,
The global village to reign.

Asians' be wary of the American and British
Pill,
Administered through the IMF and WB duo
to fund their structural adjustment bill,
The ensuing chaos will enable Bin-Laden in
your country to hide,
Their mass destructive weapons to your
country in the name of Human Rights
And democracy to guide.

P. Nonis
No.19 Hill Street
Dehiwala, Sri Lanka.

The verdict

With the election dust that has settled down and the establishment of a new government, it is high time that now all political parties join together and celebrate this unity and to draw closer the common ties that hold us together.

It is also now high time that the LTTE Leader, "the sole representative of the Tamils" sheds his stance and joins the main democratic stream and extends his hand to friendship and once and for all solve the ethnic crisis created by chauvinist governments of the past, creating a really socialist government, thus eradicating the communal cry of 'Sinhala " "Tamil" and establishing a true Sri Lanka race calling ourselves SRI LANKANS in the newly created political culture established by the verdict of the people. Let us, therefore, break the adage "Politics is the last refuge of a scoundrel" in making politics a gentlemen's game recognizing the rights of all communities irrespective of caste, creed or culture, having gained our independence by joint efforts of all communities.

Democracy has been restored and we pray that all political parties of Sri Lanka will maintain the unitary State and the dignity of the nation. It is also incumbent on our Leader Velupillai Prabhakaran, "the most powerful, the most invincible and great military strategist of the East", to bury the hatchet and rise to the occasion as a great Statesman like Gerry Adams, Nehru, Nelson Mandela and a host of other democratic leaders who have solved their national problems of their respective countries.

It is true that the both sides of the divide have created blunders and that it is also true the verdict of the people has been proved unshakeable.

As the late President R. Premadasa said, "It is the voter who decides", saying " The fate of any political party in power is decided not by those who are close to it, not by those who are opposed to it, but by that large mass of people who are totally uncommitted, by the weighty floating vote which tilts the scale this way or that and this is so in every democratic society".

As the saying goes, "To err is human, to forgive is divine" So let us forgive and forget, burying past sordid history and create a true Democratic Republic of Sri Lanka.

Having given the verdict, we hope that the new government, with the help of the President and the Opposition will be crowned with success. As Pundit Jawaharlal Nehru said " Success comes to those dare and act; it seldom goes to the timid".

R. Gurusingham
Colombo 04.

12.12.01

AN ANALYSIS OF THE 2001 GENERAL ELECTION RESULTS

✍️ **D.E.W. Gunasekera**

The eleventh Parliament elected at the General Election held on October 2000 was dissolved on October 10th, 2001. Since the Second Peoples Alliance Government lost its majority in the Parliament exactly on completion of one year of its rule, the President, instead of attempting to form an all-party Government or PA-UNP Coalition Government thought it prudent to go for a fresh mandate. The PA-JVP Memorandum of Understanding (MoU) which was in operation for 35 days failed to avert the crisis.

Ever since the formation of the 2nd administration of the Peoples Alliance (PA) in 2000, the United National Party (UNP) had been attempting to bring about a shift in the balance of forces in the Parliament in favour of the Opposition. This was achieved within matter of one year. The UNP slowly but surely and cleverly engineered a Parliamentary Coup through a series of MoUs signed between the UNP and the Tamil and Muslim political Parties in the first instance and then with a dissident group of the PA Government led by G.L.Peiris and S.B.Dissanayake.

The UNP vote bank had been progressively declining since 1977 and had reached an alarming level under the leadership of Ranil Wickremesinghe. As a matter of fact, this sharp decline causing successive defeats at ten previous Parliamentary/Provincial Council/Local Government Elections did provoke a leadership crisis within the UNP while Ranil Wickremesinghe was away in Norway after the General Elections of 2000.

It was this crisis that paved the way for the UNP to adopt its twin-tactic strategy of mobilising all opposition forces aimed at toppling the Government and simultane-

ously working its way into a so called National Government. This strategy was relentlessly pushed through up to the point of a forced dissolution of Parliament.

A forced dissolution naturally created conditions unfavourable to the incumbent PA administration at the commencement of the Election campaign, itself.

The results of the General election – 2001 can be broadly summarised as follows:-

(I)

Total Registered voters	-12, 426, 762
Total Valid Votes	- 8, 955, 869
Total Rejected Votes	- 493, 944 (5.22 %)
Total Polled	- 9, 449, 813(76.03%)
Total No. of Political Parties	- 27
Total No. of Independent Groups	-120

(II)

	District Seats	National Seats	Total Seats
United National Party (UNP)	96	13	109
Peoples Alliance (PA)	66	11	77
Janata Vimukti Peramuna(JVP)	13	03	16
Tamil National Alliance (TNA)*	14	01	15
Sri Lanka Muslim Congress	04	01	05
Eelam Peoples Democratic Party	02	00	02
Democratic Peoples Liberation Front (DPLF)	01	00	01
	196	29	225

* Tamil United Liberation Front (TULF)
Tamil Congress
Tamil United Liberation Organisation (TELO)
Eelam Peoples Revolutionary Liberation Front (EPRLF) } TNA

(III)
All Island Voting

UNP	-	4, 086, 026	(45.62%)
PA	-	3, 330, 815	(37.19%)
JVP	-	815, 353	(9.10%)
TNA/TULF	-	348, 164	(3.88%)
SLMC	-	105 346	(1.17%)
EPDP	-	72, 783	(0.81%)
Sihala Urumaya	-	50, 665	(0.56%)
New Left Front	-	45, 901	(0.51%)
DPLF (PLOTE)		16, 669	(0.18%)

(IV)
Percentage of Votes in successive elections

	1994	2000	2001
UNP	44.09	40.21	45.62
PA	48.94	45.10	37.19
JVP	5.99	09.10	
Muslim Congress	2.28	01.17	
Sinhala Urumaya	1.47	0.56	
TULF	1.83	3.88*	

*Tamil National Alliance

Taking into consideration the number of Sri Lankan voters employed abroad and the number of voters who were unable to exercise their vote due to the war situation in the North-East, the percentage of voting at the last General Election is encouraging as compared with the previous Elections.

The number of rejected votes has been on the increase since the introduction of the preferential voting system. Under the first-past-the-post electoral system, the rejected percentage in the 1970 and 1977 General Elections was as low as 0.5 %. It significantly increased to 6.13% in the 1989

(V)
Percentage Polled

1970	1977	1989	1994	2000	2001
85.2	86.7	63.3	76.2	75.6	76.03

General Election and remains now at an average of 5%. The factors which have influenced this negative trend are the increases in the size of the Electoral District and the resultant increase in the number of candidates. The presence of 27 political parties and 120 Independent Groups with nearly 5,000 candidates in the fray naturally resulted in such a big increase, which fact the legislators have hitherto failed to give thought to for rectification.

Objective Factors

The results show that the Peoples Alliance has registered a drop in its Vote Bank by 7.9 %. The UNP was able to increase its vote, this time, by 5.4 % over the previous election, but yet only by 1.53 % over its vote in 1994. It is true that the incumbent party in power always tends to secure a lower percentage of the vote at a subsequent election (ie. drop in 2000 by 3.8 % over 1994 and 7.9 % in 2001 over 2000). However, there were more significant objective factors which really contributed to this marked decline in the PA's vote bank at these Elections.

It was common knowledge that the **world economic recession** had its adverse effect on the Sri Lankan economy. **The high cost of the North-East war** which escalated to a frightening level during the last two years, particularly on account of the Elephant Pass/Katunayake terrorist attacks proved unbearable to the national economy.

The rocketing of the fuel price in the international market from 10 US dollars to 35 US dollars and resting at a fluctuating level between 18 and 25 US dollars, was a further burden on the economy, affecting adversely the living conditions of the people. **The cushioning of these effects on the people by the pre-election wage increases in the public sector, was only treated as a gesture of political expediency.**

It is true that the incumbent party in power always tends to secure a lower percentage of the vote at a subsequent election (ie. drop in 2000 by 3.8 % over 1994 and 7.9 % in 2001 over 2000). However, there were more significant objective factors which really contributed to this marked decline in the PA's vote bank at these Elections.

The world economic recession was a factor which made Sri Lankan economy, vulnerable. **The Gross Domestic Product had plummeted to zero level for the first time in our post-independent history.** This is undoubtedly alarming. However, viewed in the context of world recessionary trends, it is not so amazing as some project it out. On September 10, just one day before the terrorist attack on New York and Washington, the IMF had analysed the growth predictions for the world economy and for three major centres of the world economy, as follows:-

World Economy	- 2.7 %
US	- 1.5 %
Japan	- 0.2 %
Eurozone	- 1.9 %

After the September 11th events, the situation had worsened. It is elementary knowledge that world economic trends have shaken the entire structure of the world economy and the Sri Lankan economy had its share of the effect by December 2001 when General Elections took place.

Subjective Factors

There were numerous subjective factors as well that contributed in no small measure to the sharp decline of the PA's vote. The unprofessional and unethical way in which the election campaign was conducted by the PA proved counter-productive and thus resulted in the drifting away of national and religious minorities from the People's Alliance. This, I believe, was the decisive factor.

The goodwill that the Peoples alliance enjoyed amongst the religious and national minorities in 1994 had completely eroded by this time. Those behind-the-scene media advisors were more engaged in political – scavenging than a political campaigning. If the media men in the profession had been allowed to perform their routine duty uninterfered with, the adverse consequences would have been averted or minimal.

The main PA campaign leaders, the President, the Prime Minister and Cabinet spokesman Mangala Samaraweera, I should say, were victims of their own propaganda.

There were numerous subjective factors as well that contributed in no small measure to the sharp decline of the PA's vote. The unprofessional and unethical way in which the election campaign was conducted by the PA proved counter-productive and thus resulted in the drifting away of national and religious minorities from the People's Alliance. This, I believe, was the decisive factor.

Performance of the JVP

The increase in the vote of the JVP by 3.11 % was, undoubtedly, significant. This was brought about by their effective campaign strongly supplemented by the lavish media coverage it received. The State media was very much charitable to them. The JVP being the only beneficiary of the "Probationary Government" based on PA-JVP MoU, cleverly cut into the PA Vote Bank, paving the way for clear lead to the UNP, depriving many a district bonus seats to the PA.

As compared with the results of the Provincial Council Elections of 1999 at which

the JVP secured 6.2 %, it has been able to increase its vote in 2001 by another 2.9 %. However, as some scribes in the Media sought to project, it is not at all a startling record for the Left Movement. The official records of the Election Department, show far more brilliant performances of the Left Movement in the early years of the post-independence history. For example, the CP and the LSSP, having contested separately had secured an aggregate vote of 20.4 % in 1947. Again, the CP, LSSP, MEP in March, 1960 accounted for 25.8 % and at their worst defeat in 1977, still had secured 6 %

The left within the PA gathered votes for the PA substantially as evidenced by their high level of preferences. However, they failed to secure sufficient representation due to set back caused by fierce competition for preference votes and by the in-built organisational set-up within the PA structure.

National and Religious Minorities.

The drifting away of Tamil votes had been eloquently displayed by the result of the Nuwara Eliya District. At the General Elections of 2000, the PA in alliance with the CWC had received the highest percentage from Nuwara Eliya, district-wise (ie. 52.33 %). However, at this election, the PA's vote dwindled to a mere 24.66 %. The UNP in alliance with the CWC, Up-country Front of Chadrasekaran and M S Sellasamy secured 68.28 % in the Nuwara Eliya District which

was its highest vote District-wise. The Colombo Municipal area comprising the electorates, Colombo-West, Colombo-East, Colombo-North, Colombo-Central and Borella, together accounted for over 70 % in favour of the UNP. The religious and national minorities highly concentrated in the Metropolitan area of Colombo *en bloc*, voted the UNP completely ignoring the Tamil and Muslim parties and independents. The Christian belt stretching from Colombo to Puttalam, responded in the same way in favour of the UNP.

The somersault of the Muslim Congress under its new leader Rauf Hakeem, helped the UNP to gather almost the entire Muslim vote in the country.

The sharp polarisation of political forces made the Sihala Urumaaya to exit from the electoral scene faster than it entered.

The hurriedly organised Tamil National Alliance (TNA) comprising the TULF, All Ceylon Tamil Congress, TELO and the EPRLF obviously with the blessings of the Liberation Tigers of Tamil Eelam (LTTE) was able to win 15 seats. The MoU signed between the UNP and the TNA, gave a moral boost-up to the Tamils to unite the scattered Tamils under one umbrella, with renewed hopes for a settlement of the North-East conflict. This strategy, in turn, helped the UNP to gather the Tamil vote in other areas of the country.

“Co-Habitation” – Will it work ?

In my view, this was the same strategy that the PA adopted in 1994 and not something original thought up by the UNP or god-sent. It is true that the necessary conditions had been created for such an alignment of forces. In fact the PA simply had drifted and forgotten or lost sight of the reality of religious and ethnic composition of the country's electorate. The campaign advisers of the PA were not ignorant of these realities but were so stupid as to have plugged a line to chase away even those PA sympathisers, belonging to religious and national minorities.

Taking the overall position of the election result it is clearly observed that the PA with the JVP and other left forces have secured nearly 47 % of the all-island vote, which taken together exceeds the total polled by the UNP. The new Government should take cognizance of the reality of the balance of forces in the country, thus reflected. The pre-1994 style of Governance simply will not work.

The UNP, by this time, had also gained sufficient experience in electioneering in having lost 10 previous elections. They meticulously planned out that a simple addition of 50 votes per polling booth would bring in its train from over 9000 polling stations throughout the country, the requisite number of additional votes to bridge the gap of 5 %. And this they achieved.

No other election held hitherto witnessed so much violence and free flow of money. The very electoral system generates these brazen violations and abuses of election laws. The war situation and open economy in fact brought the security forces and the underworld into the election fray. This is a dangerous trend.

forces and the underworld into the election fray. This is a dangerous trend.

On the basis of the results, the UNP has formed a government within the framework of the Executive Presidential System. Sri Lanka's experiment of “co-habitation” on the “French model” is being watched on by the International community with keenness. Though the Executive power rests with the President constitutionally, the political realities have bestowed the executive powers to the Prime Minister belonging to a another party. The framers of the 1978 Constitution would not have anticipated such a scenario.

The situation is, of course, interesting for the students of Political Science. Will it be equally interesting for the voters as well?

Conclusion

Taking the overall position of the election result it is clearly observed that the PA with the JVP and other left forces have secured nearly 47 % of the all-island vote, which taken together exceeds the total polled by the UNP. The new Government should take cognizance of the reality of the balance of forces in the country, thus reflected. The pre-1994 style of Governance simply will not work.

23rd January 2002

About the writer:

DEW Gunasekera is General Secretary of the Communist party of Sri Lanka. He also hold the post of Chairman of the Official languages Commission and was earlier Chairman of the Rupavahini Corporation.

EXECUTIVE PRESIDENCY AND THE HUMBUG OF CO-HABITATION

✍ Batty Weerakoon

The French borrowed the concept "co-habitation" from legal parlance in the law of marital relations. It applies to a situation that has been amply provided for in the de Gaulle Constitution of 1958. It is not an externally and pragmatically devised solution to moderate a possibly critical relationship where a French President and the Prime Minister are from different and opposed parties. The French Constitution clearly demarcates the functions of these two persons and their offices. Government which covers all areas of day-to-day administration is that of the Prime Minister. Articles 20 and 21 are clear on this. Article 20 states, "The Government shall determine and conduct the policy of the Nation. It shall have at its disposal the civil service and the armed forces. It shall be responsible to Parliament..". Article 21 gives to the Prime Minister the pivotal role in Government. It provides, "The Prime Minister shall direct the operation of the Government."

President and Prime Minister

It is a fact that the President appoints the Prime Minister, but he shall not dismiss him. Article 8 is specific when it says that the President "shall terminate the appointment of the Prime Minister when the latter tenders the resignation of the Government." It is very much the parliamentary situation where, as in Britain, the Queen appoints the Prime Minister and the latter ceases to hold office with the resignation of the Government he heads. The appointment and removal of Ministers too is also the same though the conventions may have different nuances. Article

8 goes on to state, "On the proposal of the Prime Minister he [President] shall appoint the other members of the Government and terminate their appointments." The material differences of the French with the Anglo-Saxon "model" are to be met elsewhere and not germane to the discourse of French cohabitation.

Parliament and President

As regards Parliament too the French President does not come in as a crucial factor. He cannot dissolve Parliament on his sole discretion. Article 12 decrees that he may, "after consulting the Prime Minister and the Presidents of the Assemblies, declare the National Assembly dissolved." Nor is he empowered to summon or prorogue Parliament. The French Parliament (National State Assembly) has at all times jealously asserted its independence from the Executive. It may also be added that as the Executive it is the "Government" headed by the Prime Minister that transacts business with Parliament of which he and his Ministers cease to be members on their assumption of ministerial office.

At the very commencement in a comparison of the French system with that in Sri Lanka it may be pointed out that the Gallic provisions that directly affect the rights of Parliament are markedly different from Article 70 of Sri Lanka's Constitution of 1978

At the very commencement in a comparison of the French system with that in Sri Lanka it may be pointed out that the Gallic provisions that directly affect the rights of Parliament are markedly different from Article 70 of Sri Lanka's Constitution of 1978 which at sub-article (1) states point blank, "The President may, from time to time, by proclamation summon, pro-

rogue and dissolve Parliament." This is conditioned only in regard to occasion. The President cannot exercise his power of dissolution (as in France) till after the expiry of 1 year from an election and during the pendency of his impeachment in Parliament. The reported tussle within the Government party itself for the presentation of a petition of impeachment of the President before the first year is out is indicative of the uneasy nature of the relations between the PA President and the UNP Ministers.

Reconciliation and Co-habitation

It is anticipation of this situation that the question arose as to what the political outcome would be in the event of the last election returning the UNP to Parliament with a majority when the President elected in 2000 has as yet another 4/5 years in office. There were those like the present writer who pointed to a political crisis which was seen as inevitable. Others like Dr G.L.Peiris reckoned without the host and gave the country the assurance that the UNP was capable of working with the President in a relationship of "co-habitation". But with the very clear majority the UNP obtained at the elections and the support it was assured from the Tamil National Front the President was left with no discretion in the matter and was compelled to appoint the UNP's leader as Prime Minister, and persons of his choice as Ministers. Circumstances were so compelling that she had to blot out from her book of good governance the Jennings dictum "The most elementary qualification demanded of a minister is honesty and incorruptibility", and appoint as Ministers even those she had just then charged with corruption of a high order; it is only a single subject that was held back from one Minister till the Bribery Commission finished with him. That too was very much a compromise because the charge made was not a matter only for the Commission on Bribery and Corruption, and its "closing of the file" on him should not mean very much as far as good governance is concerned.

Co-habitation or not, what has thus resulted is as predicted by Dr N.M.Perera for the eventuality of President J.R.Jayewardene being faced with an opposition majority from the result of the parliamentary election that was then due in 1982. Dr Perera wrote, "The President will then envisage the prospect of installing a homogeneous Cabinet of Opposition members or of facing a continuing deadlock. A solution of this impasse

can only be found by the President buckling down to accord himself with the recently expressed wishes of the people at a general election." JRJ avoided the 1982's punishing parliamentary election through means that can only be called by hook or by crook. It is President Kumaratunga's ill-starred fate that the punishment flowing from the very nature of the Constitution was reserved for her head.

Tussle on impeachment

There is today an on-going tussle in government's ranks between those who want President Kumaratunga's impeachment before the year is out and those more temperate on the issue who hope for parties to settle down to "co-habitation". But the tussle is the very proof of the unreality, of the pious hope of persons like Dr G.L.Peiris that the SL Constitution's inbuilt crisis of President v Prime Minister could be obviated through a commitment of the parties concerned to work together. This is what they project as "co-habitation" and draw on the French example. They overlook the fact that co-habitation happens in France not because of the good intentions of the parties involved but because that is what the Constitution ordains. The respective roles of President and Prime Minister have been so set that no matter what changes there be in the incumbency of office the parties will need to accommodate each other. Neither the President nor the Prime Minister has a course of conduct for their affairs that is an alternative to this.

Those who urge impeachment of President Kumaratunga know well that unlike in France it is open to an SL President to use the threat of dissolution as a means of coercing Parliament to fall in line with changes he or she may make in the government - eg. the dismissal of a recalcitrant Prime Minister, or the exclusion of an impudent or imprudent Minister etc - all being means available to a President under the Constitution - means by which she can hit back. This is not a situation that brings forth the gentle arts necessary for co-habitation in the Gallic manner.

Co-habitation for peace!

Those in the Government, who like Dr Peiris, feel that the conflict can be moderated have necessarily to concede the basic position of potential conflict mentioned by Dr Perera.

JRJ avoided the 1982's punishing parliamentary election through means that can only be called by hook or by crook. It is President Kurnaratunga's ill-starred fate that the punishment flowing from the very nature of the Constitution was reserved for her head.

If it was merely a question of rocking the boat or not this attempt at appeasement can be appreciated. Nor is it just a single pitfall that has to be avoided. The difficulties are there all the way. It was only the other day that Dr Peiris as Cabinet spokesman had to blame the President's conduct on the failure of the Government to present to Parliament as a matter of urgency the legislation the government was keen on getting into the statute book in time for the local government elections. He said that the President had not sent the Bill in time as an urgent Bill for due disposal by the Supreme Court. This may sound like an act of innocent remissness, but in fact it may not be so. Even in the case of a Bill considered by Cabinet as "urgent in the national interest", and carries the needed endorsement to that effect, the President can show her own positional strength. She can refuse to send it up to the Supreme Court either because she does not consider it urgent, or because she does not think it is in the national interest. That is perhaps a precaution - a safety valve - JRJ provided for himself for a situation of co-habitation!

What we have been thus apprised of is instance No. 1. Perhaps the President had not accepted co-habitation on a matter like this. But on the matter of the peace process she has accepted, as was reported from Katmandu, that she will co-habit. Dr Peiris was entitled to add a feather to his cap. The President's reference obviously was to the ethnic conflict. But the step-by-step confidence building of the UNP when viewed in the light of its possible pitfalls cannot be said to be in accord with what was seen as the President's policy in the very recent past when matters like de-proscription of the LTTE or the question of "interim administration" came up. Under the Prevention of Terrorism Act it is the President that orders the proscription or its removal. Will she on the advice of the Prime Minister exercise her power to de-proscribe? In the matter of the "interim administration" will she order the Armed Forces, which remain under her command despite the 17th Amendment, on a "hands off" policy in the North-East whilst the LTTE remains armed in its deadly outfit and the Sea Tigers like fish take to the water? These could well be the landmines for Professor Peiris, Minister of Constitutional Affairs, despite that added feather in his cap.

....on the matter of the peace process she has accepted, as was reported from Katmandu, that she will co-habit.

...The President's reference obviously was to the ethnic conflict. But the step-by-step confidence building of the UNP when viewed in the light of its possible pitfalls cannot be said to be in accord with what was seen as the President's policy in the very recent past when matters like de-proscription of the LTTE or the question of "interim administration" came up.

Policy with LTTE.

On the substantive negotiations - if these do go beyond the de-proscription and the interim administration mentioned by the LTTE - can these be wholly a matter for the UNP? Will it not be part of government policy, and Presidential policy too because she is the head of the government (Article 30), and head of the Cabinet of Ministers of which she is a member (Article 43(2))?

This is not all. In election time Dr Peiris and his cohorts said that they too can be combative if the President chooses to be so. They would throttle her through parliament by denying to her the finances she would need. True, it is certainly the right of Parliament to decide on the supply of

monies from the Consolidated Fund. But for Dr Peiris the throttling is not only for his two hands. The President too can put her hands on that job. The Appropriations Bill (and the Finance Bill) which as Bills Government presents to Parliament need to have the approval of the Cabinet of Ministers. Can these Bills be deemed to have had the due approval if the President dissociates herself from these? Over to you, Professor Peiris and the distinguished practitioner of the law, Minister Choksy !

There is a question for the President too. Can she seriously disagree with her Cabinet of Ministers and allow them to continue in office? Has she not the Constitutional obligation to get rid of them? But in the present configuration of forces in Parliament can she do that?

These are not mere rhetorical questions. They relate to the basics of the 1978 Constitution which right at its commencement Dr N.M.Perera had so thoroughly discussed and found so erratic that nothing short of its repeal and the abolition of the Executive Presidency could set things right. The possibility of "co-habitation" is the red herring drawn on the trail of constitutional reform by those who dearly wish to preserve what President J.R.Jayewardene, an Erasmus to Professor Peiris liking, had cobbled together for the compradores.

About the writer:

Batty Weerakoon is General Secretary of the LSSP and was Minister of the Justice, Ethnic affairs and National Integration in the PA Cabinet.

THE SRI LANKAN CONSTITUTION AND THE FAILURE OF LAW ENFORCEMENT AGENCIES

✍ Basil Fernando

Ever since the promulgation of the Sri Lankan Constitution of 1978, the country has proceeded on a course of anarchy. This is not due to any mysterious circumstances or bad omen but is very much due to constitutional provisions that brought about the end of a rational constitutional government in Sri Lanka. Enough has been written to critique this Constitution from a political point of view and also to examine it from the point of view of constitutional law. The purpose of this article is to show how the Constitution makes law enforcement difficult by affecting the law enforcement agencies in the country adversely.

The Constitution of 1978, which was tailor-made to give its first president absolute power, made it inevitable that two major institutions so basic to the enforcement of law become miniature institutions with diminished importance and powers. These two institutions were the Department of the Attorney General, which also acts as the main prosecution institution of Sri Lanka, and the Sri Lankan Police. Their independence was undermined, and they were brought under the influence of the all-powerful president.

This situation became even worse under subsequent presidents as institutional habits began to be formed within these institutions themselves to adjust to the new power relationships. The institutional prestige associated with the fierce independence of the prosecutor's function and the police investigation function gave way to the accommodation of the wishes and in-

structions of the Presidents. Taking advantage of this situation, powerful politicians began to exercise their power over these institutions, either through the president or directly by themselves. Decisions on the investigation and prosecution of cases were no longer left to a rational process based on principles of due process. Instead, doors were opened to extraneous influences.

Prosecution Function

A prosecutor's duty is to uphold the principles of due process by acting only on the basis of such principles. It is one of the functions of the State in which decisions are made purely on the basis of the law and logic. On the basis of crimes defined by law, the prosecutor must examine evidence; and where there is sufficient evidence to charge anyone of the commission of a crime, the prosecutor must act accordingly. To do this, the prosecutor must have the legal power and the actual power.

The 1978 Constitution of Sri Lanka did not change the legal powers of the prosecutor or the attorney general. However, it changed the actual power of the prosecutor. The all-powerful president was no longer the nominal head of the prosecution branch. He was, in fact, the real head of every branch, including the prosecution branch. Thus, he could influence decisions on a routine basis.

The 1978 Constitution of Sri Lanka did not change the legal powers of the prosecutor or the attorney general. However, it changed the actual power of the prosecutor. The all-powerful president was no longer the nominal head of the prosecution branch. He was, in fact, the real head of every branch, including the prosecution branch. Thus, he could influence decisions on a routine basis.

The chief prosecutor could claim to be the head of his branch

only abstractly. In reality, he is not the real head, and he is not perceived as the real head either. His own subordinates and the public perceive and understand where the real power lies and where the chief prosecutor's power stops.

However, the executive president cannot in practice be the one who runs the prosecution branch. There is so much work to be done by a chief prosecutor in arriving at day-to-day decisions in dealing with legal and practical issues regarding cases. An executive president simply does not have the time or the possibility of attending to such tasks.

This results in an absurd situation. On the one hand, the chief prosecutor has no real power to carry out the duties of a prosecutor. On the other hand, the executive president, who has the real power, is not in a position to practically attend to the tasks of a chief prosecutor.

The logic of this situation is the absence of a functioning chief prosecutor in the country. A vacuum thus develops in one of the most fundamental institutions necessary for maintaining the rule of law.

This same process takes place in the institution of the police too. The inspector general of police, who within a rule of law model of policing would be the final decision-maker within the police institution, is no longer the real holder of this power. His immediate subordinates, the deputy inspector generals, also are no longer the key players of the institution. A vacuum develops in the actual decision-making process. Thus, another most important institution for maintaining the rule of law loses an actually functioning leadership.

The Constitution of 1978 and Lawlessness

When the two most important institutions for law enforcement—the prosecutor and the police—become institutions without real leadership, the only result that can be expected is lawlessness, and that is what the country has now in all areas of life.

While the two institutions—the police and the Attorney General's Department—perform some functions, they are

On the one hand, the chief prosecutor has no real power to carry out the duties of a prosecutor. On the other hand, the executive president, who has the real power, is not in a position to practically attend to the tasks of a chief prosecutor.

The logic of this situation is the absence of a functioning chief prosecutor in the country. A vacuum thus develops in one of the most fundamental institutions necessary for maintaining the rule of law.

This same process takes place in the institution of the police too.

unable to address the more fundamental problems besetting the enforcement of the law due to the lack of actual power to deal with the situation.

This situation is a direct result of the Constitution itself. Bad situations can arise even when a good constitution, which provides for dealing with such situations, exists. This can happen due to the failures of people who do not do what such constitutions require them to do. However, even the best of people cannot do much within the framework of the 1978 Constitution to prevent lawlessness. It is very likely that the best of people will not even want to take these positions as they would perceive that doing their job properly is a logical impossibility within the framework of the 1978 Constitution.

The 1978 Constitution is so logically absurd that it can only confuse all of the institutions necessary for maintaining the rule of law. The 1948 Constitution, with all of its limitations, introduced a basic framework for a liberal democracy. Thus, it laid a foundation which, though insufficient to deal with many future developments, did provide a logical and constitutional framework for a society based on the rule of law.

Like the clock repairer who destroys the entire machine in order to correct some of its defects, the makers of the 1978 Constitution removed the basic framework necessary for the rule of law under the pretext of improving the 1948 Constitution and 1972 Constitution.

Thus, the constitutional crisis of Sri Lanka is not one which has developed merely after the 1978 Constitution was created but one which has come up *due to* this constitution. It was not events subsequent to the making of this constitution that has created chaos in the country. Instead, it is this constitution which has made such events inevitable.

Like the throne of Macbeth, the Sri Lankan "throne" subsequent to the 1978 Constitution cannot but produce chaos. It is not that President J. R. Jayewardene was a bad president who abused a good constitution. Instead, his mistake was to create this constitution. After promulgating it, he himself fell victim to it. Instead of absolute

power, all that he enjoyed was colossal chaos. Subsequent presidents have not been able to extricate themselves from this constitution and the doom which results from it.

The 1978 Constitution is not a clock that can be repaired. It is, in fact, constitutionally speaking, no clock at all.

Talk of returning to the rule of law cannot be done under this constitution. It is necessary to create a constitution that gives real powers of law enforcement to the two basic institutions which are so vital to maintaining the rule of law. Under a rule of law framework, there are ways to curtail the abuse of power by these institutions. To use or abuse power, they must have the real possibility of doing their functions.

The basic premise on which the 1978 Constitution has to be abandoned is that it makes the functioning of law enforcement agencies on a rational basis impossible. Thus, if there is to be the beginning of a process to return to the rule of law, the constitutional obstruction of it must be removed.

The Difficulties of Reform of the Law Enforcement Agencies

In the year 2001 at the 57th session of the United Nations Commission on Human Rights (UNCHR), the Asian Legal Resource Centre (ALRC), a sister organisation of the Asian Human Rights Commission (AHRC), made submissions regarding the reform of the prosecution and criminal investigation systems of Sri Lanka. The basic arguments were the same as the ones set out above.

Shortly thereafter, AHRC was invited to a discussion by a senior Sri Lankan diplomat. He had seriously studied ALRC proposals and thought them worthy of further consideration. He raised a question; he asked which government agencies, or which persons in the government, AHRC thought will look into and consider such proposals like the ones mentioned above. AHRC representatives had to admit that they were unaware of any such agency or group within the government which would consider

such matters. They pointed out that, in their view, the absence of such a think tank or a research group within the government was one of the major defects of the Sri Lankan system of governance. People may make whatever suggestions they like, but there was no one to consider them. If the proposals are rationally considered and rejected, there was still the possibility of developing better proposals; but when there is no one even to consider them, there was no real possibility of progress. An organisation or an individual makes proposals merely to discharge a moral obligation but without expecting anything to happen thereby. For something to happen, there must be some arrangement at the centre to consider the ways to improve the system of governance. That is where the discussions ended.

This absence of an active centre to take in and deal with proposals for improvements of the system is also a product of the 1978 Constitution for the same reasons set out above. It has made governance nobody's business.

A Paradigm Loss, Not a Paradise Lost

What came as result of this constitution is a power vacuum. At early stages after 1978, many argued that the Constitution had created an absolute dictatorship or it had centralised power in the hands of one person. However, the experience proved that, although the Constitution took away powers exercised by all persons prior to the 1978 Constitution, it did not place all of these powers in the hands of the executive president. The president's hands were too small to hold all of these powers. The result was that no one was holding these powers or was responsible for their exercise. In the heart of the system of governance, there was a big black hole.

Thus, the importance of the 1978 Constitution was not in what it created but in what it took away. It took away the liberal democratic framework of governance established by the 1948 Constitution and basically continued under 1972 Constitution. Prior to that, there had been some preparation, though very limited, for the type of governance introduced in 1948. Within just 30 years though, this whole system was removed.

The argument that every country has a right to decide on

In the year 2001 at the 57th session of the United Nations Commission on Human Rights (UNCHR), the Asian Legal Resource Centre (ALRC), a sister organisation of the Asian Human Rights Commission (AHRC), made submissions regarding the reform of the prosecution and criminal investigation systems of Sri Lanka.

...This absence of an active centre to take in and deal with proposals for improvements of the system is also a product of the 1978 Constitution for the same reasons set out above. It has made governance nobody's business.

its system of governance is, of course, valid. This may mean a paradigm shift from the original basis on which the governance was based. However, if all that this argument means is that the original foundation is removed and not replaced with anything else, let alone anything better, it cannot be called another form of governance. It is then not a replacement of governance of one form with another but a replacement of order of one kind with anarchy. The choice of a vacuum cannot be called a local homemade product in any complimentary sense. It can be called more like a local epidemic.

The Vacuum and the Local Conflicts

The civil conflicts since 1978 cannot be understood without reference to the power vacuum created by the Constitution. It is not that these conflicts, both in the South and in the North, started due to the 1978 Constitution. These conflicts have their own historic roots. The causes of these conflicts also lie in many unresolved problems of the past. However, the 1978 Constitution made the resolution of these conflicts impossible for the reasons described above. At the heart of the system of power was a vacuum, and there was really no one in charge of the centre as no one can really be in charge of a vacuum. The president, having created the Constitution, had removed all of the components of exercising power and had thereby become a victim of the Constitution which he had made, thinking that his tailor-made constitution will work as he wished. Instead, his tailor-made dress had a magic of its own that turned his kingdom into anarchy and drowned him in the very vacuum he had created with the view to allocate all power for himself. His successors suffer the same fate.

Inheritors of a Power Vacuum

All of those who come to possess the throne left by the first president inherits the same vacuum. It will devour all of these inheritors in the same way that it did the first president. The promise of absolute power made by the Consti-

What the country needs is to replace the power vacuum that exists now with a rational system of exercising power. This can be done only by a deliberate choice of people to abandon the 1978 Constitution altogether.

Perhaps, when this common realisation becomes more crystallised, a national consensus may emerge to take a decisive step to abandon the vacuum and to return to a workable paradigm. Since this is a matter of survival, it is quite likely that this might happen sooner than one can predict. Among other things, a rational solution to the civil conflicts depends on this decisive change of the Constitution.

tution attracts them all and makes them reluctant to give up the 1978 Constitution. By the time the inheritors realise how the power vacuum built into the Constitution has ruined them, it is too late for them.

Change of Fate

What the country needs is to replace the power vacuum that exists now with a rational system of exercising power. This can be done only by a deliberate choice of people to abandon the 1978 Constitution altogether. However, up to now, no political party or leader has consciously taken this course, though there is a common realisation that the 1978 Constitution has brought about disaster to the country and its political and legal system. Perhaps, when this common realisation becomes more crystallised, a national consensus may emerge to take a decisive step to abandon the vacuum and to return to a workable paradigm. Since this is a matter of survival, it is quite likely that this might

happen sooner than one can predict. Among other things, a rational solution to the civil conflicts depends on this decisive change of the Constitution.

Until then, the type of law enforcement we are likely to have is described in a recent Supreme Court case by three judges thus:

“It is a lamentable fact that the police who are supposed to protect the ordinary citizens of this country have become violators of the law, may ask with Juvenal, *quis custodiet ipsos custodes?*—who is to guard the guards themselves?” (from the judgement written by Edussuriya J, Amerasinghe J and Wadugodapitiya J. Agreeing—case number S.C.(F.R.) Application 343/99, on 6 November 2001)

About the writer:

The writer is a Sri Lankan Attorney-at-law and formerly senior officer in United Nations Transitional Authority for Cambodia and United Nations Human Rights Centre in Cambodia. He is presently executive director of the Asian Human Rights Commission based in Hong Kong.

AMNESIA AND MIS-DIRECTED PEACE ACTIVISM

✍️ Rajan Hoole

The Problems of Peace

There are few things more challenging in contemporary times than making peace with, or despite, the LTTE. I do not see the Sri Lankan State as a comparable problem, as it is amenable to more conventional pressures. Shortly after the recent elections, a leading UNP minister spoke along the lines of Sri Lanka becoming to India, what Hong Kong is to China.

Now the UNP is the party of the entrepreneurial class that traditionally had mixed relations with Sinhalese chauvinism. One might also recall the anti-India slogans orchestrated by the same UNP through much of the 1980s. The UNP's present more-than-friendly line towards India, which Gamini Dissanayake had pioneered, may therefore appear a revolutionary shift. It only goes to confirm that the UNP is just another parliamentary political party and not a fanatical outfit.

Parliamentary politics allows room for sommersaults. The Tamil people would be the happiest if Prabhakaran could be like Gamini Dissanayake or Ranil Wickremesinghe. However, the LTTE has crossed a threshold where it has become a fanatical organisation. But unlike a small isolated fanatical organisation based on religion, it blends fanaticism with utilitarianism. It has thus developed a capacity to display a facade of pragmatism in its dealings. The leadership cult instilling a suicidal mindset and uninhibited in its use of terror in pursuit of the unalterable goal of Eelam, determines its course. It maintains a stranglehold over its community and beyond through a system of suicide bombers acting on a personal oath upon the sacred person of the leader and Tamil Eelam. It can however form temporary (very temporary) alliances and make pragmatic noises when necessary. These make it far more devious than religious fanatical movements whose worldview is dominated by ideology alone.

Thus when peacemakers speak of confidence building measures to bring the LTTE round, one involuntarily says to oneself, 'Poor Sri Lanka!' The LTTE are not novices needing enlightenment from eager Southern religious leaders. They know the Sinhalese polity and the Sinhalese too well to point of being able to manipulate them with great dexterity. Of course, in the process the Tamil civilians are the worst sufferers. How does one charter a way out of this impasse?

The ever present Uncertainty

Whether in human affairs or in complex technical scientific tasks, there are no initial settings or actions that would over time guarantee a given outcome. All scientific theories are limited in scope and calculations, are inevitably approximate. Sending a rocket to Mars does not involve a single action. It involves continual monitoring and corrective measures. However the initial actions should be within limits where corrective action remains feasible. It is with these constraints in view that we make rational decisions, likewise in human affairs.

Many would accept that the rational starting point for restoring peace has to be moral and democratic. This would be to accept that the Tamils have been victims of unconscionable State oppression. However, the LTTE, a fascistic force uses this experience to stake a claim to moral superiority, which it uses as a pretext for totalitarian power over the Tamil people. To this end it manoeuvres at making State oppression a permanent feature of Tamil life. A government dealing with the LTTE can hope to succeed only by demonstrating an active concern for the human and democratic rights of the Tamil people, along with their collective rights. Although military measures may prove necessary, this approach offers ample scope for corrective measures. No setback would be fatal.

The other two approaches belong to the same mindset and are provenly disastrous. One is a ruthless and out-right military approach. The other is appeasement that was first tried by Premadasa. This means surrendering to the LTTE its claims to totalitarian rights over the life and liberty of the Tamil people. Neither of these left any scope for corrective measures.

Premadasa even went to the cynical extent of helping the LTTE to round up its Tamil opponents in Colombo and take them to torture and extermination camps in the North. When finally the LTTE attacked the government forces in June 1990, Premadasa had no options left. The Government's gut reaction was to send its forces to quench their anger in an orgy of massacres and disappearances inflicted on Tamil civilians. Its effect was to leave the LTTE in a far stronger position.

1994 & Now

This experience was the context behind the mood in 1994. The South too had come out of its own experience of dual terror and there was a willingness to understand the complex problems faced by the Tamil people. There was an upsurge of interest in democracy and human rights as the basis for uniting a divided country. It was against this mood that Chandrika Kumaratunga was elected president with a huge majority. All that is now past.

This is reflected in the role of NGO and civil society groups in Colombo in the current peace process. To talk about the human and democratic rights of the people in the North-East has become a liability, an obstacle to peace. There is an obsession with peace on the tenuous grounds that calm can be secured in the South by throwing the Tamils into the jaws of fascism in the North-East.

To this end, the UNP that is largely responsible for the political degradation of this country and the systematic State violence that nurtured the LTTE in its present form, and which, moreover, showed not the slightest sign of remorse or apology, is now being advanced as the champion of peace. We trace some milestones in this development.

April 1995: Reactions to the LTTE's resort to War

When the LTTE broke negotiations with the new PA government in April 1995 by sinking two naval boats anchored in Trincomalee, the general trend in Colombo was to denounce the LTTE. This was then the position of most of those in the progressive lobby (CPA, MIRJE etc.) who now take a very different line.

Writing in the *Sunday Leader* of 23rd April 1995, Pakiasothy Saravanamuttu (now in the Centre for Policy Alternatives (CPA)) praised the PA government for its mature response to the LTTE's provocation. He wrote: "*The attack was launched to provoke a military response from the government which would hasten a descent into full-scale hostilities. The rationale for this seems to be the Tigers need to heap responsibility for the return to armed conflict on the government.....*"

Saravanamuttu wrote again on 7th May 1995: "*Mr. Prabhakaran appears to know what he wants and what he is doing, but does the government?.. Mr. Prabhakaran appears to be hell bent on using force to bend the government to his will... He says he will return to the negotiating table once his two outstanding and politically unacceptable demands on [the removal of] Pooneryn [army camp] and the movement of armed cadres in the East are met. Mr. Prabhakaran has deceived his way to war."*

Mr. Vasudeva Nanayakkara MP was angry that the LTTE had taken lightly the appeal made to them a few weeks earlier not to resort to war, when he led a large group of Southern activists to Jaffna on a goodwill mission. They had been flatteringly well received.

Saravanamuttu's clear appreciation of the LTTE was widely shared among his influential circle of activists. It is curious therefore that they in effect came to brand President Kumaratunga a warmonger and an obstacle to peace. One may fault her on strategies or the lack of them, and in isolating herself by her failures in other areas, but in the main she had pursued a political settlement while responding militarily

This is reflected in the role of NGO and civil society groups in Colombo in the current peace process. To talk about the human and democratic rights of the people in the North-East has become a liability, an obstacle to peace.

To this end, the UNP that is largely responsible for the political degradation of this country and the systematic State violence that nurtured the LTTE in its present form, and which, moreover, showed not the slightest sign of remorse or apology, is now being advanced as the champion of peace.

to a military threat. Clearly, her detractors did not think that it was within the Government's power to end the war quickly.

Jehan Perera and the National Peace Council (NPC) took a different line. Writing in the **Sunday Island** (30th April 1995), he said: "At this time it seems clear that the LTTE gained less by the peace process than the government. Any progress in peace making requires that both sides feel that they are gaining... by sending four delegations and lifting the embargo substantially, the government made significant inroads into the hearts and minds of people, both locally and internally... The present nature of the LTTE as an undemocratic organisation needs to be understood even while their plea to be understood is heard."

The implication of what is stated above is that the Government trying to win over the Tamils by providing them with badly needed material and political relief, actually obstructs peace. Accordingly, making peace with the LTTE means pandering to its undemocratic propensities – i.e. appeasement. I am not saying that Jehan Perera then worked it out in these terms. But we shall see that by 1999, this was the general line of the peace lobby, a large section of which had moved close to the UNP.

The December 1999 Presidential Elections

Prabhakaran, whose attacks on Chandrika Kumaratunga had become increasingly bitter, described her rule in his 27th November 1999 Great Heroes Day speech as 'the worst form of tyranny ever suffered by the Tamils'. He added: "She does not have the honesty and determination to resolve the Tamil national conflict in a fair and reasonable manner".

The British Refugee Council's *Sri Lanka Monitor* of November 1999 reported: "The personal attack on President Chandrika has left peace activists worried... Analysts say that in the circumstances [of her winning the presidential election], peace efforts are unlikely to succeed in the next six years".

We have here a bizarre argument justifying the peace lobby's preference for UNP's Ranil Wickremesinghe as president. They had suddenly forgotten all about Prabhakaran. They had ceased to ask whether he was in any way an obstacle to peace! Now that Prabhakaran obviously hated Chandrika intensely, it was she who must be the impediment to peace. Further light on this new wisdom was shed by the questionnaire to the presidential candidates of 11th November 1999 by the National Alliance for Peace.

Question 1 read 'Are you ending the war soon and what actions will you take to achieve this?' Question 5 read '.....If you are prepared to talk to the LTTE, what confidence building measures with the LTTE do you propose....?'

No questions were asked such as: If the LTTE is not prepared to enter discussions for a political solution, how far would you go in working with the opposition to bring about constitutional changes that would give confidence to the Tamil people of this country?

Are you prepared to advance a federal solution?

These are very pertinent questions the Southern political establishment will need to answer, irrespective of the LTTE's attitudes, if they are to regain legitimacy among the Tamil people. If not, a separate State becomes by default the only option, and the peace lobby should boldly campaign for it.

Moreover, a stable peace would require strengthening the democratic forces within the Tamil community. It therefore falls upon peace groups to support the legitimate demands these democratic sections make on behalf of their people. But there is little evidence of such interest.

The bias here is clear. It was assumed that it is within the power of the Government to end the war soon, and that it was the LTTE, rather than the Tamil people, who were in need of confidence building measures. Ranil Wickremesinghe seemed to have the answers. He remained evasive on ideas for a new constitution and referred to 'meaningless arguments about constitutions'. While rejecting President Kumaratunga's devolution proposals, he spoke of 'de-escalation' and of giving the LTTE pride of place in an Interim Administration for the North-East. This was in contrast to President Kumaratunga's advocacy of negotiations with the Tamil people and their representatives.

On the eve of the election, which Kumaratunga won, Prabhakaran gave substance to his anger against her by an attempt on her life using a female suicide bomber. According to the new thinking, it might be interpreted as a suicide attack for peace! Another event a few minutes earlier was revealing. In Jaela, at an election meeting Dr. Jayalath Jayawardena was addressing, an LTTE suicide bomber killed General Algama, a prominent party man. Despite initial confusion, the LTTE's involvement was confirmed. However, Dr. Jayalath Jayawardena and the UNP persisted in accusing the PA of the murder. The CPA's *Peace Monitor* of December 1999 referred simply to

Algama's death in a 'bomb blast'.

We were now in a situation where an influential lobby was out of touch with reality. When the LTTE failed to play the game in accordance with their understanding of it, they took refuge in wishful thinking. Their idea of Prabhakaran's peace agenda was utterly incomprehensible. He used suicide bombers to kill Neelan Tiruchelvam and to make an attempt on Chandrika Kumaratunga. Both of them worked towards a federal settlement offering the Tamils peace with dignity. Yet he seemed to go head over heels for Ranil Wickremesinghe's nebulous Interim Council! How does this accord with his harshly accusing Kumaratunga of bad faith?

To re phrase slightly Pakiasothy Saravanamuttu's question of May 1995: **Mr. Prabhakaran appears to know what he wants and what he is doing, but do the UNP, the churches and peace groups?** (our emphasis)

The Constitutional Package of August 2000

On 3rd August 2000, President Kumaratunga presented in Parliament her constitutional package that in the main had the agreement of the UNP and the TULF. It also resolved once and for all the vexed citizenship question of Hill Country Tamils. Given its history going back to August 1995, it was utterly misleading to say that the document lacked consensus or had not been put to the people. The UNP constantly interrupted the President's speech with raucous and rowdy behaviour and joined in protests outside parliament with the Sinhalese chauvinist camp.

More painful was the conduct of leading sections of the NGO and peace lobby, including well-known figures from the CPA (Pakiasothy Saravanamuttu and Rohan Edrisinha, the latter also of the National Christian Council) and MIRJE (Sunila Abeysekera). The general trend of their public opposition to the proposed constitution was contained in an interview with Fr. Oswald Firth, of the National Alliance for Peace (*Sunday Leader*, 6th August 2000):

Most of these objectors to the constitutional proposals from the liberal camp (CPA, MIRJE, NPA) had been strongly backing the UNP leader's plan of handing over to the LTTE untrammelled power in the North-East. To what extent has this far-reaching plan been discussed among the people of this country? Has there been an honest discussion of its consequences? Even if the price of sacrificing independently-minded Tamils is paid, how well founded are the expectations that it would stop the war?

"It is very difficult to imagine how peace could be restored in Sri Lanka if only a few take decisions, especially on the constitution of a country. The people are in the dark. The government should stall the whole thing and pay a careful hearing to the people. The government trying to bulldoze this and send it down the people's throat by force, I think, would be counter-productive".

Such objections were not principally directed at the constitutional proposals themselves. Moreover, the speaker belongs to the camp that had argued for substantial devolution. The general lines of the proposals had been widely discussed since 1995, and

those who wanted a solution to the problem and understood the country's precarious standing, had no wish to prolong the agony. If the Sinhalese who oppose any form of devolution too argued in the same vein, who is to decide? This is a no win situation. Another issue reveals clearly the pettiness and hypocrisy of the objections.

Most of these objectors to the constitutional proposals from the liberal camp (CPA, MIRJE, NPA) had been strongly backing the UNP leader's plan of handing over to the LTTE untrammelled power in the North-East. To what extent has this far-reaching plan been discussed among the people of this country? Has there been an honest discussion of its consequences? Even if the price of sacrificing independently-minded Tamils is paid, how well founded are the expectations that it would stop the war?

We see also in this group a stubborn desire to push through preconceived notions of peace, overriding questions of basic integrity. For example, most of them had very different perceptions in 1995. They even questioned attempts at citing public opinion to justify the LTTE's actions, given the repressive nature of the environment (e.g. Saravanamuttu in *Sunday Leader* 7.5.95). But later they displayed a strong tendency to interpret Tamil opinion as wanting just what the LTTE wanted. How could they otherwise have favoured with an almost conspiratorial flair the UNP's tenuous appeasement, while fervently opposing President Kumaratunga's proposals for some form of devolution?

Garlanding Mania

Coupled to this behaviour is a general disposition in Colombo not to face reality. A few days before the general elections on the 5th December 2002, the LTTE spokesman Anton Balasingam made a speech in London, the gross vulgarity of which was very disturbing, coming from the 'sole representatives of the Tamil people'. There were vulgar allusions to President Kumaratunga's womanhood. To Balasingam and his expatriate audience, young Tamil suicide bombers (martyrs!) waiting in swarms to 'garland' their adversaries were mere objects – 'garlanding' is a reference to the one, but final, act of the female suicide bomber who blew up Rajiv Gandhi.

The threat of being garlanded was made in particular to members of the Tamil National Alliance (TNA), a parliamentary grouping created by the LTTE, should they show signs of deviating, presumably when peace talks start going awry. **Having expressed the LTTE's preference for the UNP, Balasingam also adverted to the LTTE's determination to take Jaffna. In the event of a UNP government, they would try to talk their way into Jaffna, he said, and if not, smash their way in.** This was calculated insolence, hardly flattering to the UNP, underlining that nothing had changed. (our emphasis)

The thrust of this newsworthy speech was not reported or commented upon except in the State media – the only media then under the PA's control. Why this calculated attempt to keep the country in ignorance of the true disposition of a force with which it would soon enter into peace talks? When these matters were raised in the State media, in the wake of the election campaign, with a strong suggestion of UNP-LTTE links, the liberals and the peace lobby cried foul. They accused the PA of playing the Sinhalese card and trying to create communal hysteria.

NPC's Jehan Perera wrote in *the Island* (5th December 2001): "*The propaganda barrage unleashed against [Ranil Wickremesinghe] and the UNP for alleged LTTE links at this election was vicious and irresponsible beyond compare*". The eloquent censure was as though there were no issue involved. The issue is not to do with recent claims in the State media. It has a history dating back to the Liam Fox accord of 1997, involving not only the UNP, but also the particular actions of one or more churches and a number of NGO figures.

The question, to what extent the interests of the country and of permanent peace been compromised by these manoeuvres, is a question that was crying to be asked. It belatedly found expression in the State media as propaganda, only because the others playing a watchdog role had long failed to pose the questions. It was as though

our watchdogs have lost the capacity to watch.

Talking to the LTTE is no doubt necessary, even if the end result is to demonstrate clearly where matters stand. In the process, the global powers must decide the concrete measures that they alone can take. Outsiders have little difficulty in understanding how the State alienated the Tamil people. It is however different with the LTTE and we gain nothing by hiding its compulsions towards gross violations and child conscription simply to paint a glowing picture of peace in the offing.

A cherished common feeling for human values needs to be our basis for peace building, while a purely utilitarian approach would lead mainly to reinforcing the powers that be. Understanding the LTTE together with the plight of the people who support them is necessary for designing a strategy to disentangle the problem. At the same time, ignoring its nature and thereby reinforcing its logic is a crime perpetrated on the people who are the real sufferers.

The potential of all the different sections that want peace should be utilised. The Business Community for example wants peace to stave off bankruptcy. But its agenda cannot handle political forces such as LTTE and it would try to deal with it as the Tamil business community has done for many years – that is, try to live with it and prosper. The UNP government too may have similar ideas. In the Tamil community itself, the overwhelming desire for peace cannot be expressed in any political or ideological form independent of LTTE's agenda. War has become a business for a few and was imposed on the masses. But peace need not be imposed on the people since that is what they yearn for. It would be a mistake in our context to approach peace by treating it solely as a business endeavour and the people as commodities.

What the peace community needs today is the capacity to have an agenda that is independent of corporate groups such as political parties and the business community. In this it has so far failed. When the PA's attempts at negotiating with the LTTE ran aground, the peace community was unable to define a programme for itself based on safeguarding the interests of those who had been rendered the most vulnerable. It had to wait, as it were, until the UNP started talking about a quick fix peace, and then to tag itself on. This too will not last beyond the point where the UNP government is forced to pay attention to military matters.

About the writer:

Dr. Rajan Hoole is a founder member of the University Teacher's for Human Rights- Jaffna (UTHR-J)

THE AGEING OF THE SRI LANKAN POPULATION

✍ Nimal Sanderatne

Introduction:

Are Sri Lankans preparing themselves adequately for the impending ageing of the country's population? Early preparations to face the emerging problems of ageing would reduce the misery of many. The changing demographic pattern also provides the country with several opportunities to further improve its health conditions and the quality of education. This paper discusses the economic and social problems of the ageing population and the opportunities that the demographic transition provides the country.

The rapidity of the ageing process in Sri Lanka is unprecedented in world history. Sri Lanka would be the first and only poor country to have an elderly population of over 20 per cent in 2020-25 (Ranan-Eliya et al). The ageing process that took 45 to 145 years in Western countries and around 25 years in Japan (Siddhisena 2001) will be accomplished in about two decades in Sri Lanka. The rapidity of the demographic change and the fact that the country has to cope with the problems of aging with low incomes poses many problems for the country. How we manage the emerging demographic transition to an ageing population would be of utmost significance in determining the nature of our society in the 21st Century.

Sri Lanka would have a low population growth in the next two decades with a consequent rapid ageing of the population after about 2015. In the first half of the 1990s population growth averaged only 1.5 per cent per year. In the second half the population grew by only 1.3 per cent per year. The fertility rate reached a below replacement level of 2.1 in 1994. The latest estimate of total fertility is even lower at 2.0 (Census and Statistics, 2001). This low total fertility rate indicates a further reduction in the rate of population growth.

Projections of population indicate a population growth of about 1 per cent between 2001 – 2006 and below 1 per cent thereafter.¹ By 2021 – 26 the population growth rate would be a negligible 0.27 per cent. (Table 1). The total population is expected to stabilise at around 23 million by 2036 and decline somewhat in the next decade. (W. Indralal de Silva 1997). An alternate population projection estimates a rise in the population to 23 million by 2050, when it is expected to stabilise (Abeykoon 1998).

These projections imply a further decline in population growth, an ageing of the population, a stabilisation of the population in the foreseeable future and an eventual decline in the population.

The most significant demographic change is in the age composition of the population. In the first half of the 21st century we will face the problems of an ageing population. While the child dependency ratio would decline from

Table 1
Population Increase and Annual Average Rates of Growth During Quinquennial Periods, 1991-96 to 2036-41

Period	Absolute Increase	Rate of Growth (per cent)
1991-1996	1,099,328	1.25
1996-2001	1,071,962	1.15
2001-2006	1,009,383	1.03
2006-2011	919,294	0.89
2011-2016	740,609	0.69
2016-2021	519,625	0.47
2021-2026	304,542	0.27
2026-2031	99,013	0.09
2031-2036	36,154	0.03
2036-2041	-117,241	-0.10

Source: W. Indralal de Silva (1997) Table 7

over 50 per cent in 1991 to 38 per cent by 2001 and be less than 25 per cent around 2030, the old age dependency ratio will increase from about 15 per cent at present to 32 per cent in 2026 and as much as 48 per cent in 2041. (Table 2). In other words, by the middle of the 21st century persons over 60 years of age would constitute about half as many as those between the ages of 15 and 60. (W. Indralal de Silva 1997 p.31).

proportion of children below 15 years. For instance, in 1991 the total demographic dependency ratio was 65 per cent, consisting of a 52 per cent child dependency and 13 per cent of old age dependency.

The total dependency ratio will decline to about 53 per cent in 2006 owing to child dependency decreasing quite sharply to 35 per cent and old age dependency increasing by only about 4 per cent to 17 per cent. After that the total dependency would increase to 59 per cent in 2026 owing to the sharp increase in old age dependency to 32 per cent. By 2041 old age dependency would be 48 per cent in a total dependency ratio of about 73 per cent (Indralal de Silva 1997). Two projections of the age structure of the population are given in Tables 3 and 4.

These changes in age structure have important implications and repercussions on the country's economy and society. The next section discusses the economic implications of the ageing structure of the population. Other implications of the ageing population profile are discussed in the third section of the paper.

Economic Implications

The ageing of the population has a number of economic implications.

These include the provision of adequate incomes for the extended retirement period, changes in housing and transport needs and differences in the nature and amount of expenditure on health. This discussion confines itself to the issue of retirement benefits, income adequacy in retirement years and the impact of these on the public finances. Some of the issues with respect to health are discussed in the next section on social implications.

Table 2

Dependency Ratios 1991 to 2041: Standard Projection

Year	Child dependency (<15 years)	Old age dependency (60+years)	Total Dependency
1991	51.9	13.5	65.4
1996	44.0	14.3	58.3
2001	38.0	15.3	53.3
2006	35.4	17.2	52.6
2011	33.9	20.1	54.0
2016	32.1	24.0	56.1
2021	29.8	28.2	58.0
2026	27.0	32.1	59.1
2031	24.6	36.0	60.6
2036	24.1	41.1	65.2
2041	24.6	47.9	72.5

Source: W. Indralal de Silva (1997) Table 11

The changes in the age structure of the population are a reversal of the character of the demographic dependency ratio during most of the second half of the 20th century. The country has been grappling with the problems arising from a youthful population, a high child dependency ratio and a rapidly increasing labour force. (Sanderatne 2000) The country has had a high demographic dependency ratio in the past owing to the high

Table 3

Projected Distribution of Population of Sri Lanka By Broad Age Groups, 1991-2041

Age Group	1991	1996	2001	2006	2011	2016	2021	2026	2031	2036	2041
<15	31.4	27.8	24.8	23.2	22.0	20.6	18.9	17.0	15.3	14.6	14.3
15-59	60.4	63.2	65.2	65.5	64.9	64.0	63.2	62.8	62.3	60.5	57.9
60+	8.2	9.0	10.0	11.3	13.1	15.4	17.9	20.2	22.4	24.9	27.8

Source: W. Indralal de Silva (1997) Table 10

Table 4
Population Projections 1996 – 2021

Per Cent of Population				
	1996	2001	2011	2021
Under 15	28	25	23	20
15 – 49	55	56	52	50
50 – 59	08	09	12	12
60 and over	09	10	13	18

Source : Soma de Silva (1994)

The ageing of the population has serious implications for retirement benefits. Several recent studies have examined how the ageing of the Sri Lankan population would affect the incomes and economic conditions of the elderly, the viability of pension schemes and the impact of the increased pension payments on the public finances of the country (de Mel 2000; Rannan-Eliya, de Mel, Ramachandran and Senagama 1998; Wijewardena 1999). This section will only focus on the main economic problems posed by ageing, especially the issue of retirement benefits and adequate welfare payments for the elderly.

Although the country has several social security systems, such as the Employees Provident Fund (EPF), the Employees Trust Fund (ETF), private pension schemes and a pension scheme for public servants and their widows and orphans, these do not adequately cover the expenditure needs of the elderly at retirement owing to several reasons.

The retirement benefits cover only about one half of the workforce as most employment is in informal activities. (Wijewardena 1999 and de Mel 2000). Of an estimated work force of 6.1 million in 1998, the public service pension scheme is estimated to cover about 1.1 million and the provident funds and pension schemes in the private sector are estimated to cover around 2 million. Therefore these retirement benefits are estimated to cover only 51 per cent of the work force. (Wijewardena 1999).

The remaining 3 million workers are in the unorganised or informal sector and have to rely largely on their savings or through

participation in several new pension schemes for informal workers. The new pension schemes for informal workers include contributory pensions for farmers, fishermen and the self-employed. However these schemes cover only a small proportion of the self employed workers.

A 1989 ESCAP survey disclosed that only a small fraction of the elderly had provisions for their old age. Only 24.3 had received retirement benefits and a still lower 11.4 per cent received a pension (quoted in Rodrigo 2000).

The already inadequate coverage of persons under social security programmes is aggravated by the fact that these persons would require to have means for an extended period of life. Life expectancy that is currently at about 72 years is expected to increase to 75.8 years in 2020-2025 and to 78.1 years in 2045-2050 (Abeykoon 1998). These added years of life require to be financed from savings during the working years.

Even where EPF, ETF and other private schemes cover employees, they are most often inadequate. These schemes have inadequate outreach; low returns on funds and expected annual real incomes from them are both inadequate and diminishing over time (Wijewardena 1999 and de Mel 2000). Therefore there is a need to reconsider the financing of these schemes. The investment of such pension funds so as to generate a better return which can be passed on to the retirees and higher contributions during the period of employment need to be considered.

The increased longevity means that the retirement years are longer. The extended period of retirement implies that any pension scheme to be sustainable would require to collect as contributions from employers and employees significantly larger sums during the period of employment. If the average working years is 30 and the period of retirement is 15, then the contributions of two years working life would have to finance one year of retirement benefit, assuming that the rate of inflation would be equal to the interest earnings of the funds. This implies very high contributions or low retirement benefits.

Nishan de Mel has observed that even at present, Sri Lankans

The already inadequate coverage of persons under social security programmes is aggravated by the fact that these persons would require to have means for an extended period of life. Life expectancy that is currently at about 72 years is expected to increase to 75.8 years in 2020-2025 and to 78.1 years in 2045-2050 (Abeykoon 1998). These added years of life require to be financed from savings during the working years.

have one of the longest expectations of retirement years in the world (de Mel 2000,p.20). In a situation where a person lives twenty-two years after retirement, Nishan de Mel has pointed out that:

“If the arrangement is based on contributions made over the working life, then the passivity ratio is over 60 per cent. That is over six years of retirement income need to be financed by just 10 years of contributions. It is needless to point out that this would lead to either a very high level of contributions or a very low level of benefits.” (de Mel 2000,p. 19)

While there is an inadequacy of pension benefits after retirement, the pension schemes would have to pay out monthly pensions over a longer period of time. The burden of the retirement benefits would be heavy owing to the longer life expectancy. This would threaten the viability of pension schemes.

This issue is particularly significant for the public service pension scheme. Although the issue of viability of the government pension scheme does not arise, as the payments are not paid out of a pension fund, the cost on the annual budget would tend to escalate as retirees live for a longer period. Therefore, there are serious implications of ageing on the public finances of the country.

At present government pensions absorb 10 per cent of current expenditure and accounts for 20 per cent of the budget deficit (Wijewardena 1999,Table 2 p.6). Government pensions could absorb as much as 20 per cent of expenditure in the future and distort the public expenditure pattern with serious implications for public investment and economic growth. (Rannan – Eliya et al 1998).

The issue of retirement benefits discussed here raises the need to revise the employment life span of Sri Lankans. The retirement age of 55 years for men and 50 years for women in the public service, with a possible extension of another 5 years, was designed at a time when the country's life expectancy was around 55 years. With the current life expectancy of about 72 years and an expected increase in life expectancy to over 75 years by 2020, there

An extension of the retirement age to 65 years would place a lesser strain on current contributions, could increase retirement benefits and would reduce the period during which the retirement benefits would be needed to support the retirees

Another imaginative proposal is phased retirement. Instead of persons retiring at once on reaching the stipulated age of retirement, the number of days of work could be gradually reduced from 5 to 4 days of work per week and then 3 and 2. The employees would begin to draw a partial pension at first and the full pension at full retirement

is little justification for retaining the retirement age of 55 years.

An extension of the retirement age to 65 years would place a lesser strain on current contributions, could increase retirement benefits and would reduce the period during which the retirement benefits would be needed to support the retirees. It has been cogently argued that such an extension in the retirement age would not affect youth employment seriously as in any case those who retire at the optional or mandatory age are often re-employed, sometimes in the same institution, and the numbers entering the labour force would also be declining in the future(de Mel 2000, Abeykoon 1994)

The extension of the retirement age may be one means by which the burdens of the pension

scheme, as well as an improvement in retirement benefits, could be effected. Another imaginative proposal is phased retirement. Instead of persons retiring at once on reaching the stipulated age of retirement, the number of days of work could be gradually reduced from 5 to 4 days of work per week and then 3 and 2. The employees would begin to draw a partial pension at first and the full pension at full retirement.(Foot 1996.p.78). Such a phased retirement enables institutions to benefit from experienced staff, while at the same time recruiting new staff.

The adequacy of retirement benefits is closely related to the real value of retirement benefits over the period of retirement. The erosion of the real value of pensions is a serious issue due to the country's high inflationary trends that erode both pension benefits and savings of retirees. The ageing of the population compounds the severity of this erosion in real incomes of retirement benefits. With a longer span to live after the employed period, the real value of income resources could be severe. The longevity of life implies that the real incomes available in the later years of a retired person's living would be inadequate. This is particularly so as expenditures on medicine, drugs and hospital expenditures are high and subject to sharp increase in prices. Therefore there is a need to look into ways and means by which the real incomes of retirees could be adequately protected.

The Social Implications of Ageing

The ageing of the country's population poses serious social challenges and the need for effective social readjustments. The ageing of the population would be somewhat gradual in the next few years, but gain in momentum after 2011. In the next 20 years the percentage of the aged in Sri Lanka would double. By the middle of this century old age dependency would be around 50 per cent.

In the next five to ten years our health care systems would require to be geared to the ageing process and caring for illnesses associated with longevity and senile conditions. Geriatric services that are quite insignificant at present, should become a priority specialisation. The incidence of old age illnesses like Alzheimer's disease, arthritic conditions and osteoporosis, a degenerative bone disease, would increase considerably. The longevity of life would require greater attention to such health conditions and an increase in specialised services to cope with these illnesses.

It is in the next several years that steps should be taken to develop health facilities and institutional care for the elderly, as the development of such capabilities takes time. Delays would mean that the gap between the needs and the available facilities would widen as the ageing process gains momentum. There is therefore an urgent need to re-organise our health services to cope with these needs of the future rather than wait till the demand for such services overtake us..

The ageing of the population implies the need for the social system to have methods of caring for the elderly. There is preference of elders to live with family or children. The 1989 ESCAP survey disclosed that only 2.5 per cent of rural elders and 6.8 per cent of urban elders preferred institutional care (ESCAP 1989 quoted in Rodrigo 2000). Traditionally, Sri Lankan society has cared for the elderly through the extended family system. The ESCAP survey revealed that traditional systems still prevailed to a large extent in 1989 when it found that 87 per cent of rural elders had a child or children staying with them. In contrast in urban areas only 41 per cent of elders enjoyed this comfort.

It is in the next several years that steps should be taken to develop health facilities and institutional care for the elderly, as the development of such capabilities takes time. Delays would mean that the gap between the needs and the available facilities would widen as the ageing process gains momentum. There is therefore an urgent need to re-organise our health services to cope with these needs of the future rather than wait till the demand for such services overtake us..

This latter fact and other evidence suggest that this system is breaking down. For instance, most of those who are cared for in elderly homes have several children. As much as 80 per cent of the elderly in institutional homes for the aged are parents of 3 to 6 children. (Siddhisena and Ratnayake 1998, p.48).

The higher female labour participation, the lesser subsistence nature of family household income, the erosion of incomes through inflation, larger consumer needs, pressures on housing conditions, migration of wives and daughters for overseas employment and changes in social values have all contributed to the erosion of the traditional system of caring for the elderly within the household and its capacity to do so. This erosion of the traditional system is likely to gain in momentum, particularly in urban areas.

At the very time when the aged population reaches a high proportion, the capacity of the traditional system to maintain the elderly is likely to be seriously eroded. Therefore there is a need to find institutional and community based systems of caring for the elderly.

At present residential facilities for the elderly are run by the State, by voluntary organisations with some State assistance and by community based or religious organisations without any State assistance. About one hundred organisations cater to a little over 3000 elderly persons. This is inadequate for a population of about two million elders. Even if only 2 per cent of this elderly population require such residential facilities, the number amounts to 40,000. The long waiting lists for admission to these institutions are evidence of the demand for such facilities exceeding the available accommodation. (Rodrigo 2000).

Apart from residential accommodation, there are some recent efforts to provide day care services for the elderly. This is a far more cost-effective programme that also satisfies the psychological and sociological needs of the family more satisfactorily. Helpage Sri Lanka has been in the forefront of providing such services and has established a model Day Care Centre in Ratmalana. A replication of this service by local communities would indeed be a means of assisting the elderly.

In advanced Western countries a large proportion of the population have the means to pay for comfortable institutional lodgings that are either financially affordable viable to operate or only partially subsidised. The aged affluent in Sri Lanka could be cared by the development of such systems through private enterprise. Yet the supply of such facilities appears to lag behind demand even at present. The bulk of the elderly population however needs a degree of public support for their care. Such institutional systems would require both public funding and voluntary contributions, may require to be organised by community and religious based voluntary groups in order to provide effective support to the elderly. Public health services would have to be organised to provide health care at such locations.

The process of ageing requires public policy actions to develop institutional methods of caring for the elderly, gearing the health system to cope with the illnesses associated with old age, revamping social security systems to generate adequate incomes for old age sustenance and a rethinking on the methods of financing the government's pension scheme. These are serious challenges.

Overall Challenges and Opportunities

The process of ageing requires public policy actions to develop institutional methods of caring for the elderly, gearing the health system to cope with the illnesses associated with old age, revamping social security systems to generate adequate incomes for old age sustenance and a rethinking on the methods of financing the government's pension scheme. These are serious challenges. This decade, during which these problems are not particularly serious, should be used to design the needed policies and programmes. The demographic transition also offers the country several advantages and opportunities, which if seized could confer

economic and social advantages for the long run development of the country.

Certain demographic developments go beyond the population profile of the country. There are some special features of demographic developments in Sri Lanka that bear heavily on the country's future. The last two decades have witnessed a significant migration of population for employment abroad, particularly to the Middle East. This temporary migration of population leaves behind a number of traumatic conditions. Children have been brought up without the security and care of parents or under a single parent. The break up of family life, alcoholism and other unstable conditions has affected the development of a significant number of children of such households. This would no doubt have a bearing on social behaviour in the future.

The last two decades have also witnessed insurgencies, terrorism, and counter action by the government and a civil war. These have led to a refugee problem of significant proportions, traumatic conditions arising out of the war and terrorist activities, children orphaned at tender years and increasing number of injured and maimed soldiers and civilians. Some of the elderly would no doubt suffer such handicaps and would require special care. Therefore health and social welfare policies should encompass institutional devices to cope with these conditions which require both physical and psychological care. The caring of the maimed, injured and the handicapped would undoubtedly be of far greater significance in the future than it has ever been in the past. The patterns of

Communities in developed countries have also organised their active elderly to provide services to the less mobile and infirm elders. "Meals on wheels", a programme where elders take turns to cook meals and deliver these to the infirm is an example of such a service.

The increased longevity of life and changes in social modes of living require expanded institutional means of caring for the elderly. Old age homes – more in the character of senior citizens homes - would need to be established. These could involve significant public spending, as most senior citizens would not be able to pay for their living. This problem is also not confined to the issues of finance. It requires new modes of thinking, developing institutional capabilities and mobilisation of human resources through voluntary and community participation. The country is at present inadequately accustomed to coping with this problem and a new focus of attention requires to be developed.

Three factors could render the caring for the elderly in the future less burdensome. Although the old age dependency is calculated on the basis of those over 60 years of age, many work much beyond this age to nearly seventy, the health care requirements are not excessive till over 70 years. By 2030 when old age dependency would have increased, per capita incomes are likely to have more than quadrupled from today's levels and consequently personal and community affordability would have increased.

health care would require being adapted to cater to these needs.

Among the opportunities that the demographic change provides is the possibility of improving the quality of education. Most of the post independent period was characterised by the country coping with a rapid increase in population. This has abated. In the next half century the proportion of children in the population will decline. Even more significant is the fact that the numbers of children would also decline. The annual decline in numbers of children is not large, but since it is a declining trend, by 2031 the number of children below 15 years would have decreased by 1.5 million and be about 3.5 million compared to today's 5 million. This implies that in the coming decades public policy would not have to cope with increasing the physical infrastructure in education. The number of schools and teachers need not expand. (Sanderatne 2000)

This development provides the country the opportunity to improve the quality of educational services. Thus far the country has concentrated in increasing the number of schools, providing physical infrastructure and increasing teachers. Even with such a thrust in educational policy there is evidence that school facilities have deteriorated, particularly in the remote areas where teacher: pupil ratios have declined and the quality of education severely eroded. In common with other South Asian countries the quantitative expansion in education has been at the expense of quality improvements in education.

The reduction in the numbers of children entering school gives the country an opportunity to improve the quality of education by expending the same proportion of an increasing GDP on education, especially primary and secondary education. Since real GDP is increasing at around 5 per cent, the expenditure of a constant proportion of GDP on education in the coming decades implies a per child real expenditure increase of more than 5 per cent. These increased funds, together with a possible reduction of certain types of capital expenditures on education, should provide a better financial capacity to improve education. The financial capacity could be further enhanced by much needed educational reforms, the weaning away of the affluent from free education and cost effective community participation in education. (Sanderatne 2000)

The danger however is that governments faced with fiscal difficulties could use the opportunity of the reduced school going population to reduce expenditures on education, thereby entrenching inefficiencies in education and making them permanent. If educa-

tion planning is not geared to the demographic changes, there could be redundant teachers, a mismatch between teacher needs and available teachers and a waste of school infrastructure. The educational system could remain costly but inefficient. These demographic changes also imply that there would be lesser new teaching employment opportunities in the 21st Century.

Sri Lanka can justly be proud of her improvements in maternal and infant mortality. These attainments have been in a context of increasing numbers of maternal cases. **The trend of decreasing fertility and smaller numbers of births gives an opportunity for the country to improve its pre-natal, maternal and postnatal services.** The smaller number of births means that the pre-natal and post-natal health services would not be strained as in the past.

The smaller families would also enable parents to improve the care for their children. These forces could lead to Sri Lanka reducing her maternal mortality rate from the current 80 per 100,000 live births to around 30 per 100,000 live births. Similarly, the infant mortality rate of about 14 per thousand live births could be reduced to around 7-10. In fact the population projections used in this presentation has incorporated similar improvements in maternal and infant mortality.

These opportunities should be seized in the next decade, as the advantages of the reduced numbers of children are not offset by increases in the numbers of the aged during this period. After 2006 some of the reduction in the child dependency ratio would be offset by the increase in the old age dependency ratio. Beyond 2036 the advantage would be completely offset by the increased old age dependents. Therefore the advantages in the initial decade or two should be exploited fully to improve educational standards and provide better health services for mothers and children.

Concluding Observations

The next decade must be viewed as a period of economic and social readjustment to the realities of the demographic transition. It is also the time to prepare to meet the new challenges of ageing, build the infrastructure for caring for the aged, revamp retirement benefits and ensure that the demographic transition is not burdensome to society as a whole. **It provides opportunities for a qualitative improvement in education and health and reduced unemployment.**

The increased longevity of life and changes in social modes of living require expanded institutional means of

caring for the elderly. Old age homes – more in the character of senior citizens homes - would need to be established. These could involve significant public spending, as most senior citizens would not be able to pay for their living. This problem is also not confined to the issues of finance. It requires new modes of thinking, developing institutional capabilities and mobilisation of human resources through voluntary and community participation. The country is at present inadequately accustomed to coping with this problem and a new focus of attention requires to be developed.

The retirement schemes now in operation are limited in coverage, inadequate to those who benefit by them and a strain on the resources of the government. A total re-vamping of these schemes to make them more supportive of the elderly and at the same time financially viable is a serious challenge facing the country.

The changing demographic scenario provides opportunities for the country to improve the quality of primary and secondary education and build upon the basic literacy and school participation rates. Such qualitative improvements are critically essential to transform the labour force into a more productive one for the future. In the past, the increasing numbers of children entering school resulted in the system coping with an expansion of facilities rather than qualitative improvements. The lesser strain on the public finances owing to the smaller increases in school going children in the next decade provides the financial capacity to effect educational improvements. It is also a period of time when the full momentum of the ageing process too would not have increased the old age dependency ratio. This opportunity must be seized immediately as in about two decades the increase in old age dependency may require the diversion of funds for the care of the elderly.

Similarly the smaller number of births would give the opportunity of the primary health services, particularly the maternity and natal services, to improve their delivery systems. **There is no doubt that in the past the chain of health services has provided a very cost-effective primary health care. Now the country has a further opportunity to leap forward and achieve maternal and infant mortality rates comparable to the developed countries of the world. Ambitious targets must be set to achieve low rates of mortality and to improve maternal and child health.**

Overall, the demographic transition has advantages to our economic growth, containment of social tensions, improvements in the environment and a greater capacity for more positive social engineering.

But like all social challenges, the result depends on the quality of our response and the effectiveness of our strategies

¹ W. Indralal de Silva's *Population Projections for Sri Lanka : 1991-2041* has a standard, high and low projections. The standard projection alone is used in this analysis.

References

Abeykoon, A T P L (1998) *Demographic Projections for Sri Lanka, Ministry of Health and Indigenous Medicine, Colombo.*

Abeykoon, A T P L (1998) *Population and Manpower Resources of Sri Lanka, Natural Resources Energy and Science Authority of Sri Lanka, Colombo.*

De Mel, Nishan (2000) "Ageing Population in Sri Lanka: Issues and Outlook on Retirement Income Arrangements", *Sri Lanka Economic Journal*, Vol. 1 No. 1

De Silva W. Indralal (1997) *Population Projections for Sri Lanka : 1991-2041, Institute of Policy Studies, Colombo.*

De Silva Soma (1994) *Population and Labour Force Projections for Sri Lanka 1991-2031, Department of Census and Statistics, Colombo.*

ESCAP(1989) *Survey of the Elderly Boom Bust & Echo, How to Profit from the Coming Demographic Shift, Macfarlane, Walter & Ross, Toronto.*

Foot, David K. (1996) *Ageing and Pensions Study, Final Report, Institute of Policy Studies, Colombo.*

Daniel Stroffman *Programs and Interventions for the Elderly in Sri Lanka, Colombo.*

Ranan-Eliya, Ravi P., Nishan de Mel, Ramachandran Easha And Dananjalee Senagama (1998) *Programs and Interventions for the Elderly in Sri Lanka, Colombo.*

Rodrigo, Chandra (2000) *Economic Growth and Social Transformations, Colombo*

Sanderatne Nimal (2000) "Ageing of Population and Elderly Care in Sri Lanka", *Sri Lanka Journal of Population Studies Vol.1 No.1, Colombo*

Siddhisena K A P and Ratnayake (1998). "Social Security Systems for the Elderly in Sri Lanka", Paper presented to the World Bank/Central Bank Seminar on Ageing Population and Social Security Systems, Colombo

Wijewardena, W.A. (1999)

About the writer:
 Dr. Nimal Sanderatne is visiting Senior Fellow at the Postgraduate Institute of Agriculture (PGIA) University of Peradeniya and Chairman of the Centre for Policy Analysis (CEPA)

FIGHT FOR THE RIGHT TO LIVE!

End Hunger!

**NGOs /CSOs Statement in the Asian Regional Consultation
on the World Food Summit – Five Years later
Prince Palace Hotel, Bangkok, Thailand
28-29 August 2001**

We, the representatives of more than 80 NGOs/Civil Society Organisations (CSOs) from 14 Asian countries are outraged that despite abundance of food to feed the world, more than 800 million, with two-thirds found in Asia, still go hungry everyday.

The programmes and practices aimed at reducing hunger and malnutrition by the Bretton Woods Institutions, international financial groups and inter-governmental agencies have failed miserably and instead aggravated food insecurity.

The crucial promise of the 1996 World Food Summit to halve poverty and hunger by the year 2015 has been declared impossible to achieve by the same institutions that adopted it. Albeit an important one, this "crucial" promise is still insufficient and unacceptable to the 'other half' i.e., the rest of the millions who go hungry everyday. According to FAO, only 8 million undernourished people were made healthier in the 1990s —far below the 20 million annual average necessary to meet the target of the 1996 World Food Summit.

Food has been declared a basic human right by many international agreements such as the Universal Declaration of Human Rights, the Preamble of the FAO Constitution, the International Covenant of Economic, Social and Cultural Rights, among others. Yet, the right to food is continually denied. Worse, it is now considered more as an item for trade than for sustenance.

After five years, we demand that national governments and international institutions accept the responsibilities and consequences of their failed "experiments" and make this acceptance known to the poor.

The grassroots communities, including the peasant farmers, landless agricultural labourers, small fisher folk, rural women, indigenous peoples and forest dwellers, have a right of access to productive resources, such as

land, water, forests, seeds, genetic resources and indigenous knowledge. They should be given the freedom to determine their own means to meet their food needs. Moreover, they have the primary right to benefit foremost from the transformation of their resources done with their prior and informed consent.

(note: The term "peasants" henceforth refers to peasant farmers, fish folk, landless agricultural labour, rural women, indigenous peoples, forest dwellers and subsistence farmers)

It is a paradox that peasants who produce food to feed the world are the ones suffering most from hunger and malnutrition. Subsistence and sustainable agricultural systems, which for centuries have been the basis of their livelihood, are being obliterated by the concentration of land ownership in a few hands and its corporatisation, as well as the encroachment of agribusiness on smallholder farms. These activities dilute the culture and way of life of peasants with the ultimate aim of profit for the few.

The globalisation process, perpetuated by the G8 countries and institutionalised by the World Trade Organisation (WTO), international financial institutions, like the International Monetary Fund (IMF) and multilateral development banks, particularly the World Bank and the Asian Development Bank, has benefited merely a few transnational corporations. They have gained a monopoly of our food, genetic resources and agriculture and imposed the dumping of subsidised, unhealthy food and agricultural products and inputs, including chemical pesticides and fertilizers into our countries.

This has created massive indebtedness, increased landlessness and displacement leading to rural out-migration, eroded our food sovereignty, worsened land and environmental degradation including the destruction of biodiversity, the biopiracy of indigenous knowledge, pesticide poisonings and unabated land conversions for non-

agricultural purposes, mega-dams, mega projects and maldevelopment. It has further marginalised peasants particularly women and children.

The WB/IMF model of market-oriented land reform subverts national governments to implement genuine agrarian reform by imposing debt bondage. It does not aim to distribute land to the landless but rather increases the concentration of land with the landed elite. The Asian Development Bank, through its privatisation programme, is even attempting to transfer peasants' rights and access to water as a public resource to private corporations and large-scale producers.

The rights of indigenous peoples are likewise on the verge of extinction with the uncertain recognition of their contributions to food security. There is a critical need to distinguish the contribution of indigenous peoples, local communities and farmers' rights especially on their own seeds under the forthcoming International Undertaking of Plant Genetic Resources

The peasants must be empowered to ensure the achievement of our goal of food for all. Food security can only be achieved if the world's cultivating peasants themselves own the agricultural lands and have access to resources required for healthy and safe food production and sustainable livelihood with gender equity.

In response to the Summit commitments, peasant movements and their partner NGOs/CSOs have also been working on their own initiatives towards ensuring food security. These include:

- 1 Policy advocacy and lobbying to sensitize and strengthen peasant movements, although, there is still a need to strengthen these initiatives further.
- 1 Sustainable development programmes to raise levels of self-sufficiency and self-reliance through increasing domestic production by establishing local-level seed and grain banks, conservation of biodiversity, formulation of village plans by the villagers, land, water and forest management, low-external input, sustainable agriculture, and utilization of local resources and local and indigenous knowledge systems.
- 1 Forging the political will to uphold the Right to Food through people's participation, supporting efforts towards democratisation, gender equity and improving agricultural services, especially in the provision of support services and proper developmental management of food and emergency aid.

Recommendations

We recommend that our governments:

- 1 Adopt an international code of conduct on the human right to adequate food to govern the activities of different actors including the State parties and international institutions to end malnutrition and hunger.
- 1 Food aid should not be used as a political weapon. Governments should be accountable to guarantee the right to food of vulnerable populations including displaced persons, victims of disasters and internal conflicts, as well as refugees.
- 1 Review the implementation of land reform programmes including violations thereof and formulate and implement genuine agrarian reform founded on progressive land legislation, which ensures equitable access to resources, sustainable agriculture and gender equity.
- 1 Ensure policies and programmes that enable communities to own and manage productive resources and disallow mega development projects, which displace populations and peoples, destroy the environment, livelihoods, and indigenous cultures.
- 1 Formulate effective strategies to combat the threats to food security and prevent the shift of the control of agriculture from the producers to the market forces.
- 1 Reject the policies and practices of Bretton Woods Institutions, especially the conditionalities attached to debt relief, credits and other financial assistance.
- 1 Rescind the WTO Agreement on Agriculture, Trade Related Agreements on Intellectual Properties (TRIPS), Sanitary Phyto-sanitary Measures (SPS), and General Agreement on Tariffs and Trade (GATT) and oppose the revival of MAI.
- 1 Oppose the WTO General Agreement on Trade in Services (GATS) and the revived Multilateral Framework of Investments.
- 1 "De-globalise" and focus on strengthening domestic economy and optimal use of local resources for local communities.
- 1 Remove burden of usurious debt affecting peasants particularly loans linked to the promotion of chemical-based agriculture.

The Struggle for Peace

The last issue of *Christian Worker* appeared on the eve of the General Election of December 5 last year (2001) and events have moved very fast since then with even the signing of a cease-fire agreement between the new Government and the rebel Liberation Tigers of Tamil Eelam (LTTE).

Victory and Violence

The Election resulted victory for the United National Party (UNP) and United National Front (UNF) which included renegades from the Sri Lanka Freedom Party (SLFP) who ensured the downfall of the Peoples Alliance (PA) Government and made the dissolution of Parliament and a General Election inevitable (See last issue of *Christian Worker*). The UNP victory was naturally hailed by the business community as a change in the right direction.

The five week long election campaign was reportedly the most violent so far, with the Police Headquarters stating that 45 persons had been killed during this period and Election day being the bloodiest with the gunning down of 10 supporters of the Sri Lanka Muslim Congress (SLMC) in the Kandy area (*The Island* of December 7). SLFP Organiser Anuruddha Ratwatte reportedly described by President Kumaratunga as the most corrupt of her Ministers was said to be involved in this Kandy massacre as were his two sons. Several hundred including candidates were among the injured as a result of clashes. As has characterised right wing victories in the past, a campaign of post-election terror and intimidation was unleashed on PA supporters, the UNP's own trade union being in the forefront of the intimidation and assault of workers belonging to opposition trade unions, even preventing some from entering their workplaces (See under 'Workers Struggles' inside). In the provinces, several hundreds of PA (chiefly SLFP) supporters were detained in police stations and remand jails on frivolous charges (the police apparently being over-zealous to please their new masters in government). Some of the detained are candidates for the local government elections but continue to be in custody allegedly for the purpose of crippling the PA's campaign in the local government elections now fixed for March 20 this year with some subsequent variations.

The Election Results

The General election results have been comprehensively analysed by Communist Party General Secretary DEW Gunasekera in an article under 'Comments' inside and so do not need to be commented on at length in this column. But it needs to be reiterated as was indicated by us even before the election in our last issue, that the PA's defeat was brought about by its own stupidities as evidenced in the conduct of its election campaign by its leading spokespersons including President Kumaratunga herself which proved counter productive and only resulted in the alienation of the national and religious minorities despite all the good work done by the PA towards resolving the national question, including the presentation of a draft constitution which furthered the devolution of power and provided for the abolition of the authoritarian executive Presidential system and constitutional provisions which were responsible for and continue even now to deepen the constitutional and political crisis faced by the country. Significantly the UNP's response to the need for a new constitution as we stated in our last issue was disappointing and only sought to offer proposals to amend the flawed J R Jayewardene Constitution (which has already seen 17 amendments), and "checks and balances" on "Autocratic Executive Power" instead of its abolition, was nonetheless able to score in stating that it would not introduce such constitutional reforms until a political solution was arrived at, with the promise of an "interim" administration in the North and East which had the apparent support of the Liberation Tigers of Tamil Eelam (LTTE) and their virtual agents the Tamil National Alliance (TNA) comprising the Tamil United Liberation Front (TULF), All Ceylon Tamil Congress (ACTC), a section of the Eelam Peoples Revolutionary Liberation Front (EPRLF) and the Tamil Eelam Liberation Organisation (TELO) as reported by us in our last issue. The UNP also scored electorally on the issue of the spiraling cost of living, mismanagement and corruption that the PA had pledged to eradicate but failed miserably to do any thing about – simply drifting without showing any difference from the UNP Government it had replaced, thus making it an easy prey to right-wing machinations as already commented on by us in our last issue. The setting up of a "Probationary Government" of the PA with the support of the Janata Vimukti Peramuna (JVP) which once again sought to put the PA

Government on track in line with its own election promises, failed to refurbish the PA's image and only improved the JVP vote at the elections that followed.

The possibility that the UNP had an understanding with the TNA to get the LTTE for talks based on an "Interim Administration" in the North-East that the latter could dominate was lost on the electorate that simply wanted the PA's inefficient rule to end. Sinhala opinion too had apparently veered more in the direction of talks with the LTTE rather than a fight to the finish which people felt the Army was unable so far to deliver.

Admittedly of course the PA with the JVP and the other left parties received nearly 47% of the all island vote which exceeded the total polled by the UNP in the elections. The total elimination of the extreme racist Sihala Urumaya and the loss of the one seat it had in Parliament is a significant and progressive development. (A good proportion of its vote went to the JVP which also peddled Sinhala chauvinism in its anti-LTTE tirades during the election campaign). Another unique and progressive feature was the election to Parliament of a Buddhist monk from the South of Sri Lanka belonging to the Lanka Sama Samaja Party (LSSP) who won as a PA parliamentarian and is also firmly

committed to an anti-racist and a socialist position. (See the item with his views under 'Religion' inside). A shocking deletion of two prominent PA names from the national list MPs – Batty Weerakoon General Secretary of the LSSP and former Minister of Justice and of Alavi Moulana a prominent SLFP trade unionist also a former Minister at the instance reportedly of President Chandrika Kumaratunga, hardly helped to improve her present sorry image. Tragically no other political figure in our recent history has had such an overwhelming public support and goodwill that has been so wantonly and capriciously frittered away in aristocratic arrogance as Chandrika Bandaranaike Kumaratunga.

While all credit is due to her for having transformed the SLFP from being a party with Sinhala racist bias and prejudices into becoming one pledged to the devolution

and sharing of power and her own personal sincere commitment to a just political resolution of the ethnic conflict, "her own immaturity in practical politics and her selection of advisers if any from among the motley crowd of SLFP members consisting for the most part of mediocrities, opportunists and adventurers of all kinds, bent mainly in furthering their own self interests" – to quote from our comment in this column just before the last December 5 Election, led to her undoing. Whether she will be able to mend her ways at this late stage remains to be seen.

The New Government: "Cohabitation" or Uneasy Accommodation ?

What followed the December last Election was a sort of uneasy accommodation, the President having to give way to the party obtaining a majority in Parliament in forming the government of which nonetheless she remains as its head despite continuing tensions and even Constitutional contradictions. Some however have preferred to call it 'Cohabitation'.



Sitting together but with different thoughts? The President and Prime Minister were the first to take their seats for the photograph of the new Cabinet

The President's own acceptance of "cohabitation" made at Katmandu in the SAARC Summit was in the matter of the peace process – which she herself was committed to as seen also in the February 4 Independence Day Mes-

sage issued by her when she used the same term. In her independence Day message the President said "The recent election has provided a historic opportunity for the two major political parties of Sri Lanka now both in Government through the President and the Cabinet to evolve new systems of constructive cohabitation and collective action for the resolution of the separatist conflict. For this both sides must learn to put country before narrow political or personal interests". But difficulties are bound even here to arise on issues like the 'de-proscription' of the LTTE and the UNP's intended setting up of an Interim administration in the North-East could highlight the underlying and deepening Constitutional crisis referred to in our last issue. Readers are also referred to Batty Weerakoon's article "Executive Presidency and the Humbug of Cohabitation" under 'Comments' inside in this connection.

Sixty two new Ministers took their oaths before President Chandrika Bandaranaike Kumaratunga at President's House on December 12. This included 25 ministerial portfolios with Cabinet rank and 28 ministerial portfolios without Cabinet rank and 9 Deputy Ministers' posts. On February 28 eight Ministers were elevated to Cabinet rank bringing the total number of Cabinet Ministers to 33. Minister of Agriculture and Livestock S.B.Dissanayake was given the additional portfolio of Samurdhi which the President had earlier refused to grant due to allegations of corruption which were pending investigations.

Soon after his swearing in earlier as Prime Minister on December 9, Ranil Wickremesinghe visited the Gangarama Temple at Hunupitiya of which he is the principal devotee to receive the blessings of the Buddhist Sangha. The Chief Monk of the Temple the Ven. Galaboda Gnanissara made a memorable speech telecast live over most TV channels that in the words of the very pro-UNP *Sunday Leader* of December 16 "embarrassed not just Wickremesinghe but also shocked the nation. Repeatedly addressing Wickremesinghe as 'Hamu Mahattaya' (An expression of servility more at home in Kumaratunga's Horagolla Walauwa than at a temple), the Ven. Galaboda Gnanissara embarked on a shameless tirade against Kumaratunga and the PA Government.

"Converting the event into a pantomime, he went on to accept donations from several hundred business people anxious to identify once more with the UNP..." It was left to Prime Minister Wickremesinghe in this situation after the very political speech of the monk to deliver the Buddhist sermon that one expects from a religious dignitary in such a ceremony. Wickremesinghe called on everyone to end confrontationist politics and move towards a new political culture. He said he would not tolerate any kind of violence and pledged to work according to the words of the Buddha as preached to the Licchavi princes on the conduct of State affairs.

The new Government set about activating the government machinery for its intended development through a "100 day Programme" to achieve the targets and perhaps of special significance is the attempt to create 5 zones out of the 22 districts and set up five economic

commissions to attract local and foreign investment and develop the country in a planned manner in industries, agriculture, tourism, trade and fisheries. The most significant development of course has been the Government's Memorandum of Understanding (MoU) with the LTTE for a permanent cease-fire beginning 23.02. 2002. More on this later.

"The Last Chance"

The Prime Minister in his policy statement in Parliament of 22 January stated: "The people have given us a clear mandate to act decisively in dealing with three burning issues facing the country. These are the war, poverty and democracy". He dealt at length with the war situation which had brought the country to a sorry pass. "The various crises we face today are interconnected" he said, "These have manifested in different forms. The chief among these conflicts is the North-East war which started

in 1983 and continued for 19 long years. Destruction caused by the war has wide ramifications affecting a vast area of activity. Over 20,000 personnel of the three services and police have sacrificed their lives. According to statistics quoted by the foreign media, more than 60,000 lives have been lost due to the war. The number who have been maimed or disabled is even greater. The expenditure on the war for the year 2001 alone has exceeded Rs. 80 billion ... a total of Rs. 500 billion has

been spent on the war during the past 19 years". The Prime Minister said "The majority of the people's wish is to work towards a solution through the devolution of power democratically, ensuring the territorial integrity of the country and preserving the rights of all sections of the people. We have received a mandate to achieve this at the last elections. International opinion compels us in this direction. This compulsion is not only limited to the Government of Sri Lanka but is also equally compelling on the LTTE."

"This opinion has intensified since the September 11th attack on New York. The LTTE is under pressure to give up terrorism and the armed struggle for a political solution as a result. We are at a most decisive moment today. **This is the last chance we would have in the resolution of Sri Lanka's North-East problem. We shall make**



Samurdhi Minister S.B. Dissanayake receives his letter of appointment from President Kumaratunga

maximum use of this opportunity and march forward. If not international opinion would weigh heavily against us". (Our Emphasis)

Prior to the December 5 Elections, in his annual "Heroes Day" speech on November 27 (the day after his birthday) LTTE leader Prabhakaran declared : " A Parliamentary General Election is taking place in Sri Lanka at this critical historic turning point. Since we advance our political struggle as an extra-parliamentary liberation organisation, we do not attach any significance to parliamentary elections. Yet the LTTE has become the central theme in the current election campaign in Tamil Eelam and in the Sinhala South...."

"The Tamil people want to maintain their national identity and to live in their own lands, in their historically given homeland with peace and dignity. They want to determine their own political and economic life; they want it to be their own. These are the basic political aspirations of the Tamil people. It is neither separatism nor terrorism. These demands do not constitute a threat to the Sinhala people....The Tamil people favour a political solution that would enable them to live in their own lands with the right to rule themselves. That is what the Tamils mean when they emphasise that a political solution should be based on the right to self-determination.

"Our Organisation is prepared to negotiate with the Sri Lankan Government on a political framework that would satisfy the basic political aspirations of the Tamil people. But for us to participate in political negotiations freely as equal parties, as the authentic political force with the status of legitimate representatives of our people, the ban imposed on the movement should be lifted...."

"....In a devious strategy to alienate and marginalise our liberation organisation from our people and to destroy us, the Government of Chandrika Kumaratunga proscribed us as a terrorist organisation. Following this decision, Chandrika's Government, particularly the Foreign Minister Mr Kadirgamar, launched a sustained propaganda campaign in the international arena portraying the LTTE and the Tamil freedom struggle as a diabolical phenomenon of terrorism. As a consequence the United States, Britain and most recently Canada has included our liberation movement in their lists of terrorist organisations.Furthermore, these countries have continued to insist that the LTTE and the Sri Lankan Government should engage in peace talks to resolve the ethnic conflict. This stand clearly entails the fact that these countries do recognise the Liberation Tigers as the political representative of the Tamil people, If so why did the governments brand us a terrorist organisation? We cannot

understand the logic as to how such action could facilitate the peaceful resolution of the ethnic conflict. We hold the position that unless the Sri Lankan Government lifts the ban on our organisation and accepts us as the authentic, legitimate, representatives of the Tamil people we will not participate in the peace negotiations. We are firmly committed to this position. We have already stated our position to the Norwegian Government. There is a possibility of peace in the island of Sri Lanka only when the LTTE is de-proscribed.

" Under these circumstances, proscribing the LTTE by the Western Governments giving into diplomatic pressures from Sri Lanka will not pave the way for the peaceful negotiated settlement of the conflict. Rather, it will further reinforce the collective demand of our people to lift the ban on the LTTE for the resumption of peace talks."

In a speech made in London also a few days before the General Election here, LTTE spokesman Anton Balasingham expressed the LTTE's determination to take Jaffna. In the event of a UNP government, they would try to talk their way into Jaffna he said, and if not smash their way in! (See article by Dr. Rajan Hoole under 'Comments' inside titled "Amnesia and Misdirected Peace Activism"). This is surely a clear indication that nothing really had changed for the LTTE even if Prabhakaran had to be more diplomatic and even make tactical changes or adjustments in moving towards his cherished goal of Tamil Eelam owing to changes in the international scene.

Tiger Activities

We have in our past issues covered the on-going LTTE preparations for war while talking peace with the Norwegian negotiators, drawing on valuable information provided by Iqbal Athas in his excellent "Situation Report" that appears in the *Sunday Times* and also from reports of the University Teachers for Human Rights – Jaffna (UTHR-J) who are meticulous in their reporting. Athas' reports have included the unloading and smuggling into the country of several shiploads of military hardware from vessels off Mullativu. Detailed proof of this came to light with the interrogation of 6 Tiger guerillas who were rescued from the high seas after a 4 hour confrontation between the Naval craft and Sea Tiger boats escorting military cargo unloaded from ships to smaller boats on the high seas off Mulativu. Iqbal Athas in this report has rightly raised questions about the billions of rupees poured into by the Government to enhance the Navy's deep sea capability intended to prevent such Tiger smuggling operations and the commissions that may have influenced such purchases. But whatever the reasons for the Navy's inability to deal with this Sea Tiger activity, smuggling of

weapons by them has continued unabated. (See **Christian Worker** 1st and 2nd Qrs 2001). Tiger activities on land especially in the Eastern Province have also been touched on by us drawing on reports from the UTHR-J especially of forced child conscriptions, abductions, extortions and the like (See last issue of **Christian Worker** 3rd Qr 2001 issued early December).

Even if the LTTE and its agent and virtual creature the TNA was supportive of the UNP during the elections, Tiger armed activity did not cease, for after the elections, when those in Colombo were busy with the swearing in of the UNP/UNF government, LTTE cadres launched surprise attacks on two main security posts in the Eastern Province killing at least 13 people with 25 being wounded on both sides on 11 December night. The first incident was in Pahala Thoppur, south of Mutur in the Trincomalee district when an attempt was made to overrun the army detachment which was repulsed and 3 soldiers were killed and 12 were wounded. Tiger transmissions had confirmed that 6 rebels were killed and more than 10 injured. The next incident was in the Batticaloa district where the Valaichenai police station came under Tiger attack. Following this attack on vital equipment, all communication connections to and from Valaichenai area were disrupted causing inconvenience to citizens who were mainly Muslims. Reports confirmed that 3 policemen were killed and 6 others badly injured following the attack, 3 women constables being among the casualties.

However, the UNP government responded swiftly to the LTTE's unilateral declaration of a ceasefire from the midnight of December 24, 2001. Government's unilateral cessation of hostilities, was for the same one month period ending January 24, 2002 with the professed hope that the cessation of hostilities could be extended.

The Government was also quick in removing barriers and checkpoints and roads in Colombo and its suburbs became free to flowing traffic. There was however a general air of caution and fear among many who felt this as an open door to the LTTE to bring in its armed cadres and suicide squads into the city to be in place if and when the proposed peace talks happen to break down – in a replay of earlier situations! The Government also moved faster than expected in removing restrictions placed on the transport of essential goods to LTTE controlled areas. Restrictions placed on the movement of people between government and LTTE controlled areas in the North-East have also been relaxed substantially.

The Island of 31 January this year carried a report from Batticaloa titled "Tamil residents flee to save their children" "Tigers rounding up youth in NE for forcible conscription":

"Villagers are fleeing to Batticaloa Town consequent to the rounding up of youth for forcible conscription by the LTTE. These refugees had to walk long distances through elephant infested jungle to escape their children being taken by force to join them, according to residents of Batticaloa.

"On Jan. 19-two armed LTTE men were seen in Batticaloa Town at the motor cycle garage of Ivor at Thaandavanveli. Police personnel contacted them and received orders from higher ups to take out the ammunition from the loaded weapons and to charge them for being in possession of arms. Sources said that further orders from higher ups came to take them up to the Chengaladi bridge and send them off.

"In the heart of the town the LTTE are entering houses and frightening some inmates and extorting money, sources said...

"LTTE cadres boldly walk into schools and address the A. L. students and demand that they join them. When asked by some students, about the ceasefire and peace they laugh sarcastically and tell them, that talks of peace are mere yarns and eventually they have to win their rights by fighting. The two LTTE men who had been at Ivors Motor Cycle Garage have been identified as Subramaniam Premachandran and Suresh Kumar. It is reported that on January 17 these two men visited the Kallar School on a recruitment drive and parents who had been tipped about this ran to the school and took away their children. Hearing that the STF had also been informed and were coming, the two men fled by Pattirippu bridge. Parents have now stopped their children from attending school.

"The LTTE cadres have told the people in Batticaloa that they will be opening offices in town and will be in charge of all administration.

"The situation is worse than it was after the IPKF went and the people here were left to the mercies of the LTTE.

"Those who co-operated with the Government loyally are being pinpointed to be their victims.

"When the parents who fled with their children left their villages, and when parents asked the principals of schools for the school leaving certificates, the principals of the schools had said that the LTTE had instructed them not to release the certificates and asked parents to bring letters of permission from the LTTE.

"Some of the houses of parents who fled from their villages have been taken over and sealed by the LTTE and where some of the refugees had requested some relatives to cultivate their fields they have been chased out and prevented from doing so.

"People affected are in fright and fear to complain to anyone for such in the fear of the LTTE.

"The Army and the Police here are aware of the harassment by the LTTE of the innocent rural Tamil people. In fact when complaints were made to them they frankly told the people who made complaints 'We can only advise you, to sell all your property and run away from the East.'

"The Forces are powerless, for from top it has been dinned into them 'Avoid all confrontation.'" (Our emphasis)

Reactivating the Peace Process

On 22 December Premier Ranil Wickremesinghe officially requested the Government of Norway to recommence its facilitator's role with regard to bringing about negotiations with the LTTE. This was done in a telephone conversation with the Norwegian Prime Minister, a press communiqué from the Premier's office stated. The resuscitated peace process with Norwegian facilitation appeared to be gathering momentum at a pace that none had anticipated. A draft Memorandum of Understanding (MoU) to be entered into between the Government and the LTTE was being got ready after discussions. Prime Minister Wickremesinghe made India the venue of his first official visit abroad as Prime Minister. It was a high profile visit when he met Indian leaders and sought India's active support in the peace process.

Although the Government was keen to ensure that the security forces and police did not resort to any action that would jeopardise the peace process, the fact that it wants to keep them in a state of preparedness is a matter that the LTTE cannot take exception to. They have themselves taken up the position that their current recruitment drive, re-training (even in the North-Eastern high seas!) were part of routine preparations. In late January this year, 5 Tiger cadres surrendered to the Army's 56 Division in the Vanni. They gave graphic details of that included the construction of concrete bunkers. Now free to visit army controlled areas, the Tigers were reported to be extorting money from shop owners and businessmen. They are on mass recruitment drives targeting youth and children. Shop keepers in Tiger controlled areas have been told to fully stock up all forms of goods and there have been even reports of financial

assistance being offered. No action to prevent all this on the part of the Army has been reported. To make matters worse, the Kandy police raid on the Safe House run by the Military Intelligence at Athurugiriya had led to low army morale. Here were Long Range Reconnaissance Patrols or "deep penetration" Units—highly secret groups involved in action in Tiger areas exposed cruelly to the public gaze. Few knew until then such groups existed or that the reported attacks on some leading LTTE cadres in the past year in LTTE held areas, was their work, though suspected as such by the Tigers but denied by the Army who put the killings on the LTTE's own internecine battles. Most of us too put such exploits as beyond the capability of our forces! This whole episode looked more like a politically directed "bungling" by the police with UNF politicians ready to leak the story to the media! These heroes of the armed forces were however ignored the Army Commander in the changed political climate. Not only did he fail to secure the release of his men or ensure they were not subjected to humiliating treatment by the police; he did not think they even worth a visit while in custody! Instead he declared that the army should consider ways to absorb the Tigers into the Security Forces once the peace efforts succeeded. (And this at a UNICEF sponsored workshop on " Training Sri Lankan Security Forces in protection of captured child combatants in military custody"!) It was Defence Minister Marapone who won the acclaim here of not only men in the security forces but also those of President Chandrika Kumaratunga and even of her former Deputy Defence Minister for the way in which he prevented a serious crisis over this "Athurugiriya Affair". As Iqbal Athas commented in his *Sunday Times* column, "Now that the LTTE has clearly demonstrated that it is preparing for war whilst talking peace, it would be better for Lt Gen Balagalle to follow suit instead of worrying about the future of Tiger cadres." (*Sunday Times* February 03) After all it was he who was said to have pledged on taking over the Army command to defeat the LTTE in 2 years and end the separatist war. However the 'Long Rangers' involved were reported to have filed a Fundamental Rights petition before the Supreme Court over the shoddy treatment they were subjected to.

Since responding to the LTTE's offer of a cessation of hostilities and repeating it again the next month, the security forces and police have not embarked on any common programme to ensure military prepara-



Army Commander Lt. Gen. Lionel Balagalle

tions and readiness for combat according to Iqbal Athas in *The Sunday Times* of 17 February. "Hardly a day passes without the news releases making references to LTTE activity particularly in the East, where there are no distinct lines of control between areas dominated by the security forces/police and the guerillas."

In the same issue of *Sunday Times* Athas notes that on Friday 15 February night when Vice Admiral Sandagiri was hosting a cocktail party at the Officers' Mess in the Trincomalee Dockyard, around 7.30pm two Naval craft on patrol in the high seas off Mulativu had observed 4 Sea Tiger boats moving in the direction of Chlali where the Sea



Navy Commander
Vice Admiral Daya Sandagiri

Tigers are known to have a major base. As the Naval Craft got activated, 8 other Sea Tiger boats had put to sea from Cdhalai. The 8 boats had displayed 'battle lights' – Navy language for signals which meant they were heading for a confrontation. Men on the Naval craft fearing they were outnumbered did not engage. This was the fourth occasion the Tigers have carried out mid-sea transfer of unidentified supplies of military hardware since the cessation of hostilities on Christmas eve last year. Athas also adds: "It is significant that the greatest focus of LTTE activity has been in the Eastern Province. The strategic importance of the East to a concept of Eelam is all important. Without the East, Eelam is not viable".

Then on the very eve of the signing of the awaited cessation of Hostilities agreement between the Government and the LTTE, there was a major Navy-LTTE battle off Mullativu on February 21, resulting in 4 Naval personnel including a junior officer being killed. Once again a large quantity of armament were being brought in by the LTTE boats. Making a statement in Parliament **Defence Minister Tilak Marapone said the LTTE attack craft were better equipped than the Navy fighter craft, the Sea Tigers having 30mm guns in their craft as against 23mm guns used by the Navy!** One needs once more to ask what has happened with the billions of rupees poured in by the Government to equip our Navy for their tasks? A lot of question need to be asked in regard to our defence expenditure as we have mentioned in our past issues.

Prime Minister Wickremesinghe was reported to be meeting with President Kumaratunga on Friday 21 night to brief her on the proposed Memorandum of Understanding between the Government and the LTTE in regard to the ceasefire.

The Situation in the North-East

However before we discuss the MoU it seems important that we truly understand what has been going on in the North-East with all these reports of Tiger activity. There can be no better report – an exhaustive one at that – than the University Teachers for Human Rights – Jaffna (UTHR J) Information Bulletin No. 28 released on February 01, 2001 and titled "**In the Name of 'Peace': Terror Strikes the North-East**" We reproduce below extensive excerpts from this Report since it will be useful to our readers and for purposes of record even if it has been serialised in *The Island* newspaper in early February. It looks at recent developments in the

North-East in the context of December's Parliamentary election that brought the UNP to power, resulting in the present peace context.

1. The LTTE's decisive victory

While killings by the LTTE are at present finely targetted to kill or paralyse any person or group showing signs of independence and instill fear, it has found newer ways of consolidating and expanding gains made through terror. A phenomenon that has gathered momentum in recent times is the move by the LTTE to bring all Tamil political parties, NGOs, journalists and even independent Christian churches under umbrella organisations amenable to its control.

In doing this, the LTTE has cornered many who are inherently opposed to their politics into paying lip service to their totalitarian claims. At the level of political parties this resulted in the formation of the Tamil National Alliance (TNA) that includes the TULF. While for example the TNA holds the LTTE to be the sole representatives of the Tamil people, key TULF leaders have been observed squirming and muttering objections whenever this claim about sole representatives was made in their presence. The LTTE has thus been able to project itself in the political arena using the TULF's considerable traditional base while avoiding a direct electoral contest.

The taming of the TULF is an object lesson in the LTTE's methods of terror. Its terror has a dimension beyond being simply vindictive and irrational. One cannot play safe with the LTTE. The TULF MPs killed by the LTTE thought themselves to be playing safe. They all but acknowledged its totalitarian claims, never criticised it publicly and remained obligingly silent when their own colleagues were picked off by LTTE killers, one by one. People are thus driven to be cautious to the point of not risking doing anything that may be taken amiss by the LTTE. It is a degree of terror that a State cannot match.

The control the LTTE has achieved is far from being confined to the Tamil community. In the discourse about the LTTE in this country, hardly ever is the moral dimension raised. For the Sinhalese chauvinist camp who had in the 1980s and early 1990s lent complicity to State terror in dealing with the Tamils, it is not a moral issue, but a matter of failed State terror and seemingly successful LTTE terror. Thus when forced to deal with the LTTE, an essentially hard-line party as the UNP could advocate appeasement as a pragmatic measure, without the rights and wrongs of its past violence against the Tamils coming into it. Of course, for many, there is nothing novel in this, since they perceive the same mindset among the elite everywhere. In this approach, there is also a strong tendency to disregard several inconvenient aspects that have an impact on the crisis, by trivialising them.

More decisive in our situation are the attitudes of the liberal camp, the peace lobby, church and civil society groups in Colombo. Along with their Tamil colleagues, they have largely ceased to question crimes by the LTTE, particularly against its own people. In the belief that they should do nothing to rock the peace boat, they are propelling it towards another disaster. They carry on as though it is the LTTE's right to indulge at pleasure in political killings, conscription and recruitment of children. This is reflected in the huge silences and distortions in their statements made as peace and election monitoring groups. By purposefully ignoring the fascist controls that are shot through the whole fabric of Tamil society, they find no difficulty in detecting near hundred percent Tamil support for the LTTE as their sole representatives and sole arbiter in any peace process. Any active opposition to the LTTE within Tamil society that continues at heavy cost is regarded by them a nuisance, rather than an essential pre-requisite for a return to sanity.

There is an even greater danger that is being lost sight of. The readiness of an influential segment of society in Colombo to overlook violations by the LTTE, is a sign that they feel no moral indignation towards killing in general. This moral torpor in turn leads to widespread confusion about the nature of the LTTE, giving it opportunity to influence national life at several critical levels. Its influence in the elections just concluded is likely to have been far higher than one would allow. It is well known that the expectation of being taken off the LTTE's hit list, and in turn being able to campaign freely, decided the alignments of many politicians in the North-East. The extent to which such considerations influenced Muslim, Sinhalese and Hill Country politicians remains an open question. If we comply with the logic of fascist control in the North-East, it will have grave implications for the South too. Such attitudes and their consequences will set the scene for a return of State terror with a vengeance, backed by an upsurge of chauvinist sentiment.

First, we look at the recent developments in the North East in the wake of the elections, and the subsequent peace process.

2. Political killings and the attack on dissent

With a cease-fire in force and expectations of peace talks, the LTTE, as expected, has started its campaign of eliminating dormant and purely individual dissent. Owing to the ban on it imposed by several countries, the campaign is at present low key,

so as not to attract too much attention.....

3. The true disposition of the Tamil voter

Claims widely touted on the basis of the election results that the Tamil voter has endorsed the LTTE and its claims can be seen to be highly defective. These will be taken up later. Even where people have voted for the TNA, their general preference has been towards the TULF old guard whom the LTTE is in the process of obliterating. Thus a vote for the TNA is not a vote for the LTTE. Of course in Kiran, where LTTE depredations concerning child conscription have been phenomenal, many people voted for TNA candidate Kumaraguru as a Kiran man. But this is a far cry from endorsing the fate of their children.

On the basis of the vote count, only 46% of the Tamil voters in the Batticaloa District (allowing for those who could not vote) have voted for the TNA. The corresponding figure for Jaffna is about 34%. Taking into account organised impersonation for which the TNA had a free hand, the figures will drop significantly. In Jaffna, this would drop to about 25%. In general, a high proportion of the Tamil voters did not vote at all.

This contrasts with the lively interest in voting by the Muslims of Batticaloa District. Their 60,000 or so votes were almost evenly split between three parties, once more exposing the canard that the Muslims are united and conspiratorial. This also points to the cause of Tamil apathy. There are no issues discussed at elections, no freedom to air alternatives. People hear the same wild speeches, the same slogans and nothing changes. There is no hope, only continual tragedy all the way. This is the legacy of fascism.

The LTTE machine however knows better than anyone else does that the recently concluded general elections did not endorse the LTTE as the sole representatives of the Tamils. The success of the TNA was also limited. LTTE agents are now publicly floating the slogan that there should only be one political party among the Tamils. Intimidatory articles to this effect are appearing in the Tamil Press. It is being stated openly at public meetings in the East by TNA MPs (e.g. Vellimalai) and candidates. In Jaffna, it is being pushed by LTTE agents at the University.

With all the shortcomings of the elections in the North-East and the choice before the people being deliberately curtailed, the TNA has inevitably received a mandate. Irrespective of the LTTE's manoeuvres against particular individuals, or in their favour, there is no doubt that several of the elected MPs from the TULF, and Gajendrakumar Ponnambalam, enjoyed considerable popular sentiment from nostalgic associations. Moreover, the TULF's traditional base was crucial to this mandate. It is a mandate for peace and certainly not one for another round of war, as the LTTE may choose to interpret it in the coming months.

With the announcement of local council elections for March, the machine has gone into action. According to local sources, about 4th January, a group led by a leading personality from the Tamil Net and including Prasanna (TELO candidate)

and a local journalist who writes for the *Virakesari*, visited the EPRLF (V) office in Valaichenai. The latter were told by the visitors that they should either contest elections under the TNA or stand down. They were told in effect that good people like them should not do unwanted things. It was also made clear that no other party would be allowed to contest. There have been a number of reports of civilian supporters of the EPRLF (V), who allegedly worked for it during elections, being harassed, assaulted and sometimes detained for several days by the LTTE. Such incidents have taken place in Chenkalady, Valaichenai and Mankerni.

For the LTTE, however, there are material ends at stake in suppressing dissent and imposing a regime of systematic violations. This is to do with military objectives that can be achieved only at utterly inhuman cost to a ruined and wasted community. Nowhere is this more evident than in the conscription of very young children.

4. Forced conscription of child soldiers: the ultimate tragedy

There is mounting incidence of reports from the East that read like something out of the notorious African slave trade. On the morning of 20th January some distraught parents rushed into Batticaloa from Vavunativu with reports of an LTTE round up to press gang children. The LTTE, these reports said, had appeared around the villages of Kannankudha, Karaikantivu and Thandiyady in the Vavunativu DS Division. A number of children were reported hiding in the undergrowth along the lagoon shore. The LTTE, it is said, subsequently left, taking a number of children along. Earlier, similar reports had come from Pattipalai, Vellavelly and Vaharai.

Such events would seem less a fantasy if one faces the fact that since August 2001, during the election campaign and afterwards, the LTTE has gone on insisting that each family should contribute a child for its army (see our Bulletins 26 & 27). The stridency and degree of force have intensified after the cease-fire. In fact around 20th November 2001, the LTTE took about 35 children from the Petthalai area. Six days later, the parents went to Theelivattai across the lagoon from Santhiveli to talk to the LTTE. They were scolded and sent back.

More ironically, the demand that parents must give children to the LTTE has been aired by some TNA candidates during the election campaign. Among them were Vellimalai and Sathyananthan (see below). When the Army closed the entry point from Vaharai at Mankerni at 10.00 AM on election day, Sathyananthan made a public statement to those at the polling station. Referring to the Government's utter disregard for the democratic rights of the Tamil people, he told them that they now have no choice, but for each family to give a child to the LTTE and join its struggle.

The event also has a revealing sequel. After the elections, as part of its general campaign, the LTTE wanted Sathyananthan's son in his mid-teens, born to his wife in Kathiraveli, Vaharai. According to local sources, Sathyananthan took his son and went to stay with his second wife in Welikanda.

In the Kiran area the pressure on child recruitment intensified after the elections leading to families moving out of the area. The houses of those who left were broken into by the LTTE, looted and sometimes burnt. About 10th December 2001, the LTTE broke into the houses of the following in Kiran and removed the tiles, for their having quitted without giving a child:

1. Manoharathas, Teacher,
2. Thillainathan, Overseer,
3. Pooranasingam, GM, Kiran Co-op, and
4. Paskaran, Headman (GS)

North of the Batticaloa District being a poor area, the days after the elections saw about 150 young adults joining the LTTE. This was the time there was a rising expectation that the new government would hand over the administration of the North-East to the LTTE, which meant jobs. It seemed that pressure on child recruitment might ease up. This expectation was short-lived. The Government and the LTTE agreed to a cease-fire on 24th December 2001, but for the people there was little to celebrate.

The LTTE moved into towns to freeload from Muslim shops and to extort from Tamils and Muslim civilians alike. In areas along the main road from Valaichenai to Kallar where the LTTE's movements were hitherto inhibited, the LTTE came in and started demanding children and money to set up offices. When the children were extremely young, the LTTE often demanded a written declaration from the parents that they would give the first child that comes of age – reportedly 12 years. We note that many of the conscripts are in this age group. Those with no children had to pay money. When the people complained to the Army and STF, they were told that the new government would take offence if they tried to stop the LTTE's activities. The best they could do was to offer the people the security of their camps.

By early January, some new MPs of the TNA and other failed candidates went about the district addressing meetings, often in school halls. The new stridency of the speeches could only give people the jitters. Vellimalai, MP, insisted that parents who do not give a child to the LTTE are traitors. The struggle for Tamil Eelam, he said, has reached a peak and no one can stand in its way. "We will first try to talk to the UNP government and obtain Eelam," he said, "failing which 'we' will 'hammer and smash' our way to victory". Some witnesses have testified to references about using strong-arm methods in Parliament, if necessary.

In the meantime schools in the rural areas were grinding to a halt as the LTTE's threats and demands on children became more vocal. Families were quitting to Batticaloa Town and Colombo or were keeping their children at home. The LTTE let it be known (e.g. Periya Kallar) that if the parents do not hand over a child by 24th January when the cease-fire was due to end, they would forcibly remove a child and pull out.

In Kiran East, from after the elections, to date, at least 40 houses of people who quit the area have been burnt by the LTTE. Further names of some householders are: Kovinthan, Manoharan, Kanthasamy, Perinpam, Subramaniam, Jeevarathinam and Sinnathurai.

The following persons were forcibly removed from their homes in Kiran East, their ages are given in brackets:

1. Miss. Thevaranjini Selvarajah (28)
2. Miss. Kala Kanthasamy (14)
3. Miss. Dharshini Sundaram (12)
4. Miss. Sutha Kanagaratnam (13)
5. Mas. Kanthan Sinnavan (13)
6. Mas. Kanthasamy Suthaharan (14)
7. Mas. Kanthasamy Kanapathipillai (15) of Kinnaiady

A particular reason for the LTTE to be angry with E. Kiran is that it is the home of its senior commander, Karuna. They are annoyed that the people of the village have not set an example by showing eagerness in giving their children to the LTTE.

Another matter of deep concern is just beginning to be talked about. A large number of the LTTE's child deserters are in hiding, some of whom have made it to the mainland. The others are in the wild close to the villages, with their kith and kin secretly taking food to the innocent fugitives in their own land. Sources in the village of Pandariaveli spoke of about 16 deserters in the area. The following were abducted by the LTTE for military service from Munaikkadu, but succeeded in escaping:

- 1) Mas. Pakiarajah Mithileswaran(16),
- 2) Mas. Subramanian (16) and
- 3) Mr.Kanagasabai Raguvaran (18).

The LTTE detained their parents as hostages and released them some days later in late January, apparently after recovering their children. On 23rd January, about 40 children in uniform were brought to Kokkadichcholai by the LTTE. The parents were allowed to talk to them and give them sweetmeats bought from the local shop.

Child abduction in the environs of Mutur

A similar pattern of child conscription has been in evidence around Mutur in the Trincomalee District. Both in Batticaloa and Trincomalee Districts the LTTE has been putting up its own checkpoints close to those of the security forces. Those going into LTTE controlled villages around Mutur are now required to surrender their identity card to the LTTE, bringing about a high level of surveillance that sits ill with high expectations of peace. The stark reality is of a draconian, militarised regime.

Here too the last few months have seen a high level of child conscription, but more by waylaying them on the streets. The control here is so strong that principals and teachers have been dragooned into giving pep talks to the children urging them to join the LTTE. **The following cases, mainly from Senaiyoor and Sambur, during November and December 2001, illustrate the situation in the area. Dozens of children around 13 years old carrying guns can be readily seen in the villages.**

More recently, particularly after the cease-fire, nearly everyone has been forced to undergo military training. They have been told that they should be prepared to go to war anytime that they are ordered. The strictness with which this is enforced

is illustrated in the case of Ramu (19) of Sambur, who had done his A. Levels. He has been forced to undergo training despite having an artificial leg. None of this was however allowed to disturb the rosy prospects for peace painted in the media.

5. A world of fantasy

The media have flocked to the Vanni to take in the rare photo opportunities into the exotic and mysterious, now being laid out by the LTTE. Talking about reciprocity and equality, Tamil Chelvam, the smiling LTTE spokesman, has called for a lifting of restrictions and normalising of life so that the Tamils and Sinhalese can live as equals, and for a lifting of the ban on the LTTE. Here the fantasy begins.

Today, the Tamils in the North-East are being subject to the abduction of their children, political violence and both the Tamils and Muslims to systematic extortion and kidnapping for ransom. These gross inequalities and injustices are being imposed by self-styled liberators with the complicity of the Sri Lankan government. **While the Sri Lankan forces are removing check points and allowing the LTTE to move into areas under their control, the LTTE is imposing new barriers to monitor its own people....**

Confronted with events of this kind under their very noses, the typical answer of the security forces is, 'Prime Minister Ranil Wickremesinghe must decide'! The LTTE's interference in the most routine civil liberties becomes more bizarre all the time. For some months now the LTTE has been applying pressure on registrars of marriages in the East. This is because parents tend to register children very young in an attempt to obviate conscription. Tamil mothers in their early teens are common in parts like Mutur.

In Batticaloa at present, registrars are so scared that they try to pass the buck when approached to register any marriage. On 26th January, a remarkable story spread by word of mouth in the Chenkalady area. A wedding was said to have been taking place in Ward 5 (probably Eravur) with photographers clicking away. The festive occasion, it was said, was rudely interrupted when the LTTE came in and abducted the couple. We did not get at the details, but the report is consonant with the prevailing atmosphere. We also reliably learn that leading schools in Batticaloa (e.g. Shivananda, St.Michael's, Anaipanthy, Central and St. Vincent's) have been told by the LTTE not to accept pupils from the area under their control as boarders!

The cease-fire and the prospect of an interim administration in the LTTE's hands not withstanding, the LTTE is acting as though it is in a hurry to mine the East. It is now setting up a parallel Kachcheri at Arasaditivu in the Pattipalai DS Division. Senior administrators have been called and ordered to send copies of all transactions to them. All projects must have their approval.

People in rural areas north of Batticaloa have seen the LTTE transporting to the coast in the night, items such as cooking vessels, generators, motors and Mortein in large quantities, to be transported by sea to Vaharai. **On 22nd January, a Caravan van belonging to Unico Marketing Ltd. of Kurunegala, bringing Rs 2.5 lakhs worth of electrical items for sale in Batticaloa, was hijacked in Eravur by two members of the LTTE. At**

the time of writing, neither the vehicle, goods, nor the three Sinhalese occupants (Jayasinghe the driver, Dharmasena and Taraka), have been traced.

All kinds of demands are being orchestrated by the LTTE as though they are the first priority of the Tamil people. What can be more convincing than when these are aired by candidates and MPs of the apparently hugely successful TNA and leading social figures. At the recent 'Tamil Inspirational Festival' at the University of Jaffna, poor Vice Chancellor Balasundarampillai, who two years ago, with VC Batticaloa, signed an appeal by academics for the re-election of Chandrika Kumaratunge, called for the removal of army camps to restore normalcy. Making similar demands in Batticaloa, A. Selvendran, TNA candidate and head of the NGO consortium, called for a repeal of the PTA. The list goes on.

These are perfectly legitimate demands. But they do not touch issues related to the prevailing total abnormality and terror of the LTTE. If the LTTE were a genuine liberation group that protected the rights of the people, these demands would have more resonance with the interests of the people. Dismantling draconian laws should be an integral part of the peace process. We in our reports have argued that the PTA is an objectionable law that has long been used arbitrarily, especially against Tamils of humble origin, but has proved itself costly and ineffective. But today, no Tamil intellectual or writer in Sri Lanka is harassed by the PTA or any other law for articulating pro-LTTE views. They are even free to use the media as an instrument of LTTE terror.

While the LTTE lobby demands the removal of the PTA, the pertinent issue today is the imposition on the Tamil people by their sole representatives of something far more insidious. Although unwritten, this may be compared with Hitler's famous Enabling Law, *Law for Removing the Distress of People and Reich*, of 1933. This was used by the Nazis to legitimise the removal and extermination of opponents, who were already reeling from systematic thuggery, and to impose a totalitarian State.

Thus for the LTTE, the peace process, holding out for them the prospect of uninhibited power, has meant dusting up its old intelligence files. This entails making a list of people whom the Great Lord has suffered to live too long, and for whom the time has now come. The cases of A. and two others given above are clear instances of this happening. We have also received testimony of the LTTE making inquiries in Vavuniya about dissidents living in Colombo, in anticipation of the UNP government giving them a free run in the City as Premadasa did.

The LTTE, as revealed by its actions, has not deviated one whit from its agenda. Instead, we are witness to a brand of *newspeak!* It has absolutely no intention of restoring normalcy for the people. When it calls upon the Government to relieve first the day-to-day needs of the people, what it means is the day-to-day needs of the LTTE. The LTTE hailed the Government's decision to allow a free flow of most goods into the Vanni. But almost at the same time, prices of goods in Jaffna shot up by 15% and more, imposing new hardships on the people. This happened after the LTTE reorganised taxes on shipping agents in Colombo moving goods to Jaffna and distributed monopolies among them. It has become taboo to talk about it. Hardly an MP or newspaper will raise the matter.

A public demonstration against the arbitrary price hike was organised in Jaffna on the initiative of the PLOTE, with the EPRLF (V) and the New Democratic Front joining in. Maheswaran, MP and minister, who was earlier a partner in, and later in opposition a vocal critic of, high prices of goods in Jaffna, had the Police arrest, and hold for some hours, several leaders of the protest!

The LTTE will make sure that even the relief enjoyed by people in the Vanni will be short-lived. Indeed even as the Government removed restrictions on goods, the LTTE put in more senior persons and notably tightened up the issue of passes to people leaving the Vanni. Maintaining war psychosis and a sense of frustration is necessary for the LTTE, lest the people start thinking deeply about peace and start questioning the regime imposed on them. For instance, the LTTE quickly put a stop to any expectations of normality in the East.

This was spelt out in a speech in North Batticaloa on 19.1.02 by Thangavadivel, MP, a bachelor. He spoke about '*Veerat (Brave) Thamilan*' and '*Adangatth (Unconquered) Thamilan*', expressions that were music to the ears from TULF platforms 25 years ago, and now a sordid memory. He said that they would fight if the Government does not accede to their demands. He added that there will be no jobs or rehabilitation, until the LTTE is given its due place. Of course, there is little said about the Tamils having their due place, they are being given a taste of it! So much for the day-to-day needs of the Tamil people!

Against the irony of the Government's eagerness to speed up rehabilitation work in the North-East, there is a steadily mounting refugee problem, which seems, amidst the euphoria, too unseemly to talk about. There is a growing influx into Colombo both of families fleeing child conscription and also of those who feel anxious on account of their personal political views. This time, the Western embassies can rest assured that a large number of refugee claimants are genuine. We also learn that should well wishers open a refugee camp in Colombo, it would fill up in no time with a large numbers from the East. People are agonised by being unable and afraid even to talk about their suffering - 'Who will listen to us, who will do something to help us?'

We now examine the recent parliamentary elections, which illustrate how the LTTE can and does use the lack of moral scruples among local and international civil society to its advantage. In the process the perception of reality is violently distorted.

6. The LTTE's Strategy

It is well known that during 2001 the LTTE was facing a tremendous shortage in its fighting cadre. Militarily, the situation was stalemated. However, the Southern polity lacked the ability to make a decisive political gesture that would have broken the back of the problem. There was a lack of governance on the part of the PA government that was preoccupied with the question of survival in Parliament. The UNP then in opposition was obsessed with capturing power in the short term at any cost. Its approach to the ethnic question did not aim at a solution, but rather at turning Tamil votes in its favour and in keeping the LTTE quiet for a while to stabilise the Southern economy, and hence its hold on power. The LTTE planned out its strategy accordingly.

The present international climate entailed that it had to show itself amenable to a political solution. It also precluded a sensational use of terror. While it had cornered itself into going for a separate State at any cost, faced with declining population resources it could not prolong the war indefinitely. Events indicate that it was working towards a decisive engagement that would place the Sri Lankan government in a highly compromised position.

Some time after the Sri Lankan Army took Jaffna in 1996, the LTTE's uncompromising hostility towards other groups and political parties began to change. With amenable individuals the process had begun even earlier. The ACTC leader Kumar Ponnambalam, earlier a sworn enemy of the LTTE, started making overtures to the LTTE in 1994 to work out a mutually profitable arrangement. The TELO in Vavuniya, even while working with the Army in Vavuniya and torturing LTTE suspects, reached a commercially lucrative arrangement with the LTTE to aid the smuggling of banned items to the LTTE-controlled area. LTTE gunmen began to be seen in TELO offices in Vavuniya, in 1997.

The LTTE soon saw the advantage of using its erstwhile sworn enemies to articulate itself politically. Another sworn enemy, Suresh Premachandran, took away a faction of the EPRLF and made a deal with the LTTE in 1999, as did TELO leader Adaikkalanathan (Selvam). Thus, without placing itself before the electorate, the LTTE could back the others and demand its price. For the others, from a position of hardly being able to campaign at elections, they could now enter parliament with the full force of the LTTE's terror aiding their campaign.

However, the only party having a traditional base in Tamil society was the TULF. Although the party faced a low period in exile in the 1980s, in the absence of a solid alternative, people have tended to come back to it. On the LTTE's part, it undertook a campaign of selective assassination of persons from other parties and groups who showed signs of honour and independence. In the second round of killings of TULF leaders beginning in 1997, Neelan Tiruchelvam was the fifth to be assassinated. Months later, by 2000, the TULF had almost buckled down. The process was completed by the assassination of the popular Batticaloa MP, Nimalan Soundaranayagam in November 2000.

The final nail, as it were, was driven into the coffin when a divided TULF was dragged into the Tamil National Alliance (TNA) in time for the December 2001 elections. The other parties in the TNA were the ACTC, EPRLF (Suresh) and TELO. The LTTE's aim was to use the TULF's base, downsize the TULF old guard, and in their place put in members of the other three groups along with its own nominees. To this end the TULF old guard had been severely enfeebled by assassination and those who took their place were often weak figures lacking the proverbial charisma of the old guard. To the LTTE, the result was a perfect tool.

The idea of the TNA was floated when Parliament was dissolved by the President and the holding of elections in December 2001 was announced. By this time the LTTE had established a number of front organisations and had secured almost complete control over the Tamil media in both Colombo and the North-East. An

important role here was also played by the group in Batticaloa, known as the *Oodaham* or *Media*. Prominent in this group are the editor of *Tamil Net*, the *Virakesarai* columnist who tried to say that parents around Batticaloa were voluntarily giving the children to the LTTE, and a leading figure in Batticaloa's NGO Consortium and the local newspaper, *Thinakkathir*. Their names featured prominently in bullying and cajoling the TULF and ACTC into the TNA.

The three mentioned were once leading 'traitors' in the LTTE's book. The first was a key member of the PLOTE. The second was Public Relations Officer in the North-East Provincial Council that was provided security by the Indian Army. The third was a Central Committee member of the EPRLF. This is an example of the LTTE's new approach. Such persons were bound to show even greater zeal in crushing dissent against the LTTE.

Batticaloa: Preparing the field

The LTTE had the final say in the TNA's electoral list for Batticaloa. Although the TNA was contesting under the TULF's name and symbol, of the eight, the two from the TULF proper were relatively weak candidates. Vellimalai came in as an ACTC candidate. Thangavadivel, a retired professional, from Araipattai and Inthirakumar (Prasanna), a TELO man, were nominated by TELO. Navaratnam, the earlier local council president from Araipattai and TELO strongman, closely associated with the security forces, had been killed by the LTTE in 2000. That was when the TELO leadership was moving close to the LTTE!

The remaining three on the list were direct nominees of the LTTE. One was Sathyanathan. The story of another, Kumaraguru, is again illustrative of the LTTE's new use for 'traitors'. Kumaraguru from Kiran was during the 2000 elections, and until very recently, UNP organiser for the area. He had started life as a painter in the Valaichenai paper mills, and thanks to the patronage of K.W. Devanayagam, former UNP minister and MP for the area, finished as assistant superintendent. He was also an uncle of Karuna, senior LTTE leader. The other LTTE nominee was Selvendran, president of the NGO Consortium.

Perhaps because of its disparate membership and LTTE backing, the TNA had a certain appeal. But the extent of that appeal, as we shall see, is highly exaggerated. The Federal Party had long complained that the Tamils were losing out because of their divisions and the Tamils welcomed the formation of the TULF in the mid-1970s. The TNA was welcomed in Amparai and Trincomalee, where the Tamils were a minority with their representation threatened. The TNA also on the surface exuded a sense of the Tamils forgetting old enmities and coming together. Moreover, the Tamils wanted peace desperately, which wish the LTTE had repeatedly frustrated. The TNA would also have struck some as a means of coaxing the LTTE along and making it negotiate. Perhaps it was a means by which a large number of children conscripted by the LTTE could be brought home?

7. Elections in the Batticaloa District: An air of unreality

Following the December 5th 2001 general elections, the claim has been widely made, particularly by the NGO and peace lobby in Colombo, that the Tamil voter has endorsed the

LTTE by returning 15 TNA (TULF) candidates as MPs among a total of 18 Tamil MPs from the North-East. We take a closer look at Batticaloa District, the heart of Tamil nationalism in the East.

Conscription by the LTTE, especially of children, was a burning issue in the rural parts of the District, especially the LTTE-controlled area, from August 2001. Those familiar with the area spoke of considerable hostility towards the TULF for being silent over child conscription. Even foreigners and locals who were in Batticaloa to monitor the elections found people voicing their discontent with the LTTE over conscription quite openly.

There was also a remarkable event in Paduvankarai (in the LTTE controlled area) barely 8 days before the elections. As usual Great Heroes Day was observed by the LTTE in Talawai on 27th November. The crowd was unusually large, numbering 30 to 40 thousand. Not expecting such a crowd, the LTTE found that there was a glaring shortage of refreshments. Moreover, they found the crowd boisterous. The attendance on this occasion had been swollen by families and relatives of children forcibly conscripted by the LTTE since August. They had flocked there in the hope of catching a glimpse of their children. However, very few of the children were seen. Having hung about for half a day with little or no food, the crowd went away, openly angry and disappointed.

The widespread anger and disgruntlement over child conscription, makes interpreting the election results an endorsement of the LTTE, highly fanciful. What's more, the sense of unreality was further heightened by the rhetoric of some TNA candidates on the TULF list, Krishnapillai (better known as Vellimalai) and Sathyanathan among them. They openly advocated that each family must give a child for the LTTE's struggle.

Vellimalai's story is instructive on how people get trapped in their own rhetoric and hypocrisy and are forced to live out a lie. Vellimalai from Palugamam was a State-employed bus driver, whose children had generally done well in their studies. He was an ACTC candidate in the elections of 2000 where his party fared worse than the PLOTE and failed to win a seat. Both Vellimalai and the ACTC had rhetorically identified with the LTTE.

Vellimalai's daughter got married to a tax collector from the LTTE's finance section. His taking this son-in-law to Colombo and helping him to go to the West reportedly earned the displeasure of the LTTE. When the LTTE's Karikalan called a meeting in Palugamam last August and demanded that those present set an example by each giving a child, Vellimalai felt obliged to accede. At this time Vellimalai took poison under disputed circumstances and was hospitalised. One version is that Vellimalai could not bear the LTTE taking his son, who was in his mid-teens. The one more widely believed is that while Vellimalai relented, his wife strongly objected and moved with her children into the Army-controlled area.

8. The result in Batticaloa

We pointed out that while capitalising on the TULF symbol and sentimental appeal, the TULF component had been dwarfed in the TNA. Some of the TULF's stronger candidates were disallowed by the LTTE. For example, M. Vimalaswarwan, an ear-

lier TULF candidate in the Batticaloa list, had evinced a much stronger following than Vellimalai in the same caste and community base around Palugamam. He had failed to get elected because this communal vote had been divided between the TULF, ACTC and the PA's Ganeshamoorthy. This time the LTTE knocked down Vimalaswarwan in favour of the highly obliging Vellimalai. Under these constraints, and with no outstanding personalities, the preference votes in the TULF list were somewhat evenly divided on the basis of narrower and local associations such as caste, clan and area (e.g. Palugamam, Araipattai, Kiran etc.). The range in which each candidate scored was from 15,000 to 25,000.

The three candidates elected were the TELO nominee, Thangavadivel from Araipattai, Vellimalai and TULF's Joseph Pararajasingham. Although all candidates ritually spouted LTTE rhetoric, **none of the direct LTTE nominees was elected.** Even if one grants that about 21,000 Tamils, who wished to vote, were prevented from voting, the total of 86,284 votes obtained by the TNA was a great disappointment, given 282,079 registered voters in the District, of whom 78% are Tamil and the balance Muslim. Of the 5 MPs elected, two are Muslim (one PA & one SLMC).

In fact what the TNA obtained in 2001 is about the sum of what the TULF (54,448), ACTC (6968) & TELO (3909) obtained in October 2000 along with a part of the votes that went to the PLOTE (9030) & PA (16,510) in the same election. Had the wish of the PLOTE, which had done better than the ACTC, to join the TNA been granted, it would have obtained a seat in Batticaloa. The TNA did little to stir the enthusiasm of the Tamil voter who previously stayed at home, to go and vote.

To hide their disappointment, the pro-LTTE lobby dragged a red herring claiming that the Security Forces had prevented 70,000 Tamil voters from casting their vote. The NGO lobby in Colombo too has highlighted this claim, at the expense of ignoring the whole history of intimidation and murder that cruelly debased the electoral process (e.g. Executive Director, PAFFREL, *Daily News* 13.1.02). We will now examine this claim.

9. The controversy over voters from the LTTE-controlled area

Five voting centres were set up in the Batticaloa District for voters from the LTTE controlled area to cross checkpoints into the government controlled area and cast their vote. These were mainly CC5 in Mankerni in the Kalkudah electorate for those from Vaharai, CC12 at Valayiravu near Batticaloa and CC19 and CC20 in the Pandiruppu electorate for voters from Paduvankarai. However the entry point to CC5 was closed at 10.00 AM after being opened duly at 7.00 AM. The entry point to CC12 remained closed. These two were under the Army. CC20 in Kurukkal Madam under the STF was closed about 1.30 PM, after CC19 in Pandiruppu was closed a little earlier. Elsewhere in the Vanni (17, 000 registered), those from the LTTE-controlled area were not allowed in, but in Mutur, in the Trincomalee District, the Army allowed the voters in.

It was later reported in *the Sunday Times* defence column, that the closures stemmed from two intelligence reports filed by the IGP, one from the Special Branch and the other from the Direc-

torate of Internal Intelligence. These were reportedly to the effect that the LTTE would infiltrate along with the voters and attack the security forces. We checked with a retired senior official, who in turn was informed that the SB filed no such report. They also discounted a report of that nature by the DII. The Army Commander in turn cited reports submitted by the IGP, supplementing Army Intelligence reports, and his lacking the men to provide adequate security (*Island*, 4.1.02). The matter is yet to be cleared up.

If one is looking for a political conspiracy, quite apart from the PA, SLMC or UNP, it is not at all certain if the TNA and LTTE themselves were keen that the people from the LTTE controlled area should vote after the orgy of child conscription. Election monitors who came from outside were repeatedly told by LTTE sympathisers, who were effectively dominant among local monitors, that 70 thousand voters from the LTTE-controlled area were longing to come and vote, but only if bus services are adequate. Some of the monitors from outside became suspicious over the repeated emphasis. The Army too would have heard such talk.

During an inspection of the polling centre at Mankerni, the monitors were briefed by LTTE sympathisers about their anxiety over EPRLF (V) pressurising voters coming from Vaharai. This too was strange, since the party concerned maintained a small presence in Valaichenai, having no capacity to intimidate anyone.

On Election Day itself, monitors at Mankerni rushed to the army colonel's office and asked for an explanation for the closure. He first said that if the voters were coming on their own, that was fine, but if the LTTE was bussing them, there was a problem. He added that an order had come at mid-night to close the entry point. This did not square with his closing it at 10.00 AM.

Technically, and morally, it was the Government's duty to ensure that every adult citizen had the facility to vote. In Trincomalee, advance measures had reportedly been taken by TULF's Sampanthan to talk to the Army and ensure that voters from the LTTE-controlled area would not be hindered. Given that there was an abnormal situation, no one appears to have taken similar measures in Batticaloa to provide reassurance to the Army who may have entertained some real fears.

However, there is good reason to believe that complaints by LTTE sympathisers in this regard are not entirely sincere. In CC3, CC4 and CC5 in the environs of Valaichenai, the TNA obtained only a total of 5678 votes against 4259 by EPRLF (V), a small left party, terrorised and intimidated, having been able to put up only a weak campaign. The only reason for this party's fair showing in this locality was that the people were aware of some other party with a human touch to vote for. This is a very poor area that had suffered much from the LTTE's depredations of forced recruitment. It was also the area of Nimalan Soundaranayagam MP, who was killed by the LTTE. As suggested above, the LTTE machine had been concerned about the voting in such areas, and the result confirmed their fears.

We will now work out the number of Tamils who wished to vote, but were denied the opportunity. Looking at polling stations where the voters were almost exclusively Tamil and where polling was normal, the proportion who voted is about 70%.

At Mankerni, we find that about 4,000 Muslim votes were polled (SLMC about 3600, UNP & PA together 960). The total registered at Mankerni is 17,400, and the total polled about 8000. This means that about 13000 Tamil voters are registered at Mankerni, of whom 4000 voted. Given a 70% poll among Tamils, this means that about 5000 Tamils who would have voted at Mankerni, were not allowed to cast their vote. The other places where polling was disturbed are easier to deal with, because the Muslim population is negligible. The corresponding figures of those intending to vote, but not permitted, in the remainder, are: Paddiruppu (CC20): 3500, Ambalanthurai (Kurukkalmadam) (CC19): 2000, and Valayiravu (CC12): 8000. We allow 3000 for Chenkalady, which too was closed for persons from the LTTE-controlled area, but cannot be readily identified in the returns.

This makes a total of about 21,000 who intended voting and were not allowed. It represents 30,000 (i.e. 21 000 x 10/7) registered Tamil voters. These figures are probably on the high side, since many from the LTTE controlled area have been steadily leaving. Taking the Tamil voters to be 78% of the registered voters, i.e. 220,000, we find, after allowing for those prevented from participating that: about 70% of Tamil voters, voted; the TNA polled 46% of the registered Tamil vote and 63% of Tamil votes polled.

This is far from being a grand mandate for the LTTE. In Jaffna, where Tamil voters had no anxiety over Tamil representation going into the hands of other ethnic groups, we see a dominant picture of voter apathy.

10. Vote rigging in Jaffna

The estimated adult population in Jaffna is about 300,000 whereas over 600,000 polling cards are distributed, since a large number of deceased and non-resident persons have not been struck off the lists. Hence the ability to win elections has also involved being able to collect excess cards in an organised manner and have them cast by mobile serial impersonators. Until the last elections, the EPDP had been the main beneficiary of this excess. However this time the TNA and the UNP were contesting the elections with the LTTE's backing, having a formidable organisation behind them to downsize the EPDP.

The EPDP drew attention to itself and played into their hands by obtaining a Supreme Court ruling that voters are not obliged to show their identity cards. The EPDP's brutal attack on TNA campaigners at Velanai on 28.11.01 resulting in two deaths, also turned large numbers of voters away from the EPDP. The failure of the Tamil parties who rejected the LTTE's extremism to form a common front, and offer the people a clear alternative, too, cost them dearly in both Jaffna and Batticaloa.

The LTTE's strategy was to promote the UNP as a counter to the EPDP among business interests, and on the other hand to promote amenable individuals in the TNA using the base of a decimated TULF – the 'arch traitors'. Over the years the LTTE had killed seven members of the TULF old guard in Jaffna. Once more, redeemed 'traitors' were on the march.

The UNP in Jaffna was led by ('Kerosene') Maheswaran, who, during the earlier UNP regime, had made a fortune using his connections to smuggle essential items into the LTTE-controlled Vanni. Catering to the same vein of politics as the LTTE, *Uthayan*, the widely read Jaffna daily, supported both the TNA and Maheswaran. *Uthayan*, with the mainline Tamil media, orchestrated the line popularised by the peace lobby that President Kumaratunga was obstructing peace. Against this background, the Roman Catholic Bishop of Jaffna called upon the people to vote for peace!

The commercial family behind *Uthayan* was clearly looking to Maheswaran for a revival of their fortunes. When Maheswaran was not appointed minister for Northern Rehabilitation after the elections, *Uthayan* ran an acrimonious lead item (12.12.01) blaming the TULF and TELO. Sabra Unico Finance that was associated with the *Uthayan* group collapsed in 1993 with mostly pensioners in Jaffna losing Rs. 60 million. One member of the family left the country with Rs. 46 million and has not since been heard of.

The election results tell a story of their own. The total number of votes recorded as polled was 197,279. Of the 186,598 valid votes the TNA (TULF) obtained 102,324 (54.8%), EPDP 57,208 (30.65%) and UNP 16,245 (8.7%), winning respectively 6,2 and 1 seats. Senior TULF members Anandasangari and Mavai Senathirajah topped the list with more than 33,000 preference votes each. Next came ACTC's Gajendrakumar Ponnambalam (29,641) and Vinayagamorthy (19,472), followed by Raviraj of the TULF (19,263) and Sivajilingam of TELO (17,859).

Both the successful ACTC candidates had very little contact with Jaffna previously. During the 2000 elections when 132,733 votes were polled, the ACTC obtained 10,648 (8.94%), less than the UNP's 11,431. Then TELO, of which Sivajilingam was a candidate, obtained less than 2400 votes. Also remarkably, prominent public figures in Jaffna on the TULF (TNA) list, for the recent elections, such as C.V.K. Sivagnanam (15,513 votes) and C. Sivamaharajah (11,296) failed to get elected. The last person on the TULF list obtained 5869 votes.

Even more remarkably, Suresh Premachandran, with hardly a popular base in Jaffna, beat Sivamaharajah with 13,302 preference votes. His party, EPRLF (S) obtained less than 2000 votes at the previous elections of 2000. Another indication is the postal vote that is fairly representative. Suresh came one before last, with 141, as against Sivamaharajah's 246 and Anandasangari leading with 561. Sivamaharajah was an old TULF man who became popular and well known for making the Tellipalai Multi-Purpose Co-operative Society a model of success. This leads us to the LTTE's manipulations.

Suresh Premachandran, earlier EPRLF Secretary General, held the sinecure of Advisor to the Ministry of Fisheries under the PA government until about late 1999. When questions were raised in his party about the undemocratic nature of its leadership and the misuse of huge funds, he took a breakaway faction of the party (EPRLF (S)) and moved close to the UNP and LTTE. He reversed his rhetoric appropriately. Another indication of the new game was the arrest by the Army of two suspected LTTE infiltrators in Jaffna with EPRLF identity cards. In his new role, through such connections, Suresh became close to the LTTE-controlled student body at the University.

According to student sources in the University of Jaffna, a group of students led by N. from Mullaitivu met Suresh at Millenium Restaurant about a day before the elections. N. gave Suresh about 4000 polling cards and discussed the assignment of students to cast these. On instructions from the LTTE, other groups of students were, according to these sources, similarly assigned to cast votes also for Sivajilingam and Ponnambalam. Moreover, it is known that a group of medical students was assigned to Maheswaran. These sources also said that university students organised about 20,000 impersonations on Election Day and this is only a fraction of the total impersonations for the TNA and UNP.

On Election Day itself, attention was drawn to impersonations by often unruly EPDP agents. But these were mainly confined to Jaffna Town and the Islands. Elsewhere, the EPDP was on the defensive. Maheswaran was widely seen with his security detachment, bullying, abusing and threatening supporters of parties opposed to the LTTE, including women. The extent of impersonation by the TNA came to light in the coming days, but is now widely accepted. Estimates range from 30% of the TNA's votes to figures significantly higher.

In early January, Prof. C. Sitrapalam, the newly elected Dean of Arts at the University of Jaffna, addressed the students. He urged the students to concentrate on their studies, so as to erase the black mark they have earned through being linked to ballot rigging. The Professor is an old TULF stalwart. Speaking at the 'Tamil Inspirational Festival' in mid-January, student leader Gajendran claimed that the students had proved to the world that the LTTE are the sole representatives of the Tamil people!

11. Beating the carcass of democracy

From the evidence presented above, we may say that the hard-pressed Tamil people are in fact looking for alternatives to the present reality of utter hopelessness. The example of EPRLF (V) around Valaichenai is important in this respect. Electorally, it is an insignificant left party. Its leader, Varadaraja Perumal, who once headed the North-East Provincial Council was, in 1990, forced to seek refuge in India by developments that followed the UNP-LTTE rapprochement. The party was haunted by its associations during that period of bitter and intense political violence. After Perumal's return, with the maturity gained, he and his party have been articulating saner options for the Tamil people. Running against the tide, the party is anti-chauvinist and stands essentially for a federal solution within a united Sri Lanka.

However, its local impact in Valaichenai was only based on its ability to show a human face. It only participated in the local council and did some voluntary service (*shramadana*). As a problem for the LTTE, it was a mere drop in the ocean, hardly worth bothering about. But like any fascist group, the LTTE is habitually nervous about small things.

The LTTE's first attack on the TULF old guard began in the late 1980s. In 1989, the same year it killed Amirthalingam and Yogeswaran, it killed Sambandarmorthy, a senior and tough TULF candidate in Batticaloa during the elections held on 15th February 1989, after calling him for talks. It is reported that

Sambandamoorthy had assaulted his killers before being killed on 7th March 1989. The LTTE instinctively targetted anyone who could organise resistance. It was in October 2000 that the LTTE first tried to project itself politically through inserting its supporters on TULF and ACTC lists. It also eliminated Cheliyan Perinpanayagam, a writer and effective mayor of Batticaloa with good accountability, who became a strong candidate for the PA.

The result of the 2000 elections was however a disappointment for the LTTE. Sathiyananthan, a principal and now acting director of education, from Vaharai, was the LTTE nominee on the TULF list. He came sixth on the TULF list with 5,924 preference votes as against 16,542 by the leading candidate Nimalan Soundaranayagam. Only Soundaranayagam and Pararajasingham were elected. Even the PA secured a seat with Ganeshamoorthy obtaining 9,132 preference votes. The ACTC which orchestrated a rhetorical pro-LTTE line obtained only a total of 6,968 votes as against the PA's 16,510.

One could see why the LTTE is wary of putting itself to the test at elections. Within a month of the results, a peeved LTTE killed Nimalan Soundaranayagam.

12. Making the Peace Process Work

What is most alarming today is the general silence about the harsh realities on the ground and a pretence that all is fine with the peace process. Peace and church groups have rushed in to praise the Government's professionalism in dealing with peace matters. Were not many so starry-eyed about peace, one might have been inclined to say that an important side of the process looks cynical rather than professional. After all, there is knowingly a refusal to face the fact that what is going on in the East is plunder in the name of peace.

Apart from other matters, there is most dreadfully a dereliction of the Government's duty to protect very young Tamil children from being criminally inducted into a life of brutality. Where a government cannot actually prevent it, it has a duty to raise it and pursue it in an appropriate manner. Indeed, when it is political survival that primarily motivates both the Government and the LTTE, it is the ignoble that tends to dominate. Further, many ministers in the present government have had previous experience in dealing with the LTTE under President Premadasa. They connived with the LTTE to the point of aiding it to capture and transport Tamil dissidents to torture camps in the North, chained to passenger vehicles. It was a dastardly piece of cynicism that cost the country and the security forces dearly.

In these circumstances, it falls to the other actors concerned in the peace process to safeguard children's rights and create normal conditions on the political front as well. A huge responsibility falls on Norway that has been called upon to play a facilitating role. We need to put mechanisms in place to monitor not only violations of the truce between the State and the LTTE, but also the use of terror and violations against the civilians by both sides. This is the time for the office of the Special Representative of the UN Secretary General for Children and Armed Conflict to play a crucial role in this regard.

It is, moreover, only right that the NGO community and other civil society groups should campaign for some concrete measures rather than issue ritual statements. The lists of names provided by us are not meant to become part of a database to study children in war, and to present papers in academic fora, but mainly to aid timely action to stop crimes against them. No one can today give shoddy reasons for the continuation of inhuman practices. A cease-fire is in place and many powerful interests are pushing for permanent peace. Is it a crime against peace, simply to demand that children in the North-East, and their parents too, be allowed a semblance of normality?

It is against all reason to believe that the unity of this country can be preserved through appeasement of the LTTE. Surrendering to it the arbitrary right to decide what is good for the Tamil people would again prove disastrous. The Government's present calculations may leave little room for it to take any real interest in the basic human rights of the Tamil people. Bringing these issues to the forefront, therefore, rests with civil society organisations that are concerned about Human Rights and Peace.

From the developments sketched out above, the LTTE's game plan is clear. Through its front organisations it has made a series of demands – remove the ban, the PTA, Sixth Amendment etc., remove army camps and so on. There will be more to come. It will try to lead the Government on, taking the demands one by one. Disputes on the way will be built up as pretexts for breaking off. It is notable that as the end of the ceasefire on 24th January approached, speeches from the TNA machine in the East became shriller. The LTTE too had made the 24th the deadline for parents to hand over their children, threatening outright abduction otherwise. This has the appearance of a dress rehearsal.

While putting on an air of moral superiority over the passive Government and making its demands, the LTTE has been brazenly plundering, particularly the East, to build up its military machine. This has been watched with trepidation, nowhere more keenly than from Jaffna. One observer put it aptly: *"We are seeing the making of two immense tragedies here. There is on the one hand, the crime against a host of poor children and their families in the East. But the LTTE's real target is here, in Jaffna, where the blood of these children will be shed. That would be the bigger tragedy, where thousands of poor soldiers and civilians will be slaughtered, and the place will be left a rank mess of rubble. If things go on as at present, there is nothing more to be said."*

The peace process can yield benignant results only if the facilitators and others in positions of influence take a clear position on certain basic values. They should insist on the LTTE making tangible concessions to guarantee the human rights of Tamil and Muslim civilians, to match every measure of relaxation on the government's part. The LTTE has no excuse to further obstruct the right of Muslim refugees to return to the North. The concerns of the Muslims in view of past massacres and present abductions are grave indeed. The subservient tone of the SLMC leader's appeal to the LTTE leader, is another sign of the unhealthy direction of events.

Unlike the earlier PA government, the UNP government has the advantage of the PA in opposition co-operating in measures to bring about a political settlement. This is the corner-

stone of permanent peace and should be the first item on the agenda. Without a clear strategy regarding the political solution, when the inevitable happens, the rest of the world will remain unconvinced about whether the Government was serious.

At this late hour at least, it is important for civil society groups to come out of their torpor and face the disturbing realities. Peace cannot be achieved through complicity in sacrificing Tamil dissent, and ultimately the whole society on the LTTE's altar.

The NGO idea was originally to help the weak and the marginalised. However, where the Tamils are concerned, the confusion of the Southern NGOs stems partly from failing to take an honest account of their own society's recent violent turmoil. The undermining of the process of justice for atrocities during that period, meant that rhetoric aside, there was a passive acceptance of the principle 'Might is Right'. In time this led them to woo, or at least be comfortable with, front organisations of forces like the LTTE, and even develop a contempt for their hard-pressed opponents. Thus on the Tamil issue, for a number of groups and individuals, peace means being on the side of the oppressor, aiding the crushing of the weak and marginalised.

Forging a culture where human rights and democratic norms have their due place is not going to be served by legitimising totalitarian and fascist political formations. There can never be a united Sri Lanka with fascism in the North-East. A fascist order taking root in the North-East would result in an onrush of Sinhalese extremism and a demand for total militarisation of the South. The pollution in one part of the country must necessarily spread like a cancer. It may already have gone too far.

The MoU

It is in the above context therefore that we should study and consider the MoU signed between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam.

The agreement starts by spelling out its intent in the preamble: The overall objectives of the Government of the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as the GOSL) and the Liberation Tigers of Tamil Eelam (hereinafter referred to as the LTTE) is to find a negotiated solution to the ongoing ethnic conflict in Sri Lanka.



Prime Minister Ranil Wickremesinghe hands over government's assent to a truce document Feb 22 to Norway's ambassador to Sri Lanka, Jon Westborg at Vavuniya.

"The GOSL and the LTTE (hereinafter referred to as the parties) recognise the importance of bringing an end to the hostilities and improving the living conditions for all inhabitants affected by the conflict. Bringing an end to the hostilities is also seen by the Parties as a means of establishing a positive atmosphere in which further steps towards negotiations on a lasting solution can be taken.

"The parties further recognise that groups that are not directly party to the conflict are also suffering the consequences of it. This is particularly the case as regards the Muslim population. Therefore the provisions in this Agreement regarding the security of civilians and their property apply to all inhabitants.

"With reference to the above, the Parties have agreed to enter into a ceasefire, refrain from conduct that could undermine the good intention or violate the spirit of the Agreement and implement confidence building measures as indicated in the articles below...."

As regards military operations Article 1 of the Agreement stipulates inter alia:

"1:2 Neither party shall engage in any offensive military operation. This requires the total cessation of all military action and includes but is not limited to, such acts as

- a) The firing of direct and indirect weapons, armed raids, ambushes, assassinations, abductions, destruction of civilian or military property, sabotage, suicide missions and activities by deep penetration units;
- b) Aerial bombardment;
- c) Offensive naval operations;

"1.3 The Sri Lanka Armed Forces shall continue to perform their legitimate tasks of safeguarding the sovereignty and territorial integrity of Sri Lanka, without engaging in offensive operations against the LTTE."

The Agreement goes on to deal with the separation of forces according to the ground position of the parties and demarcation where necessary and provide information to and get the assistance of Sri Lanka Monitoring Mission (SLMM)

"1.7 The parties will not move ammunitions, explosives or military equipment into the area controlled by the other party.

"1.8 Tamil paramilitary groups shall be disarmed by the GOSL by D-Day -30 at the latest. The GOSL shall offer to integrate individuals in these units under the command and disciplinary structure of the GOSL Armed Forces for service away from the Northern and Eastern Provinces."

Freedom of movement in the Agreement is provided for and unarmed GOSL troops permitted unlimited passage between Jaffna and Vavuniya, the modalities to be worked out by the Parties with the assistance of the SLMM.

Individual combatants are to be similarly permitted to visit family and friends in areas under the control of the other party with certain limitations.

"1.13 Fifty (50) unarmed LTTE members shall as of D-Day + 30 for the purpose of political work, be permitted freedom of movement in the areas of the North and East dominated by the GOSL. Additional hundred unarmed LTTE members shall be permitted freedom of movement in the as of D-Day+60. As of D-Day +90, all unarmed LTTE members shall be permitted freedom of movement in the North and East. The LTTE members shall carry identity papers. The right of the GOSL to deny entry to specified military areas applies."

Article 2 sets out measures to restore normalcy

"2.1 The Parties shall in accordance with international law abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment."

Refraining from activities as propagating ideas of offensive to cultural or religious sensitivities is provided for as also the vacation of places of worship and holy sites currently held by the Parties. Also the vacation of school buildings occupied by either party.

"2.5 The Parties shall review the security measures and the set-up of check-points, particularly in densely populated cities and towns, in order to introduce systems that will prevent harassment of the civilian population..."

Agreement to ensure the unimpeded flow of non-military goods to and from the LTTE dominated areas with the exception of items shown in Annexe A and the GOSL shall regularly review the matter with the aim of gradually removing any remaining

restrictions on non-military goods. Check-points to facilitate this are to be established by the parties, as also keeping open the Trincomalee-Habarana and Kandy-Jaffna Roads to non-military traffic of goods and passages and also the facilitation of the extension of the rail service on the Batticaloa line to Welikanda. A gradual easing of the fishing restrictions is also provided for.

"2.12 The Parties agree that search operations and arrests under the Prevention of Terrorism Act shall not take place. Arrests shall be conducted under the due process of law in accordance with the Criminal Procedure Code."

"2.13 The Parties agree to provide family members of detainees access to the detainees within D-Day + 30."

Article 3 deals with the Sri Lanka Monitoring Mission

"Article 3 The Parties have agreed to set up an international monitory mission to inquire into any instances of violations of the terms and conditions of this agreement...."

"3.1 The name of the monitoring mission shall be the Sri Lanka Monitoring Mission (hereinafter referred to as the SLMM)

"3.2 Subject to acceptance by the Parties, the Royal Norwegian Government (hereinafter referred to as the RNG) shall appoint the Head of the SLMM (hereinafter referred to as the HoM) who shall be the final authority regarding interpretation to this Agreement.

"3.3 The SLMM shall liaise with the Parties and report to the RNG.

"3.4 The HoM shall decide the date for the commencement of the SLMM's operations.

"3.5 The SLMM shall be composed of representatives from Nordic countries.

"3.6 The SLMM shall establish a headquarters in such places as the HoM finds appropriate. An office shall be established in Colombo and in Vanni in order to liase with the GOSL and the LTTE respectively. The SLMM will monitor a presence in the districts of Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Amparai.

"3.7 A local monitoring Committee shall be established in Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Amparai. Each committee shall consist of five members, two appointed from the GOSL, two by the LTTE and one international monitor appointed by the HoM. The international monitor shall chair the committee. The GOSL and the LTTE appointees may be selected from among retired

judges, public servants, religious leaders and similar leasing citizens.”

- “3.8 The committees shall serve the SLMM in an advisory capacity and discuss issues relating to the implementation of the Agreement in their respective districts with a view to establishing a common understanding of such issues. In particular they will seek to resolve any dispute concerning the implementation of this Agreement at the highest possible level.”
- “4.1 Each party shall notify its consent to be bound by the Agreement through a letter to the Norwegian Minister of Foreign affairs signed by Prime Minister Ranil Wickremesinghe on behalf of the GOSL and by leader Velupillai Pirabakaran on behalf of the LTTE respectively...”
- “4.2 The Agreement shall enter into force on such date as is notified by the Norwegian Minister of Foreign Affairs.
- “4.3 The agreement may be amended and modified by mutual agreement of both parties. Such amendments shall be notified in writing to the RNG.
- “4.4 This Agreement shall remain in force until notice of termination is given by either party to the RNG. Such notice shall be given fourteen (14) days in advance of the effective date of termination.”

Responses and Reactions

While Sinhala Chauvinist elements have been quick to denounce the Ceasefire Agreement as an agreement of betrayal and surrender to the Tamil Tigers, Lanka Sama Samaja Party General Secretary Batty Weerakoon representative of the left within the PA promptly issued a statement saying that there was “no reason for any party to commence a campaign of panic or fear mongering. What the situation demands is bi-partisan discussion of government and opposition on issues that arise in the course of the implementation of the Agreement.”

Weerakoon stated: “It must be accepted that these provisions leave a good deal to interpretation as well as the good will and good faith of the parties. It raises constitutional questions in respect of the chain of command that relates to the armed forces which are principal factors in any peace process.” However, Weerakoon opined that Prime Minister Wickremesinghe could not be “dilly dallying in this” and had to act fast.”

“A Parliamentary opposition cannot ignore this fact and has the obligation to respond according to what has been placed before it, even though as an accomplished fact.”

“It is regrettable that the need to work for national consensus in a matter of this importance has not been given

due weightage. The LSSP is however of the considered view that these **matters of process and procedure should not be of supermost concern in a discussion of this agreement.** What is urgently necessary is adequate discussion and evaluation of the provisions contained in the Agreement and their implications on the government’s obligation to secure adequately the territorial integrity of Sri Lanka in all circumstances.”

The Communist Party of Sri Lanka’s General Secretary DEW Gunasekera took a similar positive approach to the Agreement saying “The CP has several reservations in regard to the provisions of the Agreement as well as in respect of the modalities and procedures to be followed in its implementation.”

“The Communist Party believes that had there been consensus between the two major political parties and in particular between the President and the Prime Minister with regard to the text of the Agreement, a more healthy atmosphere would have been created for the much needed bi-partisan momentum in the search for a political solution”. Gunasekera pointed out that the post independence history shows failure to find a solution or even to implement what is agreed upon had been due the absence of a bi-partisan approach and of a collective endeavour on the part of the two major political parties”.

“It is therefore all important that the two major political parties should not allow themselves to be dominated or influenced by subjective and petty considerations. The final solution to the ethnic question should be acceptable to all communities and safeguard the rights, interests and concerns of all”.

Parliamentary Committee to Assess Implementation

The LSSP General Secretary in a subsequent letter to Prime Minister Wickremesinghe, while acknowledging a copy of the Agreement on the Ceasefire sent by the latter, drew attention to the fears expressed in various quarters in regard to certain of its provisions that need to be addressed. There was a perception that in this situation, the LTTE strategy could well be to exploit the ceasefire to strengthen itself for the next round of military operations. Military supplies received by the LTTE at landing places in and around Mullativu by sea, could without difficulty be distributed throughout the extensive areas commanded from Mankulam and the Kilinocchii which under the agreement would be under the exclusive control of the LTTE. From these regions the Jaffna mainland, Vavuniya and the upper sections of the Eastern province are within easy reach. “The fears in regard to this possibility need to be allayed through a clarification of the pro-

vision in the agreement that seemingly prevents the armed forces and naval forces from engaging in offensive operations against the LTTE. The Agreement should be understood as allowing the naval forces freedom to engage in the prevention of illegal transportation of arms by sea. It must be treated as the responsibility of the Naval forces to do so and call on other forces too for assistance. Strict and regular surveillance of the sea by air and a strengthened fleet of Naval vessels for this purpose should be ensured. These are matters which need to be cleared with the Monitoring Authority at the outset itself. Also, the Armed Forces should be empowered to engage in offensive military operations against any attempt to move LTTE hardware to areas that are under the control of the Sri Lankan government. The need for such intervention must be left to the judgment and responsibility of the Army without hindrance from political authority.

"We note that the agreement has provided for the cessation of forced conscription, extortion, theft etc in which LTTE cadres have engaged themselves especially in the Eastern Province since the unilaterally declared cease-fires. But this by itself is no protection or solace to the people affected by these activities. There should be strong policing of these areas and the people should be given the confidence that they could fearlessly resist terrorist pressure through organisations like citizens' committees which they chose to set up. The freedom of the people in these areas should be ensured by the Monitoring Committees through their own independent supervision of the maintenance of law and order.

"The LSSP also sees the need for the setting up of a Parliamentary Select Committee chaired by the Leader of the Opposition to monitor the implementation of the Agreement. Such a Committee would be in the privileged position of being able to have access to information that is relevant to the tasks involved. A national commission representative of political parties with the right to decide on matters concerning the implementation, and to which representations can be made by those concerned can in our view play a healthy role in the process you have set going."

Government Agrees

The Government on March 3 agreed to the appointment of a Parliamentary Committee with a mandate to assess on a continuing basis the implementation of the Cessation of Hostilities Agreement between the Government and the LTTE.

Prime Minister Ranil Wickremesinghe in a communication to LSSP leader Batty Weerakoon said he was fully in agreement with Weerakoon's suggestion that a par-

liamentary committee assess the implementation of the ceasefire agreement and was willing to take early action to work out modalities regarding the appointment of the committee so that it could begin functioning as rapidly as possible.

"My suggestion is that the Committee should be nominated by political parties represented in Parliament and entrusted with a mandate to assess on a continuing basis the progress made in respect of the implementation of the Cessation of Hostilities Agreement. Leaders of Political parties should be free to nominate their representatives – members of Parliament as well as others."

The Prime Ministers office he said will function as the conduit through which information will be transmitted by the Sri Lanka Monitoring Mission to the Committee appointed by Parliament.

"I deeply appreciate your helpful observations on the peace initiative of the government. I find your suggestions both timely and practical. It is of crucial importance that all political parties should work together in the interest of a durable negotiated solution to the ethnic conflict at a time when a fresh window of opportunity has presented itself."

Wickremesinghe observed that he would be happy to arrange for the Sri Lanka Monitoring Mission the functions of which are defined in article III of the Cessation of Hostilities Agreement to keep a committee appointed by Parliament fully informed of the decisions they have made and action taken in the discharge their duties.

The LSSP leader replying to Prime Minister Wickremesinghe while explaining why a Select Committee and a National Committee was proposed by him, accepted the Premier's proposal to have a single body:

"We note that in your proposal you have combined the two bodies into one. Given the necessary facilities and support this could be a manageable starting point. The LSSP approves of it and sees its adequacy for present purposes.

"We take this opportunity to mention our recognition that there are certain positions in the Agreement which can be taken as the working principles of the body you propose to set up. Parties to the Agreement accept without reservation that it is the legitimate function of the Government of Sri Lanka to safeguard the country's sovereignty and territorial integrity. As to what is an "offensive operation" by the Armed Forces and the Navy (whether it affects the LTTE or not) and its necessity are in our view matters to be determined by the President who is the Commander-in-Chief of the Armed Forces. The

Monitoring Mission should of course be duly consulted. The Armed Forces and the Navy should know with precision and without ambiguity the chain of command and their respective functions in the event of such infringements as hardware being illegally moved across the sea or land. On matters regarding these functions it cannot be overlooked that the Constitution holds the President directly responsible to Parliament.

"The Agreement also binds the parties to the requirement that they 'abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment.'" The Monitoring Mission would need to ensure that this safeguard extends to the people living in the areas that have been recognized as presently falling within the LTTE's control. **The rights protected should extend to democratic, fundamental and human rights.**" (Our emphasis)

President Kumaratunga's Position

President Kumaratunga in a letter to the Prime Minister stated that while she was glad that a ceasefire agreement with the LTTE had been arrived at, "the manner in which the Head of State and Government was kept completely unaware of the contents of the Agreement until it was signed by one Party (ie. the LTTE Leader) to the Agreement was improper and unconstitutional. I expressed surprise that you should have adopted this procedure, especially in view of the fact that the process of negotiation with the LTTE was commenced by my first Government in 1994 and then again with facilitation from the Norwegian Government in 1999 and that you as Prime Minister of my third government were carrying forward the same process."

Earlier in the same letter the President had noted that the Prime Minister had informed her that he would be proceeding to Vavuniya on February 22 to sign the letter of consent to the Norwegian Foreign Minister since Article 4.1 of the Agreement required only the signature of himself and Mr. Pirabakaran of the LTTE. (What price 'co-habitation'?)



Prime Minister Ranil Wickremesinghe who went on a historic visit to Vavuniya on February 22 to sign assent to the ceasefire Agreement, meets residents at the Omanthai checkpoint.

The President's letter stated further: "Whenever you requested advice and assistance, I and Hori Kadirgamar gave it to you generously. The detailed document we prepared in February 2001 to ensure the free flow of goods" to the Vanni was handed to you at your request and you are presently using it almost in toto.

"I have invited you to Security Council Meetings so that you may be briefed about military concerns.

"The very late submission of the Agreement for my consideration and approval precluded what could have been a valuable opportunity for you and me to discuss the Agreement thoroughly and agree on the details of the text, thereby forging a consensus between the two major political parties in the country which I am sure you would agree is essential for the bi-partisan momentum that is required for the sustained implementation of an Agreement which is so important to the destiny of our people. I do not wish to say more on those matters at this time."

"...I believe that it is important to include in the Agreement, a date for the commencement of talks, so that it would be clear that the **ceasefire agreement is not an end in itself, that it is not an arrangement "that is intended to continue indefinitely without a political solution being reached.** I have taken note of the Statement in your press release from Vavuniya on 22nd February that "the ceasefire is a process designed to prepare the ground for the negotiations which will deal with the substantive issues".

"I cannot fail to stress the necessity for the talks on the substantive issues to commence and conclude as early as possible.

"A careful study of past experience of previous UNP governments and my first government of 1994, leads us to conclude that for effective results, the ceasefire agreement should have contained a commitment from the LTTE to come for negotiations. The Agreement which was almost finalised in 2001 between the PA Government and

the LTTE through Norwegian facilitation had an objective – that of persuading the LTTE to come for negotiations and to immediately commence talking on the substantive issues – which would resolve the Tamil peoples problems, while safeguarding the rights of the Sinhala, Muslim and other peoples of Sri Lanka. It was clearly understood and accepted by all concerned that the issue of a separate State was not on the agenda.

“Some of the Articles in the Agreement, which raise concerns that require clarification:

“1. Article 1.2 refers to a number of prohibited military operations, including “offensive Naval operations.” This Article read with Article 1.3 which permits the Sri Lankan Armed Forces to continue to perform their legitimate task of safeguarding the sovereignty and territorial integrity of Sri Lanka “without engaging in offensive operations against the LTTE”, could create the impression that the Navy is prohibited from engaging LTTE boats even if they are suspected of carrying arms. It might be argued that a naval interdiction in such circumstances would be a defensive, not an offensive operation. What then would in prohibited offensive naval operation be? It would have been very much better to have had an unambiguous provision on his point in the Agreement itself.

“I have noted that in your statement from Vavuniya you say ‘The Army, Navy and the Air Force will have the right to intercept the illegal movement of arms into Sri Lanka’. You would, of course, realise that this being a unilateral statement made outside the agreement does not in law bind the LTTE.

“It must be remembered that if a dispute arises on this question involving the interception of illegal arms movements which is vital to the security of Sri Lanka, it will be Head of the Monitoring Mission, a national of a foreign government, who will under 3.2 be “the final authority regarding interpretation of this Agreement”. That is not, as I point out later, as satisfactory situation for the country.

“Rules of engagement at sea should be drawn up and placed before the Security Council. Until these matters are fully discussed at the Security Council, our Naval authorities should be given clear instructions as to their pow-

ers and duties regarding the interdiction of illegal arms shipments.

“3. In the light of the verified evidence coming in from various LTTE controlled areas, especially in the East, relating to extortion, intimidation, abductions and harassment of civilians, much of it against the members of the Muslim community but also extending to the Tamil and Sinhalese communities in these areas, we must make sure that our people are protected by the strict application of article 2.1 which prohibits such acts.

“I have noticed that among the six districts Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Ampara in which the **Monitoring Mission will maintain a presence and local monitoring committees** will be established. **Kilinochchi and Mullativu which are LTTE control are not included.**

“Does this mean that if ‘hostile acts against the civilian population including such acts as torture, intimidation, abduction, extortion and harassment’ (Article 2.1) are committed in those two districts the Monitoring Mission and the Local Committees will not or cannot intervene to help our citizens who live in these areas?

“4. I cannot over emphasise my concerns for the **plight of children forcibly recruited** by the LTTE. This practice appears to be continuing. The evidence gathered by reputable national and international sources is disturbing and irrefutable. Sri Lanka has been in the forefront of the international campaign against the conscription of child combatants.



Child recruitment continues despite promises to the UN by

“5. I have also observed that the extensive freedom of movement for “political work” in Government controlled areas in the North and the East granted to the LTTE members under Article 1.13 will not be accorded to others (political parties, for instance) who might wish to do political work in LTTE controlled areas in the North and the East. In a democratic society that is an indefensible distinction, which should be reviewed.

“6. Article 1.13 further permits freedom of movement in the North and East to all unarmed LTE members after

D-Day+90. This could prove extremely dangerous. The LTTE could freely penetrate into the Government controlled areas of the North and East and effectively attack from within if they have plans of taking over the entire North and East as demonstrated in numerous occasions by the LTTE during the past few decades.

"Looking ahead, to the day when the Ceasefire Agreement is subsumed in a permanent peace based on a negotiated political solution to the problem that has so seriously damaged our society, I must emphasise my concern that **the final agreement will ensure the basic human rights of the people of the North and East including rights and freedom of association, movement, expression, political activity and voting, within a united multi-ethnic, democratic Sri Lanka.** It is very important, in my opinion, that our citizens who live in the North and East of the country, all of them, should enjoy the same rights and freedoms that are enjoyed by our citizens in the rest of the country. In conclusion, I would like to reiterate briefly what I have said on numerous occasions before and after my first election as President of the Republic and repeated after your appointment as Prime Minister of my third government, I stand firmly and unequivocally for a negotiated political solution of the ethnic problem from which the country has suffered for many decades."

History of the Peace Process

"I do not believe a solution can be found through war alone. Soon after I came to office in 1994, I commenced talks with the LTTE because I believed that without the full engagement of the LTTE in the process of dialogue that must necessarily precede a final solution, a durable peace will not be possible. On 8th January 1995, Mr. Pirabakaran and I, without the assistance of any facilitator affixed our signatures to a document entitled 'Declaration of Cessation of Hostilities' Most of the provisions of that document are reflected in the Agreement to which you and Mr. Pirabakaran have now given your consent by your respective letters to the Foreign Minister of Norway. Several rounds of talks were held between my representatives and the representatives of the LTTE. Questions relating to humanitarian and confidence building measures were implemented. There was a lengthy correspondence between Mr. Pirabakaran and myself. Although the Cessation of Hostilities was violated on 19th April 1995, by the LTTE when they bombed our naval ships in Trincomalee harbour, I continued with my efforts to promote peace by directing that a new Constitution be drafted to devolve power substantially and to guarantee all rights of the minorities, and that intensive all party consultations should take place in a Parliamentary Se-

lect Committee work in the select committee was terminated because the UNP was unwilling to discuss conclusively the substantive issues.

"We then engaged in intensive rounds of talks with all the six parties in Parliament and obtained the agreement of all but JVP/MP. The UNP delegation led by you held talks with the Government for five months and agreed to support the adoption of the Constitution in Parliament, but they pulled back from the promise when it was presented to Parliament in August 2000.

"Nevertheless, in the first quarter of 2001, work began again, this time with the assistance of the Norwegian Government as facilitator, on an agreement for implementing additional humanitarian measures for the Vanni region as a prelude to the commencement of substantive talks with the LTTE. That draft Agreement was far advanced.

"My commitment to peace remain firm and constant. I wholly approve of the concept of a mutually agreed ceasefire. On our side, as far as the Government of Sri Lanka is concerned, you and I must, in close consultation and cooperation with each other, make this ceasefire work. We must be ever vigilant against the consequences of failure, but we must strive to make it work. Equally, when the time comes – and it must come soon – to address the different core issues on the resolution of which a just and lasting peace will depend, we must work together in order to carry the mass of our people with us.

"I hope that you and your party will make an honest and sincere effort to assist me in my endeavours to make consensual government work effectively."

President Kumaratunga has however observed elsewhere in her letter that the powers and functions vested in the Norwegian Government go beyond the role of a facilitator and are now cast in the role of a mediator or arbitrator in resolving disputes between the parties to the extent of affecting the sovereign status of Sri Lanka.

The President also faults the Articles dealing with the drawing up of demarcation lines "being left to a foreign government as being inconsistent with the sovereignty of the people but when temporary lines of control on the ground are disputed it is surely unavoidable that the task should be entrusted to a neutral outsider. This should not be confused with the drawing up of any national boundaries! It may be noted that the provisions for LTTE persons to have freedom for political work in government controlled areas is in fact tantamount to a de-proscription of the LTTE in the North-East even if the official ban re-

mains. But the rights of these who want to do political work in LTTE dominated areas need to be ensured, especially since no other rival political groups tolerated in such areas.

The Sunday Times of March 10 noted that as rival Tamil groups or at least some of them began surrendering their weapons to the Government in terms of the Agreement, **the LTTE has already embarked on a programme to open political offices in areas under Government control.**

The press has reported that beginning with Vavuniya on March 1 cultural festivals too described as "Tamil Reawakening" were held in Trincomalee and Nuwara Eliya towns -all under government control, with photographs and cut-outs of LTTE Leader Prabakaran on display at these festivals. **The Sunday Times** of March 3 carried the following report of the first such celebration in Vavuniya on March 1:

Vavuniya town, the last town under the control of the security forces before entering LTTE held territory was being drawn into what is described as a cultural revival but there were signs of a Tiger vulture behind the culture.

The red and yellow flags and other decorations were part of a week long ceremony organised for what they described as a week of Tamil revivalism.

The emblem on the flag and badges distributed in Vavuniya contained the symbol of the Eelam flag and the colours usually used by the LTTE. The organisers did not want to be photographed, but also insisted they had no hidden agenda other than Tamil culture.

Residents in Vavuniya say they were forced to make cash contributions towards the event. Government servants were told to pay Rs. 300 each, three-wheel drivers Rs. 200 and business establishments, Rs. 10,000 each.

*Businessmen and government servants told **The Sunday Times** they found it difficult to pay the money but still did so because of fear.*



The Badge that students had to buy.

Some residents asked whether the event was a signal that the LTTE was gradually taking control of activities in Vavuniya as other Tamil groups operating there would be disarmed in line with the ceasefire agreement with the government.

*The cultural event's organisers including a former AGA told **The Sunday Times** their aim was to educate the young generation in the area about Tamil culture. "During the past 20 years the culture had been destroyed due to the war and our aim now is to educate school children," the ex-AGA said.*

Many of the school children were seen wearing badges which they had to buy at Rs. five each from the organisers.

Outlining the decadence the ex AGA said there were at least 100 video parlours in Vavuniya town alone and most of them were screening 'Blue Films' to which children were getting addicted." Videos with LTTE victories over the Sri Lankan Forces were now on sale at this cultural festival.



National Bhikku Front Leader Ven. Kahuwalgala Chadaloka Thera and Ven. Handagala Ratnapala, its secretary on March 6, handed over a letter to Deputy Norwegian Ambassador Oddva Laegoeld, expressing their protest to the Cease-fire Agreement between the government and LTTE. (Courtesy The Island)

Views similar to the above on the ceasefire agreement were heard in Parliament as also of those who were vociferously against the agreement, such as the JVP who denounced it as a betrayal and certain elements within the PA including SLFP's Anura Bandaranaike who said the Tigers were preparing for war. On the same day that a delegation of Bhikkhus marched two hundred strong to the Norwegian Embassy and submitted a protest letter calling on Norway

to withdraw from Sri Lanka's peace initiative, the Revd Baddegama Samitha MP made a speech in Parliament that hit the head lines in several newspapers.

The only member of the Sangha ever to enter Parliament the Ven. Samitha who represents the Galle District said all the Bhikkhus who backed President

Kumaratunga's peace initiatives in the past were firmly behind the peace efforts of the PM to achieve peace and ensure justice to all communities.

Daily News summarised Revd Samitha MP's speech in Parliament as follows:

Ven. Baddegama Samitha Thera, MP: As the only member of the Sangha to enter the august assembly in our Parliamentary history I am happy to speak at this point of time when our nation at the crossroads.

There were a lot of regrettable things which happened in the past that has now turned into a full fledged war. We have had a history of accords in this country but they all met with opposition resulting in the blood shed we are witnessing today. We saw what happened to the BC pact and the DC pact. But those who opposed these never offered an alternative. From Chelvanayagam to Amirthalingam we have traversed this path which has now ended with this MoU. We all have look at this question honestly and act with responsibility.

I urge all segments of our community to take maximum opportunity of this MoU .I don't see any danger in this document. This is only a step to halt the bloodletting and proceed for talks. There may be some snags in it which should be remedied. But I say again we should pursue with this that will take us on the road to peace. We should not behave in the way the UNP did when it opposed the peace package in September 2000.

We must remember that Norway came here at the President's invitation.

The UNP is merely taking forward the peace process. We should not bring sectarian politics into the affair. This is the ideal time to find a solution that would address the grievances of Tamils while also putting the country back on the road to economic recovery. What is the use of democracy if only one part of the country is enjoying it? Democracy should be enjoyed by all communities.

I say that to rouse the majority community at a time like this when the MoU has provided us with an alternative would only spell further bloodshed.

As a member of the Sangha it is my duty to promote peace.

We should not block this MoU. Don't blame Norway. We should

all get together to make the peace process a success. We must demonstrate our genuineness to all. The MoU could have drawbacks but we have time to remedy these. Who can argue that bloodshed is preferable to talks? The Revd. Samitha called on opponents of the Agreement to stop playing to the gallery and playing with the lives of people.

The Ceasefire Agreement had halted the bloodshed and created the environment for the peace process to move ahead, he said.

Recalling the peace mandate received by President Kumaratunga in 1994 the Ven. Samitha said that though the President went along with the peace effort respectably she could not complete the process.

Whether we like it or not the people have now given Mr. Ranil Wickremesinghe a mandate to complete the peace process. Therefore it was not proper to block the wishes of the people by placing obstacles to the peace process.

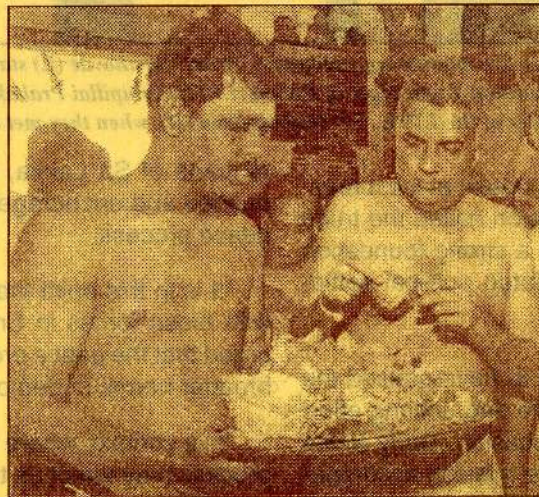
The Ven. Samitha urged his Parliamentary colleagues to consider the issue with seriousness and with a sense of responsibility.

He noted that the country could not continue spending 25% of its budget on the war, while neglecting economic development and the welfare of the people on whose behalf the money could be utilised if the war was ended.

The Ven.Samitha's speech was welcomed with loud applause from Government benches.

Three petitions have been filed before the Court of Appeal by Dr Piyasena Dissanayake Secretary of the Sinhala Jatika Sangamaya, the National Oganiser of the Sihala Urumaya and the Janata Vimukti Peramuna against the signing of the Ceasefire Agreement. These have included Writs of Certiorari seeking to quash the decision of the Prime Minister in signing the Agreement and Writs of Prohibition against the Prime Minister to prevent him from signing any similar agreements in the future.

On March 14 Prime Minister Ranil Wickremesinghe made a landmark visit to Jaffna and was greeted enthusiastically being the first Prime Minister to visit Jaffna in 20 years.



Prime Minister Ranil Wickremesinghe makes an offering of cash at the sacred Nallur Kandaswamy Kovil In Jaffna.

He participated also in a Pooja at the historic Nallur Temple, visited the Roman Catholic Bishop of Jaffna and Sri Naga Vihara. He spoke also to the platoons at the Palaly Air Base and appealed to them not to jeopardise the Cease-fire even by an accident lest this creates doubt in the minds of the LTTE who would otherwise have to toe the line given the international focus in the present peace effort.

While the cease-fire agreement has been welcomed enthusiastically by residents in the North and East who have been enabled to travel about freely and also ensured the smooth traffic of goods and persons to and from these areas to the rest of the Island, a minority have not ceased to raise fears about the possibilities of Tigers violating the agreement and resuming their attack under the flimsiest excuse as was experienced earlier. However the international climate against terrorism does not favour such accustomed Tiger tactics, with the LTTE being banned in India, USA and UK, cramping movement and fund collection. The presence of Foreign Monitors in the agreement is also an inhibiting factor. In fact the statement made by LTTE Leader Prabakaran in his meeting with the Monitoring Mission Chief the retired Norwegian Army General Trond Furuhoede in Kilinochchi on March 6th was, in this context at least reassuring. Mr. Prabakaran on this occasion hailed the truce as a historical achievement that laid a strong foundation for the peace process and a negotiated political settlement.

The LTTE leader is also reported to have praised the Norwegian facilitators for their sincere and untiring effort to bring peace to the Island on this occasion (*Daily News* 8th March) Two other members of the mission accompanied the Monitoring Chief and others were to come here to start their duties soon.

An International Appeal

However an excellent appeal at the international level to both the government and the LTTE to protect the space for dissent under the cease-fire agreement needs to be taken very seriously in the light of what we have drawn attention to in the North –East areas specially but also applicable to the situation elsewhere in view of Sinhala chauvinist pressures. It is so good as to merit being quoted in full:

Archbishop Desmond Tutu of South Africa, Lord Eric Avebury, Chair of the Parliamentary Human Rights Group of the House of Lords, United Kingdom and over 100 University Professors and other academics including prominent Sri Lankan expatriates have signed an appeal calling upon the Government and the LTTE to protect the space for dissent under the ceasefire agreement; while

hailing the Agreement as a historic opportunity for peace in Sri Lanka, they caution against turning a blind eye to human rights violations by the protagonists in the context in the euphoria regarding the peace process.

“We write to support the historic opportunity for peace in Sri Lanka. We welcome the courage of the political actors who have embarked on this road, and applaud the political will of the larger public in

all parts of Sri Lanka, who have in their different ways pushed and encouraged their leadership to invest in the peace process.

“It is in this spirit that we would like to join our voices with those forces in Sri Lankan civil society who have urged that the peace process be guided by, and aimed at, broader norms of democracy and human rights.

“In a context, where our euphoria regarding the peace process may tempt us to turn a blind eye to human rights violations, some protagonists in the conflict may exploit the ceasefire to attack dissidents and quell dissent. In fact,



Head of the ceasefire monitoring committee, Trond Furuhoede (L) stands with the leader of the Liberation Tamil Tiger of Ealam (LTTE) Velupillai Prabakaran (C) and political wing leader of the LTTE, S.P.Thamilselvan (R), when they met at Kilinochchi

in recent weeks some have used the fragility of the peace process to condemn human rights NGOs who have advocated closer scrutiny of on-going human rights violations by the major protagonists. We advance this appeal, to argue that a **fragile peace process is precisely the context where we have to be particularly vigilant in ensuring the space for dissent and broader civil society participation, in pressing for the democratic accountability of the major protagonists in the peace talks. This vigilance is critical**, particularly in the unfortunate event that the peace process disintegrates—we should ensure that the peace process does not end up defeating movement towards democratisation.

“It would be the most regrettable of ironies if the ultimate impact or the peace process were to be a disempowered civil society whose dissenting voices have been crushed in the name of peace. In contrast, if open dialogue accompanies the peace process, even if a formal agreement is not reached, the broader conversation may have moved forward to a new level of understanding. Movement toward peace is often an incremental process and in encouraging wider dialogue and debate, each step that is linked with the democratic process will also be a step forward towards the long-term goal of a sustainable peace. As we know, the Norwegian mediation will address the modalities of discussion between the negotiating teams of the Sri Lankan government and the LTTE. However, **we would like to urge that the peace process be recognized as extending beyond the negotiating table to the civic life of the populace.** Currently this has been interpreted primarily in terms of the easing of embargoes and the lifting of security checkpoints. These initiatives go a long way towards transformling the living conditions of ordinary citizens and should be encouraged and strengthened.

“Simultaneously however, we also see normalisation as a political process that should **move us towards the demilitarisation of political institutions, the democratisation of political culture and the furtherance of human rights norms. The legitimacy of the peace process depends not only on the cessation of hostilities, but also on broader questions of democratic accountability. Being open to a plurality of voices, including those critical of the participants in the peace process,** provides a crucial starting point for strengthening the legitimacy and enhancing the substantive direction of the peace process. It is from this standpoint that this appeal focuses on the **space for dissent as crucial** for the sustainability of a peace agreement. Among other issues, we trust that robust public debate will also help to bring to the table the concerns of Muslims, Tamils and Sinhalese not represented by the Sri Lankan government and the LTTE.

“We would like to urge that the Norwegian mediators set-up a formal process of human rights monitoring; such a process could support NGOs, the media and other institutions of civil society that seek to hold the principal protagonists accountable to norms of democracy and human rights. We appeal to the Sri Lankan government and the LTTE to protect the space for dissent and affirm that their participation in the peace process is informed by a commitment to democratic principles. In closing, we also applaud those human rights advocates who have had the courage to take an independent stance in scrutinizing the conduct of the Sri Lankan government and the LTTE.” (our emphasis)

In this context, peace activists in particular are advised to study the thought provoking article by Dr. Rajan Hoole inside under ‘Comments’ and titled “Amnesia and Misdirected Peace Activism”.

The Need to Push the Peace Struggle Forward

The limitations of the Cease-fire Agreement is that it is strictly one between two parties only: the government of Sri Lanka and the LTTE, and that it does not at the moment provide scope for the direct action of the people to seek the intervention of the Mission in the event of the violation of these rights under Article 2.1. So also the rights of political parties to the freedom to engage in political activity in areas under the control of the LTTE has not been safe guarded at all, although the LTTE would be free to engage in such activity in areas of the North and East, that are outside their control. It is necessary therefore that the agreement ensures the democratisation of society and protection of human rights in all areas of the North-East and have machinery provided for the intervention of the people through their organisations like Peoples’ Committees that are independent of both the government and the LTTE. This become vital, for the peace process has to assert itself strongly, so that what is now a cease-fire agreement can be turned into a peace agreement before long.

It is certainly not in our national interest to allow the cease-fire to drag on indefinitely in terms of the Agreement, without expeditiously reaching its overall objective of a negotiated settlement to the ongoing ethnic conflict. There is a real danger otherwise that in the absence of such a peace, “the cease-fire may well turn out to be part of the strategy of war!”

It seems necessary also to draw the attention of the Norwegian facilitators, that they do not appear to have given sufficient recognition to the fact, that under our

present Constitution (Article 30) the President is "Head of State, Head of the Executive and of the Government, and the Commander-in Chief of the Armed Forces," and in the discharge of her powers, she is directly responsible to Parliament. Since the President in whom these powers are vested is also the leader of the main opposition Party in Parliament, means will have to be devised in all matters relating to the working of the agreement, for due consultation between her and the Government. It is fortunate however that in regard to the "peace-process", the President has unambiguously declared herself committed, and on this even called for "Consensual Government", between herself and the Prime Minister. This is an aspect that must be given serious and proper attention by the Norwegian facilitator i.e. the Norwegian Government.

It has to be remembered that any eventual peace settlement will need to have the support of both major parties in Government and Opposition, if it is to obtain the requisite two-thirds majority in Parliament and subsequent approval of the people, through a Referendum.

We are happy to note that action in this regard has already been initiated by the "Coordinators for Peace and Democracy" a body of persons drawn from political parties and other fora of civil society, who wish to ensure that the cease-fire agreed to between the two parties, reaches expeditiously a solution to the ethnic conflict. This action has been taken as a prelude to mass-pressure being brought to bear to hasten the peace process of turning the existing cease-fire into a peace accountable to norms of democracy and human rights. Needless to say this can only be achieved by the pressure and action of the masses themselves, and not simply by the parties to the present cease-fire agreement.

In fact as pointed out by the Christian Workers Fellowship (CWF), both parties to the agreement could well be tempted to even continue with an extended cease-fire and concentrate be on rehabilitation and economic development of the North-East, in place of facing up to and resolving the contentious issues that would result in effecting a negotiated settlement of the national question. Hence the need to sustained mass -pressure that alone could

In fact as pointed out by the Christian Workers Fellowship (CWF), both parties to the agreement could well be tempted to even continue with an extended cease-fire and concentrate be on rehabilitation and economic development of the North-East, in place of facing up to and resolving the contentious issues that would result in effecting a negotiated settlement of the national question. Hence the need to sustained mass -pressure that alone could lead to an eventual peace agreement on the basis of a negotiated political settlement.

lead to an eventual peace agreement on the basis of a negotiated political settlement. (In this connection please see **Annexure I** to this Comment/Review for the letter sent by the Coordinators for Peace and Democracy to the Norwegian Ambassador and the CWF statement in **Annexure II**)

It is interesting to note that United States of America, through its Embassy here, has called on the LTTE on March 11 to honour the cease-fire agreement with the Sri Lankan Government, stating that it had credible reports of the LTTE being engaged in activities that would jeopardise the agreement. The LTTE has of course made its accustomed denial of the charges made by the Embassy. Minister C.L.Peiris, Government spokesman said that the US statement was a "significant event", particularly as the US was the most powerful country in the World. "The US told the LTTE very clearly that they had been following developments in this country and had a credible reports that the LTTE were recruiting child-soldiers and bringing in arms. The US explained to the LTTE that if they broke the cease-fire consequences would be extreme against the back-drop of international thrust against terrorism." This shows that we have powerful friends, he stressed.

However this statement was down-played by the Minister of Defence, Tilak Marapone and this was seen as an attempt to not "rock the boat", in the context of the present UNP-LTTE relations in stabilising conditions.

Other Issues

1. Local Government Elections:

The decision taken to have local governments elections soon after the General Elections, to obtain maximum political advantage for the UNP with the detention too of the PA's active election supporters in the provinces, under frivolous charges to cripple the PA's election campaign was a calculated move. In fact President Kumaratunga herself made this continuing violence against PA supporters, the reason for her inability to attend the meeting of the Commonwealth Heads of State in Australia and had informed the Secretary General of the Commonwealth of this situation.

The Election Day has been fixed for March 20th with some variations and Elections in the North-East are to be held later.

It took nearly one month after the December 5th General Election to appoint two Parliamentary Committees, including members from both Government and Opposition to examine instances post-election violence. This recalls the events after the UNP's sweeping victory 1977, when the Prime Minister, J.R. Jayewardene gave the Police one-months leave in the wake of widespread post-election violence, then directed towards the Tamils too.

President Kumaratunga and some PA leaders have held talks with the JVP on the means of countering "post-election violence". There were some who thought that there were some chances of the PA and JVP coming to an understanding in contesting the local elections, However, there were major differences of opinion on this within both the PA and the JVP. Such a PA-JVP understanding would be particularly difficult as the JVP is strongly opposed to the current peace-moves of the Government.

In fact the JVP has become the most vocal opponent of the peace-process insisting that the LTTE gives up its demands for a Separate State, before any talks begin and wanting the ban lifted, only after the talks progressed. It also placed its views on this issue as well as post-election violence, before Western Diplomats.

The UNP Government's postponement of the 2002 Budget to a date after the local government election is ominous. This is obviously because the UNP has accepted a commitment to implement in full the IMF package in order to obtain the IMF aid for the year's Budget. The hardship and disappointment this can cause to the people could be disastrous to the UNP at any election that could follow the Budget.

This is the same IMF package that was tried on the Pa government and included the McMoran deal on Eppawala phosphate deposits, the sale of majority shares in Telecom to foreign private investors, the promotion of private sector investment in University Education, and the sale and distribution of 'water rights' in Negombo, Kalutara and Galle districts to private foreign companies being among these several proposed projects. But progressive opinion within the PA Cabinet succeeded in pushing them back. The deregulation of the economy and its liberalisation are policies that are being pressed upon the Third World governments. These have been disastrous to the people, and only helped the transnational corporations, as seen most recently in Argentina. But the UNP Government's entire programme is based on these broad policy positions, even

if it may improve its financial position, after the cease-fire agreement by cutting down on war expenditure.

The UNP however will attempt to do this under cover of alleged corruption in State owned enterprises. We certainly are in favour of probing corrupt administrations whenever they exist, as well as inefficiency but to use this as an excuse to implant IMF decisions is anti-national. Corruption and overstaffing of State sector institutions to the point of affecting their economic viability commenced with the UNP government of 1977. It was this that was continued by Ministers of the PA government in such ventures as the Petroleum Corporation and the Ceylon Electricity Board, (CEB) which has imposed up to 5-hour power cuts recently due to its own sins of commission and omission, but over which there is no intention still to privatise the CEB according to a declaration made by Minister Karu Jayasuriya, although there may be private parties, mainly foreign also allowed to operate in this sector.

The position has been set out succinctly by the LSSP in a statement part of which is reproduced below:

State involvement in the economy

"The nationalisation of enterprises took place in our country under progressive governments in accordance with the needs of the people. It was not a process of building socialism because socialism cannot be built that way. This was the only way that the interests of the people living in the Third World with relatively weak capitalist economies like ours could be protected. Sri Lanka has never had a strong and enterprising capitalist class that could run the economy and its services. Those State sector enterprises which the last UNP government gave to its cronies floundered in no time. Our private bus service demonstrates the failure of local capitalism to invest in any field that requires sizable investment. The Tyre Corporation that was sold by the UNP in the 1980s to a local capitalist was ruined by him and today it is of no significance to the economy. So are the Werahera CTB Workshop and the Tractor Corporation, to name, but only a few. The then UNP government commenced the liquidation of the Paddy Marketing Board on IMF pressure, and this has denied to the paddy cultivator the only facility by which he could get a reasonable price for his paddy. It also denied to the consumer his measure of rice at an affordable or reasonable price. The sale of the Distilleries Corporation to a crony denied to the government the ownership and control of a heavy revenue earning source. The privatisation of the Milk Board and the sale of the Lakspray plant left us with no means to control the prices of milk foods. The UNP's policy then was to sell State-owned enterprises to its friends. Today it has no alternative but to sell them direct to foreign capital. This is the directive of both the IMF and the World Trade

Organisation. The UNP cannot resist this, and its friends will be the brokers and commission agents on the several deals involved in this programme of emasculating the State sector. Any success the UNP achieves at the local Government elections by defeating the PA will be considered by it as a mandate to proceed with this programme of privatisation.

Today the nationalised sector has to be preserved for protecting our national economy in the situation of a globalised capitalism dominated by the major capitalist economies. Developed world capitalism through their Transnational corporations seek to own and control in their own interests and for their own profit the major sectors of Third World economies and their infrastructure. What they and their local henchmen are interested in Sri Lanka are such natural resources like our Eppawala Phosphate deposits, and power generation and distribution, import and distribution of petroleum products, telecommunications, national harbours and port facilities, rail and air transport, shipping, insurance and banking. With these in their ownership and control the foreign stranglehold on our economy will be completed.

Foreign investment

"We admit that there are sectors of the economy that need foreign technology and capital for their development to meet the needs of competition from other countries in the region and outside of it. Our main harbours, which will need to compete with the developed facilities in the region is a case in point. But this development cannot be at the price of the ownership of the enterprise or facility passing into foreign hands.

"The ownership of the nationalised sector has necessarily to remain in the hands of the State. Today Shell dictates to us the price of our cooking gas. Prima dictates to us the price of wheat flour. The Government has no means of controlling them because they are wholly foreign owned. Tomorrow with the import and distribution of petroleum products back in the hands of Shell and other foreign companies these will dictate to us the price or both diesel and kerosene. In what may be considered as the People's sector, the CWE etc, privatisation has been announced. The consumer catering outlets of the CWE are all to be handed over to a major private sector trading organisation to run supermarkets. That would take the CWE specially in its prices outside the reach of the common man. Cheap labour creation by removing the protective labour laws which the working class has won through struggle is also part of the UNP programme. The freedom given to the private wholesale trader to freely import rice, flour and other essential commodities will affect local rice production and in its long term effects raise the prices of both rice and flour. Local investment in industry will also

suffer drastically with the liberalised import of goods that can through the advantages they have, drive the local industrialist out of production.

PA Tasks

"This would mean that the PA must give priority at this election to the exposure of the UNP government's commitment to IMF policy. PA candidates who get elected must be those capable of carrying forward this fight against IMF sponsored imperialism. There can be an insidious attempt to divert public attention from such discussion and rouse communalist feeling as an easy way to win the election. On this the PA must learn its lesson from past experience.

"At the parliamentary election the people rejected communalism/racism". We have to build on this and help to take the struggle for peace forward with a political settlement of the ethnic or national question"

2.. Constitutional Council: Election Commission, Police Commission; etc

Legislation said to fill what the government termed gaps in the 17th Amendment was passed unanimously in Parliament on 6th March. This involved the process for removal of the Inspector General of Police and the Attorney General and the appointment of a Competent Authority to oversee the State TV and Radio during election time and an Administrative Tribunal for Police and Public offices to appeal against decisions made against them.

The President is expected to make a formal announcement on the composition of the Constitutional Council for the creation of the Commission to give effect to the Seventeenth Amendment to the Constitution (see last issue of *Christian Worker*). The Seventeenth Amendment required the approval of both the Prime Minister and the Leader of the Opposition for the five names, to which the President should add her own nominee. The resignation of Ratnasiri Wickremanayake, as Leader of the Opposition and the contest between right-winger Anura Bandaranaike and the populist Mahinda Rajapakse for the post, resulted in the President appointing the latter, who was by far the more popular, after some delay. Since, the names for the Constitutional Council have now been agreed on, it remains for the President to add her nominee and give her approval to the panel agreed upon. The Constitutional Council is the sole authority for appointing the Election Commission and the Police Commission. Both bodies were considered to be urgent, specially in view of the local government elections and the complaints being frequently made of serious politicisation of the Police Service and political patronage, which made some officers act

as if they were a law unto themselves.

It was only as recently as January this year that ASP Ranman Kodituwakku, son of the IGP who was summoned to the Human Rights Commission, challenged the authority of a senior human rights lawyer, who conducted the inquiry, stating that he had no power to do so. On the inquiring officer requesting this officer to leave the room, the latter had replied that he would take with him the other police officers called as witnesses, threatening the Human Rights Commission member in the presence of all, an action clearly intended to undermine public confidence in the ability of the Commission to perform its duties. Several civic rights organisations have urged the government to inquire into this incident and take disciplinary action against this officer if necessary.

There was widespread criticism too over the failure of the Police to arrest the two sons of former Deputy Defence Minister, Anuruddha Ratwatte, who were alleged to be involved in the post election killing of the ten Muslims in the Kandy area. So also, the privileged treatment accorded to them by police and prison officials, and the helicopter rides by their father, who was given first class hospital treatment upon his complaining of chest pains, soon after his arrest.

But complaints of police misdemeanours harassment, tortures, corruption and the like are innumerable. All of which have pressured the demand for an independent Police Commission, which can act fearlessly and impartially.

Meanwhile, mistakes of the past have to be righted, and as our Human Rights column inside would testify : "disappearances" of the past still cry out for redress!. (See under Human Rights)

3. The Ageing of the Sri Lanka Population

Readers are referred to the instructive article on the above issue by Dr. Nimal Sanderatne, which merits serious attention and follow up action to meet new challenges, more so, since the situation provides **opportunities for a**

An important Statement on the World Food Summit by an Asian Regional Consultation of NGOs/CSOs held last August focusing on food insecurity is also included under 'Comments' (in this issue). Outraged that despite the abundance of food to feed the World, more than 800 million with two thirds found in Asia, still go hungry every day, the Consultation spells out a programme of action and perspective for people's movements as a response.

qualitative improvement in education, health and reduced unemployment, as explained in the article. But such action needs to be planned out early if we are to benefit as a country and obtain proper results. It is unfortunate that we tend to be lethargic as a people, when it comes to action on matters of such grave national urgency.

4. The Ending of Hunger, World Capitalist (Dis) Order

An important Statement on the World Food Summit by an Asian Regional Consultation of NGOs/CSOs held last August focusing on food insecurity is also included under 'Comments' (in this issue). Outraged that despite

the abundance of food to feed the World, more than 800 million with two thirds found in Asia, still go hungry every day, the Consultation spells out a programme of action and perspective for people's movements as a response.

Several articles in this issue focus also on the action of transnationals and of US imperialism that sustains the present world capitalist (dis) order.

Court Judgements

Fundamental Rights

The Supreme Court 2 February quashed 34 Superintendent of Police Appointments, made in March and May 2000. The Court directed the Attorney General to consider whether the conduct of the IGP Lucky Kodituwakku and R. K. Chandrananda de Silva the then Defence Secretary, constitute corruption within the meaning of Section 70 of the Bribery Act or any other offence, and if so to take appropriate consequential action, and also inform Court before April 30.

The Court declared that the Fundamental Right to equality of the 46 Assistant Superintendents of Police have been infringed by the IGP, B. L. V. de Silva Kodituwakku, R.K. Chandrananda de Silva (Secretary Defence), R. A. A. Ranaweera (Secretary, Ministry of Cultural and Religious Affairs), S. M. J. Senaratne (Secretary Ministry of Posts, Telecommunications, Media) and Romesh Jayasinghe (Additional Secretary to the Ministry of Foreign Affairs).

The petitioners had complained that, their fundamental rights under Article 12(1) had been infringed by the failure to promote them to the rank of Superintendent of Police.

The court awarded each of the 46 petitioners a sum of Rs. 10,000 as compensation and costs, payable, on or before April 30, 2002. The aggregate sum of Rs. 460,000 will be paid as follows: Rs. 100,000 personally by the IGP and the Secretary Defence, in equal shares. Rs. 60,000 personally by the other three respondents, named above in equal shares and the remaining Rs. 300,000 by the State.

Thirty four promotions made by the Public Services Commission in pursuance of the interviews held in March and May 2000 are quashed. The petitioner had not pursued the promotion of Nihal Karunaratne, since it was done by a distinct cabinet decision of April 19, 2000. The promotion of late Thuraisingham will stand as he is deceased.

The Supreme Court directed the PSC to hold or to cause to hold fresh interviews for the promotion to the rank of SP, for the persons, who duly applied and were interviewed in March and May 2000.

The Judgement was by Justice Mark Fernando with Justice D. P. S. Gunasekera and Justice Yapa agreeing.

Air Force Officers Sentenced

Journalists in any part of the world should be free to criticise any person irrespective of his or her position. If any person attempts to intimidate the writer by threatening his life severe punishment should be meted out to him, said the Colombo High Court Judge Sarath Ambepitiya yesterday sentencing the two Airmen, who were found guilty in the Iqbal Athas case, to nine years rigorous imprisonment and a fine of Rs.10,000 each.

In default of the fine the accused were further sentenced to one year's rigorous imprisonment.

The judgment in Sinhala read by the Court Mudaliyar for nearly 45 minutes stated that the Forces were there to protect the citizens and not to harass or threaten them.

The two accused, Squadron Leader Rukman Herath, the security officer of a former Air Force Commander and Squadron Leader Sujeewa Kannangara, the officer in



The two accused in the Iqbal Athas case leave the court premises escorted by the Prisons authorities after they were convicted by the Colombo High Court Judge Sarath Ambepitiya. (Courtesy Daily News)

charge of the Special Air Borne Force, were indicted by the Attorney General with criminal trespass, intimidation and unlawful entry with weapons into the residence of Iqbal Athas, *The Sunday Times* Consultant Editor, on February 12, 1998. The two accused were found guilty of these two charges.

Death of Gamini Atukorale

The unexpected and sudden death of Gamini Atukorale on January 1st, 2002 of UNP's Assistant Leader, at the age of 51, when he was Minister of Highways & Transport, and leader of the UNP's currently powerful trade Union –The Jathika Sevaka Sangamaya (JSS) saw a strengthening of Prime Minister Ranil Wickremesinghe's position within the UNP and consequently the UNF. The late Gamini Atukorale was among those who was involved in a serious move to oust Ranil Wickremesinghe from the leadership of the UNP when it had suffered ten electoral defeats in succession. After Ranil Wickremesinghe's recent victory he aligned himself with the group who were seeking to oust President Kumaratunga through impeachment.

His sudden demise has made Ranil Wickremesinghe's position in the UNP safer with its Deputy Leader Karu Jayasuriya not known to be much of a political strategist. Atukorale's portfolios have been added to Minister of Defence, Tilak Marapone a strong Ranil supporter. It has also somewhat weakened the group that is demanding that the government acts against President Kumaratunga during its first Hundred Days in office.

15 March 2002

ECONOMIC ROUND-UP

(I)

The "Economic Round-up" has to be a combination of the *macro-view* and the *micro-view*. Either we begin with Sri Lanka and conclude over-all with the world (global economy). Or we approach the conditions in our own country through the conditions in the world economy.

The safest approach in these most confused times when the world is obviously heading for a relatively prolonged global economic recession with growing fears of a great depression as in 1929-30, is a combination of the world *macro-view* and the *micro-view* (of each country or region).

The world's "**Global Market Economy**" is by its own logic compelling us to adopt the bi-focal approach (ie. the unity between the micro-view and the world-view; the unity between the complexity of the world economy as a whole and the complexity of the economy of each country and each region). **The bi-focal approach then becomes the view of the manifold contradictions at each stage of the global market economy.**

The manifold contradictions of each stage ie. (a) national (b) regional and (c) global will reveal and must reveal **certain fundamental "laws" in operation** throughout the whole gamut of the "Capitalist mode of production", distribution, exchange and consumption which we call the global market economy.

"Laws of Motion" of the Global Market Economy"

What are these "Laws of Motion of the global market economy" or the "**Laws of Motion** of global capitalism" which becomes global imperialism in the political sphere, as it must inevitably and logically become? At any stage or on any scale, macro or micro, officially the system "must be based" on (a) Privatisation ie. private ownership, private enterprise and private profit; (b) State-intervention to be minimised by the application of the theories and principles of Monetarism (ie. tax-cuts, rebates to the private sector, fiscal discipline and above all balanced budgets and Balance of Payments equilibrium) which will obviously mean State-Action; (c) When individual States cannot tackle their own crises, ie. the economic crisis of each Nation-State whether developed (as in the G7 countries) or developing or underdeveloped (as in the Second and Third World), there is a compelling need for Market Unifi-

cation and Currency Uniformity, the best example being the European Common Market and the single European Currency; and finally (d) we end up in the grand luxury of the lap of the World Bank and the International Monetary Fund with their huge dollar reserves (= Foreign Exchange Reserves) which ostensibly balance the State Budgets and Inter-State Balances of Payments. This is dynamic equilibrium at its best! Applied (a) Nationally (b) Regionally or (c) Globally, this reveals the biggest contradiction in the economic history of the world ie. the Contradiction between the global market economy and the global planned economy.

The resolution of this massive contradiction is the resolution of the differences between the World Economic Forum (WEF) (Meeting early February in New York) and the World Social Forum (WSF) meeting in Porto Allegre in Brazil concurrently as it were. The World Bank and IMF are obviously represented many times over in the New York Confab, replete with the street protests and clashes between the police and demonstrators and the relatively more peaceful anti-capitalist Confab in Brazil is in stark contrast.

The Crisis in Argentine (or even the Crisis in Sri Lanka or in Japan or USA) essentially and intrinsically, reveals the basic contradiction between (a) **mass unemployment and poverty** (absolute in the case of the less developed and relative in the case of the developed) on the one hand, and (b) so called **over-production and excess capacity** of the G7 countries on the other, within the global market economy.

Worsening Crises

In Argentine, as in Sri Lanka the governments (changing so fast from year to year), proclaim changing politics from week to week, because of the intensity of social discontent and political upheaval. Afghanistan, and Somalia are the "worst-types of patients" because they appear to be on their "death beds", as are so many African and Asian nations, below the poverty line. It is useless, attempting to venture a proposal to solve the crises (a) nationally, (b) regionally, or (c) globally, except to point to the experience of the USA, European Union (EU), Eastern Europe, Russia, China, India, the rest of Asia, Africa and Latin America.

In North America the difference between the USA and Mexico, which nearly went bankrupt is revealing. Today the US-Mexican border is the biggest headache for the State governments and the Federal Government in the USA. The Mexicans are "invading" the border States in search of employment at much lower wage-rates, than

demanding by the American workers, who in spite of unemployment at 1.3 million, stick to a legal minimum wage. The collapsed Enron Gas Company with a total debt of 1,000 million dollars of which nearly 700 million dollars were alleged to have been donated to the Republican Presidential and Congressional election campaigns, as well as the near-collapsing conditions of the US Air-lines and aircraft manufacturing companies, in spite of the great daily white wash at the Wall Street Stock Market, surely indicate the depth of the economic crisis in the USA. It is the **crisis of the over-development**! All this has prompted the Archbishop of Canterbury, Dr. George Carey to condemn the **moral bankruptcy** of global capitalism and question its durability. So with several other leaders attending the WEF in New York. The economic crisis in the USA, which threatens to engulf the Bush Administration is driving it to spend the bulk up of the Federal Budget surplus on the **industrial and military preparations for a Third World War**, misnamed the **“War on Global Terror”**. The US Government will soon be short of cash, with all its massive expenditure (over 120 billion dollars) on war preparations. President Bush will face tough times ahead.

Japan's crisis has reached the 3 million mark of joblessness, caused by the near stoppage of Japanese exports to the USA. Japan is currently surviving with the help of the massive dollar reserves built up, before its crisis began in 1995. The crisis in Japan and the crisis in the Far East and South East Asia, was predicted in the early 1990s by Mark Feber in his famous book *“The Money Illusion”*. The crisis in the Far East and S.E. Asia which showed up in 1997-1998 has been followed by partial economic recovery in those lands, through their devaluation of currencies, control over capital flows and State intervention, after social and political upheavals in 1998-2000. The impact of these developments had its repercussions in Sri Lanka in 2000-2002, when the PA Government of President Chandrika Kumaratunga, gave way to a more rightist regime of the United National Front led by Premier Ranil Wickremesinghe, whose pragmatic approach must be commended. The approach to China, India and the European Union (EU) which are expanding economies, indicates a slight departure from the UNP policies in 1977-1994. There is some promise of recovery, through better private sector performance and reformed public administration. The gross domestic product declined in 2001 by 3.7% in real terms, due to a complexity of causes, natural and climatic, international and domestic, more or less within the control of the government. Politically of course, the PA Government antagonised the international and local capitalist class, by its anti-capitalist postures and gestures, prompted by the left parties and JVP.

“Bright Spots” offer some hope

The EU, India and China are the main bright spots in the global economy because of better market management and better public administration, though China tends to be authoritarian, in spite of its official policy of “Two Systems & One Country”, as applied to its financial and commercial centre of Hong Kong.

India is expanding at a modest rate because of the relative strength of its capitalist class and the productivity of its working class. The Indian peasantry is being vastly aided by the Indian Government and the developing Private Sector with capital and markets.

These “bright spots” as well as the recovering Asian Tigers, show that public law and order, and prudent private sector management offer some hope to the people in these parts of the world.

Africa is a mosaic, from North to south or East to West, It has nearly half a hundred States, some more developed than the others. The Republic of South Africa is obviously ahead of the other so-called black African States, because it has a more developed economy based on the industrialisation carried out by the past “imperialist” regime, exploiting its vast mineral and agricultural resources, (thanks to the Boers). The same applies in a much lesser degree to Zambia, Kenya and Zimbabwe, except that the latter is suffering from near “civil war”.

The Democratic Republic of Congo has vast resources, which could be tapped by a stable government, establishing peace, public order and public administration in the war-torn areas. Nigeria, one of the bigger African States has vast resources, and a fairly developing economy, except for fierce and bloody ethnic clashes and political instability. Namibia, Angola and Mozambique have yet to follow the lead of the South Africa, because they have many resources and manageably small populations. The smaller West African and Central African States are suffering due to the balkanisation of Africa (the infamous partition of Africa) by the rapacious European powers in the 19th and early 20th centuries. Their future salvation lies on the path to being parts of a huge African Confederation (or better Federation) with a Common Market and a Common Currency as in the case of the European Union itself. The Arab Middle-East and Muslim States of North Africa – Morocco, Algeria, Tunisia, Libya and Egypt are relatively better off than the rest of Africa due mainly to their petroleum industry and tourism. Their proximity to Europe, being on the Southern shores of the Mediterranean Sea, has favoured them. The European Union is the best example of successful market and currency unification. Though time alone must prove its strength.

The **European Union**, comprising the countries of western Europe represent an area that has benefited economically from the **exploits** of Western Imperialism, ever since the 15th and 16th centuries. Here, the primitive accumulation of capital followed by the **Industrial Revolution** (in the 19th and early 20th centuries) and the subsequent **technological and electronic revolution** of the 20th century makes them far ahead of the rest of the world, excepting the USA.

Latin America's economic giants – Brazil, Argentina and Chile – have experienced severe economic, social and political crises in recent history, but due mainly to their populations of European stock, they have the social base for greater progress in the near future with the help of vast natural resources.

The other Latin American Nations ie. Peru, Venezuela, Paraguay, Uruguay, Bolivia, Ecuador, Colombia and the smaller States in Central America and the Caribbean could perform better if they could hammer out a Federation of States which could usher in Market and Currency Unification.

The countries of Eastern Europe and the Russian Federation could also do well by rapidly following the same policies. We seem to be at the start of a new era heralding a transition to regional unification and global planning.

(II)

Special Report on Sri Lanka (December 2001 – February 2002)

Economic Decline

Prior to December 05th, 2001 unseen and unheard, a regime of **international economic sanctions** had been imposed on the so-called “**Centre-Left Government**” of the PA, (as defined by the former lady US Ambassador in Sri Lanka, in 1994). The flow of **foreign aid and foreign capital and the volume of foreign trade** was reaching a near zero point progressively from 1994 to 2001 (December). Almost knowingly the then Leader of the Opposition, Honorable Ranil Wickremesinghe, repeated with great frequency that the “economy had broken down”.

The PA Government unconsciously went down-hill in popularity, due to inflation and rising unemployment in the garment and tourist industries. The ostensible charges were corruption, bad governance and gross electoral misconduct. These seemed true on the face of available evidence. **The World Bank, the IMF and the EU gradually tightened the “noose round the neck of the PA Government”**.

UNP Strategy

With the progressive build-up of the campaign of mass agitation by the UNP-led Opposition after the election in 1999-2000 and the campaign of sustained opposition in the Parliament (1994 – 2001) the UNP led Opposition hounded the PA Government out of power, and defeated the latter in the General Election of December 5th, 2001.

The able manipulation of internal dissensions and divisions in the PA Government culminated in the cross-over by Minister S.B.Dissanayake and his Group of Parliamentarians, and the queer experiment of the probationary PA-JVP government.

All these events had antagonised the international and local capitalist class towards the PA Government, which by now was devoid of sufficient financial resources and political support in Parliament.

On the days following the formation of the UNP led Government (December 6th, 2001), the Colombo Stock Exchange recorded three successive days of “bullish activity”, which averaged Rs. 600 million a day! Foreign aid and foreign capital was promised and began to flow into the coffers of the UNP led Government and into the Private Sector. All the fallen industries have begun to revive – garment and tourism. New public sector and private sector investment programmes have been drawn up in the famous “hundred days”; offices were re-painted!

And the biggest achievement of them all is the Cease-fire agreement between the Government and the LTTE on 22nd February. The opening of the main highways and the restoration of normalcy in the life of the people in the North and East, should open the way to massive investment and trade. The revival of the economy in the North and East will cause the economy of the the whole island to grow at a faster rate. This will be the legacy of peace – rapid short-term growth, which will reverse the 3.7% negative growth in 2001.

Will of the Capitalist Class

All these miracles are in effect the will of the capitalist ruling class, strongly supported by the Western powers led by the USA. The PA Government was a convenient “stop-gap” to the power vacuum in 1994, caused by the defeat of the UNP Government after 17 years of State terror and corruption.

The PA Government (1994-2001) deserved this fate, because it had more or less tried ineptly to play the role of a “Capitalist Alternative to the Capitalist UNP”.

True Alternative

There can be no doubt that the seven-year rule of the inept PA Government (1994-2001) will be unfairly classified by its capitalist detractors along with the truly progressive socialistic United Front Government of 1970-77, as a "Seven-year Curse". This will be so until a socialistic alternative to capitalist governments emerges in Sri Lanka, through the progressive development of Mass Social Consciousness. The latter however will have to be partly an international affair.

(III)

Money-accounting in the Global Market Economy

The "debits and credits" of bank balances, trade balances and budget balances of every establishment in the private and public sectors, has importance far beyond the walls of each institution. It is the expression of the logic of Capitalism, manifesting itself in the simple language of Accounts. **The collapse of the largest gas company in the world, ENRON in the USA, has brought to the fore the vital importance of accounts and accountability in the healthy functioning of the global market economy.** The realistic picture of the "Costs of Production"; honest regulation of the incomes of employers and employees; the "fair pricing of commodities and services" needed by all citizens as consumers; and "the guarantee of minimum levels of consumption" to ensure decent mass living standards, all depend solely on the reliability or corporate accounts.

Accountability

The entire system hinges on honest and accurate money-accounting, because of the "enormous volume of money in circulation", through the operations of buyers and sellers in a "whole series of markets" dealing with the supply of (and demand for) money (banks, Finance Companies), Finance -Capital (shares), Commodities, Labour-Services, plant and machinery (technology) buildings, land and whatever else could be bought and sold legally and freely.

Profits and Losses

The entire system is thrown into disorder, when the corporate bosses decide for reasons of their own to conceal the exact quantum of profits or losses. When profits are decreasing, it will be in their private interest to maintain "the value of the company shares in the stock exchange" by questionable accounting practices. When profits become losses, the practices become worse.

The falling rates of profit, seen in times of recession and widespread losses in the midst of depression are however, not the "moral lapse of the infallible mortals", who run either White House or Wall Street. The root causes for the eventual collapse of global capitalism (as of Soviet Stalinism) are to be located in the very heart of the capitalist mode of production viz., the frequent "leaps forward of the productive forces" within the constraints of global corporate or State bureaucracy. It is the same "social phenomenon", whether it is ideologically covered in red, green, blue or black. **Real democratisation is vitally needed!**

Dual Crisis

One does not need the wisdom of dialectical logic or materialist philosophy to understand the consequences of "the fallibility of mortals" in any system. Today, the crisis of global capitalism as of global Stalinism (China, North Korea, Cuba etc.) is rooted in the "Dilatoriness of World Socialist Revolution", as Lev Davidovitch Bronstein (Leon Trotsky) explained over a hundred times. No wonder that Isaac Deutscher hailed him as the "PROPHET" (armed, unarmed and outcast) in his famous three-volume biography. He had fought for Soviet democracy!

Globalisation

Now, one does not need to develop cold feet at the mention of the "world revolution", because it is happening slowly, but surely with "the inexorable growth of mass social consciousness", in practically all the continents of this global village, thanks to cyber space information technology!

15.03.02 ■

While this issue was being delayed in the press mainly due to power-cuts of electricity, came the expected UNP's sweep in the local government elections. Our next issue will carry a comment on this event.

The first budget of the UNF government soon after the local government election has reflected the trends already set out in this Review. However our next issue will carry a separate article on this issue. Ed

Co-ordinators for Peace, Democracy and Human Rights

106, Dr N.M.Perera Mawatha, Colombo 08.

14 March 2002

His Excellency the Ambassador for Norway, Mr Jon Westborg.

Your Excellency,

We are persons drawn from political parties and other fore of civil society that wish to ensure that the ceasefire agreed to between the Government of Sri Lanka (GOSL) and the LTTE achieves expeditiously its declared overall objective of a negotiated solution to the ongoing ethnic conflict. We think it to be counter productive and against our national interest to allow the ceasefire to drag on indefinitely under the terms of the Agreement. The ceasefire should be seen primarily and principally as the expression of commitment of parties to a peaceful solution of the ethnic problem.

We recognize that the Royal Norwegian Government (RNG) continues in its role as facilitator accepted by both parties. We recognize that both the GOSL and the LTTE must consider themselves bound by the terms of the Agreement. We further recognize that in the working out of the terms of the Agreement the confidence of Parliament must necessarily be retained because Parliament can change governments by its vote. As regards the Agreement and its abrogation the rights of Parliament as the representative body of a sovereign nation remain unaffected. A vote of no-confidence in the Government on this issue would necessarily mean an abrogation of the Agreement. At the same time we recognize the unstated fact that the working of the Agreement remains under the scrutiny of countries that relate to Sri Lanka both politically and economically. This is an encouraging phenomenon and is almost wholly due to the hard work on this front by H.E. the President and the Minister of Foreign Affairs in the last government. They had won for the Government of Sri Lanka the confidence and good will in these countries. It is on the basis of these several recognitions that we wish to invite your urgent attention as facilitator to certain aspects of our polity that have not received attention in the Agreement. These are:

1. In your facilitation you have failed to give sufficient recognition to the fact that under the Constitution of Sri Lanka the President is the "Head of the State, the Head of the Executive and of the Government, and the Commander-in-Chief of the Armed Forces." (Article 30 of the Constitution). In the discharge of her powers under the Constitution she is directly responsible to Parliament. It is no secret that under the present political configuration in Sri Lanka the President in whom these powers are vested is also the leader of the party that is the principal Opposition in Parliament. In the absence of provision, as exists in the French Constitution, that can be utilized for what the French know as "cohabitation" there has to be an unqualified willingness on the part of all con-

cerned to engage in what the President has in her published letter to the Prime Minister commended to him as "consensual government" in regard to the "peace process". This is an aspect to which the RNG as facilitator must pay serious attention.

2. The Agreement runs the risk of continuing indefinitely in a situation in which the parties to it make no mention of the basis of the negotiated solution that is contemplated. The danger in such eventuality is that where it is not felt that a solution can be worked out to the satisfaction of both parties the ceasefire may well turn out to be part of the strategy of war.
3. The declared functions of the Monitoring Mission (SLMM) are apparently confined to matters that concern the GOSL and the LTTE. There is no provision for people affected by the activity of either party in the North and the East to seek directly the intervention of the Monitoring Mission. The preamble to the Agreement recognises that the Muslim community in particular suffer from the consequences of the conflict. This has reference presumably to the Muslim population in the Eastern Province. Armed raids and abductions to which these people are subjected are among the activities that are recognized as "offensive military operations". In the Eastern Province which is admittedly under the control of the GOSL there should be the opportunity for the people by themselves or through peoples' organizations such as "citizens committees" to take up such harassment directly with the Monitoring Commission. There is no provision in the Agreement for this kind of peoples' participation. The plight of the Tamil population living in the Mullaitivu and Killinochchi districts which have been recognized as under the control of the LTTE can be even worse. Article 2.1 imposes the obligation that parties "shall in accordance with international law abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment." There must be a felt presence of the SLMM in these two districts in order to ensure respect for the democratic and human rights of the population living in this extensive and contiguous territory. We are also of the view that political parties should be free to engage in political activity in these districts in the same manner that members of the LTTE are free to do so in areas in the North and the East that are outside their control.

You would note that of the matters mentioned above relations with the President is a key issue that has to be attended to by the RNG and GOSL. The rest could well be settled as matters of interpretation of the Agreement accepted at the outset by the SLMM.

Yours truly,

Revd. Prof.. Kumburugamove Vajira

(Former Vice Chancellor Buddhist and Pali University)
National Alliance for Peace and Pavidu Handa

Prof. Tissa Vitarana

National Alliance for Peace

George Perera

Trade Unionist

Batty Weerakoon

Lanka Sama Samaja Party

DEW Gunasekera

Communist Party of Sri Lanka

Vijaya Vidyasagara

Christian Workers Fellowship

Javid Yusuf

National Alliance for Peace
Attorney at Law

Ryle Abraham

Business Executive

Neil Dias

Member, Bar Association

CWF on the Ceasefire Agreement and the Struggle for Peace

The Christian Workers Fellowship (CWF) welcomes the ceasefire Agreement between the Sri Lankan Government and the Liberation Tigers of Tamil Eelam (LTTE) as a crucially important stage in the process towards long desired goal of peace in our land. The free movement of people and goods to and from the hitherto war-torn areas has buoyed up the hopes and expectations of people in this regard.

However as an organisation of working people with members in the affected areas as well as the rest of the country, we wish to underline the need to ensure that in all this euphoria, the democratic and human rights of speech, assembly and the right to express dissent is not downplayed in the interests of a spurious 'peace' calculated to avoid embarrassment to any of the parties to the agreement and strengthen the dominance of the party in control of an area. The right to express dissent is of the essence of freedom and this space has to be necessarily protected by both parties if we are to move towards a democratisation and genuine devolution of power to the people in these areas.

We wish to stress this as there is no mechanism provided for in the Agreement for the people either individually or collectively through peoples organisations to take up matters under Article 2.1 of the Agreement which imposes the obligation that parties " shall in accordance with international law abstain from hostile acts against the civilian population including such acts as torture, intimidation, abduction, extortion and harassment". Such kind of people's participation is absolutely essential if we are to make the cease-fire meaningful and progress in the direction of a genuine peace. Apart from the position of the Muslim and Sinhalese people, the plight of the Tamil population living in the Mullativu and Killinochchi districts which have been recognised as being under the control of the LTTE, needs to be protected with a strong presence of the Sri Lanka Monitoring Mission (SLMM) in these extensive areas. We are strongly of the view also that political parties should be free to engage in political activity in all districts under the control of the LTTE in the same manner that members of the LTTE are allowed such freedom in the areas of the North and East that are outside their control.

But above all, it becomes necessary for the Norwegian facilitator to ensure that there is a proper working arrangement between the Government led by the Prime Minister and the President who is the "Head of State, the Head of the Executive and of the Government, and the Commander in- Chief of the Armed Forces" as provided for in Article 30 of the Constitution and is directly responsible to Parliament in the discharge of these powers. There has therefore to be a willingness on the part of all concerned to engage in what the President has advocated as "consensual government" in regard to the 'peace process' especially in the present situation where the President in whom wide powers are constitutionally vested is also leader of the main Opposition Party in Parliament.,

"Consensual politics" will be needed too in arriving at an agreed solution of the ethnic problem which alone can put an end to war and conflict and also in pushing through such an agreed solution with the requisite two-thirds majority in Parliament and in securing the ratification of such a solution through a referendum in the country.

There is the need also to agree that talks on a negotiated settlement should commence expeditiously since allowing the ceasefire to continue indefinitely would not be in our national interest but rather be

counter-productive and against the very objective of the ceasefire which is "to find a negotiated solution to the on-going ethnic conflict in Sri Lanka" that alone can lead to genuine peace in our land.

But peace is not simply the absence of war. Real peace demands the elimination of conditions that have produced the on-going ethnic conflict, necessitating the democratisation of our society, a sharing of power and a new Constitution that would reflect all these changed conditions. However, there could be in fact be a strong temptation on the part of both parties to the present Agreement to continue with an extended cease-fire and concentrate on rehabilitation and economic development of the war-ravaged North-East in place of facing up to and resolving the contentious issues that would result in effecting a negotiated settlement of the national question.

Such a course would enable the UNP Government to reduce its defence expenditure and keep its budget deficit to the 8 per cent demanded of it by the IMF and enable also the LTTE to improve the appalling conditions of people living under its control. The latter task could well be achieved through the reconstruction and development programme to be launched by the Government in the North East. Furthermore, Government's setting up of its proposed North-East "Interim Administration" could lead to this area being controlled by the LTTE either directly or through its nominees in the Tamil National Front. It is precisely in such an eventuality that the democratic and human rights of the people referred to already could tend to be downplayed or even ignored.

The struggle for the resolution of the national question and genuine peace cannot therefore be simply left to the two parties to the present Agreement, but becomes necessarily a part of the struggle of the working people of the country for justice and peace in our land.

It is the working people therefore who will have to push the negotiated settlement and peace process forward in co-operation with other sections of society – a tortuous struggle in the context of obstructionist and chauvinist forces of all kinds.

The struggle for the resolution of the national question and genuine peace cannot therefore be simply left to the two parties to the present Agreement but becomes necessary a part of the struggle of the working people of this country for justice and peace in our land. And it is the working people therefore who will have to push the peace process to its logical conclusion; This struggle for peace has been tortuous in the face of obstructionist and chauvinist forces of all kinds and will not be easy even at the present stage.

The struggle for peace in our country has been a process in which the PA Government too has played a valuable role, which process has now been reactivated and taken forward by the present UNP Government. It is therefore the common commitment to the peace process by both past and present governments that has now to bear fruit in the form of an eventual peace agreement for which both the Government and Opposition will be jointly responsible. The peace-loving masses of our country must through their intervention and pressure on both Government and Opposition make the realisation of peace with justice a reality in the negotiations. The Tamil community in turn must also bring their pressures to bear on the Tamil Tigers to accept such a settlement.

Christian Workers Fellowship

38 Bristol Street, Colombo 01.
15.03.02

- Create a public body or forum to review government expenditures and restructuring in favour of peasants and rural economies.

We recommend that the FAO and intergovernmental organisations:

- Adopt a World Convention on Food Sovereignty and Trade whose principles include the right of peasants and people to ensure their food and agricultural policies, food self sufficiency, control and access to land and resources, gender equity, fair prices and fair trade as well as sustainable agriculture.
- Support measures that restore food sovereignty to peasants where the people themselves can have control over the productive resources and make decisions on matters regarding their food security and discourage the establishment of corporate farms and big commercial Fishing Corporation.
- Recognize and operationalise farmers' rights in the International Undertaking of Plant Genetic Resources and install mechanisms to ensure that farmers primarily benefit from their traditional knowledge and contributions and resources.
- Assess the environmental, social and economic impacts of Genetically Modified Organisms (GMOs) on Food Security with the full and informed participation of NGOs/CSOs and prior and democratic consent of people in Southern countries and meanwhile call for a moratorium on all field-testing, commercialisation and trade of GMOs in food and agriculture.

As NGOs and CSOs, we commit to:

- Make the right to food and food security as central to national and regional agenda without forgetting that this is a principal issue of peasants
- Forge stronger alliance against anti-poor/peasant policies and put pressure against these entities including Transnational Corporations, World Bank, IMF, ADB and the WTO.
- Accelerate the process and implementation of genuine agrarian reform and other forms of resource rights entitlements for peasants to have control over their way of life and for the nation's sovereignty on its capacity to produce its own food

- Adopt a rights-based instead of the welfare approach to development work where entitlements for peasants are demanded on the basis of their rights and accountability of governments and other institutions are required because it is their duty to protect and uphold the rights of peasants.

- Continue the work of empowerment of the grassroots by raising their consciousness of their ability to secure food for themselves and their community and to preserve the community-based alternative livelihood systems that save them during times of emergencies. In addition, create awareness and understanding on the impacts of the globalisation processes.
- Identify, document and publicise self-reliant, self sufficient, sustainable production and consumption practices, programmes and initiatives.
- Work towards ensuring food security and promote partnerships and linkages between urban and rural poor.
- Conscientise the general public about everyone's role in perpetuating an unjust and unequal social economic system through our consumption practices.

Our Calls today are:

- Assert that all people have the right to safe and healthy food
- Implement Land to the Tillers.
- Adopt and celebrate a World Peasants' Day.
- Oppose biopatenting and biopiracy.
- Demand End World Hunger. Take WTO out of Agriculture.

This statement from the Asian Regional Consultation of NGOs / CSOs on the World Food Summit- Five Years Later is the collective call of More than 80 NGOs from 14 countries namely Bangladesh, Cambodia, China, India, Indonesia, Japan, Korea, Malaysia, Nepal, Pakistan, Philippines Sri Lanka, Thailand and Vietnam. The Consultation was organized by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) a regional NGO network, Pesticide Action Network in Asia –Pacific (PAN-AP) of Malaysia and the Institute for Motivating Self – Employment (IMSE) of India with the Food and Agricultural Organization Regional Office for Asia-Pacific last 28-29 August 2001 in Bangkok

THE CUBAN GREEN REVOLUTION

What passes off as agriculture today serves us a poisoned, super-sized, nutritionally deficient international cuisine, lacking in ancestral variety. All over the world, only the rich can afford organic feasts. But hey, look at what the poor, embargoed Cubans are eating...

As an ally, the fall of the Soviet bloc literally battered the highly urbanised embargoed Cuba to death. Desperately starved, Cuba commenced on a programme designed to replace machines with people and simultaneously replace imported technology with locally produced biological pest controls and organic fertilisers.

Food Security

It also decided to feed the highly urban population, especially in the capital Havana (population 2.5 million) - the largest city in the Caribbean - through **urban agriculture**, a common farming practice the world over before cities took a more parasitic role. In short, this model has managed to achieve self-sufficiency in the worst of times without compromising quality or quantity.

Firstly, the Cuban government encourages city-dwellers to farm. Land is provided for people who request it, for free, as long as food is grown. In the beginning the Ministry of Agriculture provided 70 outreach workers and built eight Casa de Semillasi or House of Seeds - to supply seeds, seedlings, tools, pots, biopesticides, biofertilisers and to provide relevant training. An Urban Agriculture Department was also set up.

Secondly, the government encourages urbanites to return to the countryside by constructing attractive new housing projects with services in rural areas and young people are paid and honoured to work on these farms for periods ranging from two weeks to two years.

Fortunately for Cuba, years of social equity have resulted in it possessing 1% of all Caribbean's scientists when it holds only 2% of the region's population. As early as 1982, many of them were already influenced by the ecology movement - criticising Cuba's intensive agriculture system and researching into alternatives to chemical dependency by establishing **biological pest-control programmes based largely on parasitoids**.

The authorities then exploited this knowledge base by establishing over 200 Centres for the Reproduction of Entomophages and Entomopathogens (CREEs) to provide decentralised, small-scale, co-operative production of biocontrol agents to replace the Soviet pesticides and promote an integrated pest-management system through numerous formulations of local bacterial and fungal diseases of insect pests. Industrial production of these biopesticides was also planned for the larger state plantations.

In the old days the farmers responded to warnings of pest attacks with pesticides. Now, they respond with bugs. Farmers have at hand an array of local bacteria, fungi, and viruses that infect insects - for instance, if the banana weevils show up, *beauvaria bassiana* is released to kill them.

New cutting-edge discoveries were also made - Cuban scientists learned to isolate nematodes that kill harmful bugs and soil microbes that counteract plant diseases. They multiplied virus-free seedlings through tissue culture and tested crop rotations to control weeds. The scientists also learned from farmers - weeds can be controlled with sweet potatoes that could grow so densely that everything else is shaded out.

Inter-planting, where diverse crops are planted together, is also practised to reduce the pests that accompany huge monoculture. Companion planting provides habitat for beneficial insect species and exploits allopathic qualities of various plants.

Further, over 173 vermicompost centres were created across Cuba to produce 93,000 tons of **natural compost** a year, putting municipal garbage, humus and worms to good use. **Cuban scientists have also discovered free-living bacteria that fix nitrogen or release phosphorus into the soil.** Ploughed-under legumes are also used to build up soil nutrients. In addition, natural rock

phosphate, animal and green manures, earthworms along with grazing animals are also used to promote soil fertility.

Better crop and pasture rotations and cover cropping are also used to suppress weeds and pests. In addition, manual weeding and animal grazing also help. Gardeners experiment with their soil by leaving their crop residue (stalks, vines, etc.) after the harvest on the field instead of clearing it off.

By 1998, there were more than 1,890 hectares of cultivated land worked by more than 100,000 urban farmers in Havana alone, producing chemical-free vegetables, tubers, herbs and fruits. Even space as little as 200 square metres on a roof is utilised to grow one tonne of grapes that can produce 400 litres of wine annually. Cattle, pigs, fowl and rabbits are also raised within city limits for milk, eggs and meat.

Urban farms are required to sell their produce at 20% less than the farmers' markets and this encourages people to buy from their local producers and eliminates the need for transport and storage facilities.

Integration between the Ministry of Health and the Ministry of Agriculture in Cuba has also resulted in the serious cultivation of medicinal herbs alongside the food crops to replace embargoed foreign drugs. Traditional Afro-Cuban herbal knowledge is also imparted to doctors as pharmacies set up green medicine sections.

Green life sprouts from everywhere in urban Cuba - empty lots, terraces, yards, bits of land surrounding buildings, even barrels and containers. *Campesinos particulares* are farms run by individual peasant farmers, largely working in the greenbelt around the city. In the city there are private gardens or *huertos privados*.

"Popular Gardens"

The most widespread urban garden however is the *huertos populares* or popular gardens that are cultivated by urban residents in small areas throughout Havana. They may be owned by individuals, families, cooperatives, informal groups, official garden clubs or institutions such as daycare centres and schools and are taxed accordingly or not at all, based on their size that ranges - from a few square metres to 3 hectares and the production contracts that farmers sign with the State in order to obtain the land.

Pioneered in 1991, today there are more than 26,600 popular garden *parcelas* (parcels) grown by more than 50,000 urbanites throughout the 43 urban districts that make up Havana's 15 municipalities.

Meanwhile, *autoconsumos* supply lunches for cafeterias of workplaces, colleges, hospitals and factories. They are owned by the workers' cooperatives or the State itself.

Many *autoconsumos* and cooperatives employ *organoponicos* - defunct hydroponic units, with their chemical substrates replaced by composted sugar cane waste to grow mostly leafy and shallow-rooted vegetables, herbs and spices. *Organoponicos* as a method can utilise wasted spaces such as old car parks and contaminated soil. *Organoponicos* are often used to grow crops with short life-spans resulting in a high yield all year round.

Huertos intensivos are intensively managed gardens, run by the State or individuals, where crops are grown in raised beds, improved by a high ratio of composted manure to soil. Special techniques are employed to prevent erosion and further build the soil. There are more than 4,000 of these.

A new technique called **vertical gardening** is also now being developed. With PVC pipes and even used black plastic, soil and a water delivery system, leafy crops can be grown in balconies and rooftops, potentially increasing the Cuban crop surface area by 4.5 times.

Today, Havana and other Cuban cities are lush greeneries of a variety of urban gardens that empower local communities while feeding them better than ever with fresh, organically grown produce.

Cuba is demystifying biotechnology and transnational agriculture - swapping exorbitant infrastructure and corporate scientists for workers' cooperatives, participatory development, environmental conservation and good health.

The urban organic agriculture is not subsistence farming, it is part of the country's food security programme Cuba's goal is to provide every citizen with at least the 300 grammes of vegetables per day as recommended by the United Nations Food and Agriculture Organisation (FAO). Now they have reached 215 grammes per day per capita through urban agriculture.

People are eating healthier than ever. When the target of 15 kilogrammes of food produced per square metre is achieved, 300 grammes of fresh produce and 70 grammes of animal protein will soon be available daily for each Cuban.

- Third World Network Features

Tragic Turning Points in History II

“THE MOVING FINGER WRITES & HAVING WRIT MOVES ON...”

L.U.C. Kuruppu

The great Persian poet Omar Khayyam’s gem of poetical verse, so rendered by an English translator is actually syllogism at its best, because it furnishes Western scholarship to Oriental insight. History is moving and it can never, ever stop with Fukuyama, Greenspan, Wolfenson or to say the least President George W. Bush of near “concert-hall” fame!

For surely all these purveyors of ‘truth’ speak in the awesome language of no “nonsense”. They claim to be the oracles of history, even when God himself speaks through the Bible, through the mouth of “His only begotten Son” about the end of the world!

The preparations for the Third World War are surely being made, but with visibly faltering steps, because “the international war against global terrorism” is turning out to be a grand-style damp-squib, like everything new being churned out of from the culture and civilization of the “New World”, which Christopher Columbus “discovered”, much to the dismay and despair of Chief Seattle and his Red Indian tribes.

It is strangely significant that the majestic aerial beast – the American Eagle- holds a bundle of arrows in one set of claws

and the olive branch in the other, and furthermore seemingly looks away from both at some distant object, most probably smaller birds! All the contradictions of Fukuyama’s world, dominated and inspired by “moribund” global capitalism,” are displayed by that majestic animal in the logo of U.S. imperialism.

Gloomy Prospect

Today the picture looks many hundred times gloomier than the optimistic view of the noble American Founding Father’s - George Washington, Benjamin Franklin, Thomas Jefferson and John Adams. Thanks to them, and a whole genre of genuine representatives of the American Left, who survived the FBI and the squads, the truth which was spelled out in 1776 is being enacted with all the force of history and the living contradictions of the USA in the 21st century.

Today the picture looks many hundred times gloomier than the optimistic view of the noble American Founding Father’s - George Washington, Benjamin Franklin, Thomas Jefferson and John Adams. Thanks to them, and a whole genre of genuine representatives of the American Left, who survived the FBI and the squads, the truth which was spelled out in 1776 is being enacted with all the force of history and the living contradictions of the USA in the 21st century.

The war in Afghanistan, launched on the 10th of October, 2001 is the best lesson in the most recent history of the world. Growing economic recession heading straight for a mighty depression, far surpassing the Great Depression of 1929-30, is daily exhibiting its worst symptoms. It is not the badly bruised face of George W.

Bush, who fell flat on his face whilst watching global T.V. News, which often spits at him everyday. Remember, his illustrious father, the former President George Bush (Snr) who fell into faint and the lap of his Japanese hosts in the 1989-1990 era. There is something, much more serious. The younger Bush's favourite's gas company "Enron" fell not only in debt, after being the 7th biggest corporate giant in American Big Business, but fell in the utter disgrace of fraudulent book-keeping and gigantic malversation of funds, depriving even their poor and faithful pensioners. This far surpasses the fall of the great American cedars, cut down by those enemies of conservation –the loggers and lumbermen. The reverberations of Enron's fall cannot be hidden any more. It exposes

the "unsurpassable hypocrisy of the most reactionary wing of the Republican Party", whose elephant symbol is so close to our own majestic politicians.

America is heading for its worst recession in several decades with 1.3 million jobless and almost daily closures of the giants of industry, including Henry Ford's domain. Joblessness is growing like the creeping paralysis. Japan has 3 million jobless because the USA has closed the door to its exports. No wonder the U.S. sabre-rattlers led by rum-faced Defence Secretary Donald Rumsfeld, must threaten the whole world, keeping himself and his faction, with the most awesome hi-tech weapons in the history of humankind, shaking even the foundations of the majestic Himalayan Mountain Ranges. Probably, the gods of the underworld in the distant Democratic Republic of Congo, heard the sound of mighty bombs in the Hindu Kush area, and decided to throw out the biggest fireworks in that border city of Goma, whose volcano exploded throwing out lava (speed of 45 kilometres an hour!) and double-rifting the earth's surface in the suburbs itself. His warnings to Saddam Hussein are not going to be the same, as those to the Taliban of Afghanistan, the poorest and weakest nation on earth (despite it being first in the American almanac's list of countries). Iraq has far greater support, internally and externally, than that poor Asian land.

The logic of global capitalism is quite naturally convincing the European NATO allies of U.S.A. that the unification of markets and currencies is the best way to save themselves from the disasters of global economic depression. Therefore, the European Union (E.U) has decided on a common market and a Common Currency the Euro. It augurs well for the nations of Western Europe, that looking inwards first, is better than always looking outwards, as they did in the glorious days of European imperialism when the whole of Asia, Africa and Latin America lay at their feet.

The treatment of Taliban and suspected Al Quaeda terrorists at Guantanamo U.S. base in Cuba is raising the eyebrows of that famous appendage of the bourgeoisie – I.R.C. (Red Cross), initials which have no connections with the prison department in Sri Lanka These "atrocious acts" have also raised the voice of Kofi Annan in the U.N. General Assembly.

That voice is the voice of humanity, and it will augur well for the whole American people, if they now decide to censure Bush & Co. in the best act of American democracy, at the next elections, presidential or congressional!

Unification of Markets and Currencies - The European Union

The logic of global capitalism is quite naturally convincing the European NATO allies of U.S.A. that the unification of markets and currencies is the best way to save themselves from the disasters of global economic depression. Therefore, the European Union (E.U) has decided on a common market and a Common Currency the Euro. It augurs well for the nations of Western Europe, that looking inwards first, is better than always looking outwards, as they did in the glorious days of European imperialism when the whole of Asia, Africa and Latin America lay at their feet. They know the benefits of a planned regional economy, and that is good news for the entire world, as it goes a long way to demonstrate the more rational logic of planned economy, which must sooner or later replace the anarchy of the global market economy, flowing from the insurmountable contradictions of the Capitalist mode of production now nearing its own end, without the end of history in sight! This will be a long way off, given the most dynamic momentum of the productive forces of the of modern science and technology. Let's hope humanity will not miss the bus this time!

About the writer:
L.U.C. Kuruppu is a former Government Agent Kegalle and also former Secretary of the National Education Commission.

World leaders seek 'ethical globalisation'

Anti-capitalist demos

NEW YORK, Feb 4 (Reuters, AFP)

Global business leaders heard a blunt warning that corporations and international organisations must become more accountable or face mounting resentment from ordinary people and poor nations, and some appeared to heed the message.

United Nations High Commissioner for Human Rights Mary Robinson told business and political leaders at the fourth day of the World Economic Forum that they face a key challenge - empowering the common citizen in the globalisation process. "We need to move toward a more ethical globalisation and find a way to have civic democracy on an international level," she said.

Archbishop of Canterbury George Carey referred to the recent collapse of Enron, saying the fall of the energy trading giant raised fundamental questions about honesty and accountability within capitalism. "There's a big question mark over capitalism today. It's one word and it's Enron," he said. "And what is that challenge? Capitalism has to act within boundaries."

The ever-widening gulf between rich and poor nations has emerged as a central theme of the five-day gathering, which has brought together 2,700 delegates from many different countries and disciplines to discuss key issues.

Thousands of anti-globalisation demonstrators demanding an end to corporate greed and worker exploitation rallied in the streets this weekend near the Waldorf-Astoria Hotel, where leaders are barricaded behind rows of police officers guarding the high-powered talkfest.

Protests have been spirited but non-violent at this meeting, held just three miles (5 km) north of the debris of the World Trade Center towers destroyed in the Sept. 11 attacks.

About 70 people were arrested in Greenwich Village Sunday afternoon for

lying down in the street and blocking traffic in demonstrations against the fo-um, police said.

Many delegates have said that globalisation is at risk if rich nations - particularly the United States and Europe - fail to dismantle the subsidies that deny poor nations full access to their steel, textile and agricultural markets.

Noreena Hertz, a business analyst at Britain's Cambridge University, said that even the industrialised world had seen a **worrying shift of power from elected politicians to multinational corporations** and organisations that were both undemocratic and unaccountable.

Meanwhile Russian Prime Minister Mikhail Kasyanov called Sunday for international assistance to narrow the divide between rich and poor as part of a broad attack on the root causes of terrorism.

While the immediate challenges in the campaign were difficult, "an incomparably more complex objective was to remedy the huge and unfortunately deepening disparities in living standards between this planet's rich and poorest countries," he said.

Some people had argued that an upsurge in terrorist activity was largely the result of a globalisation process that had gone too far, Kasyanov said in an address to the World Economic Forum.

"I believe this to be a big mistake," he said. Instead, the world needed to remove the barriers between countries that hamper the flow of goods, services, ideas, and technologies.

In the medium term, national economic social policies would be critical to overcoming both poverty and backwardness but even a perfect package of measures could not deliver immediate results, noting that health needs of people cannot wait.

"Therefore what is urgently needed now as never before is the provision of real ... international assistance."

WSF renews peace calls, amid harsh criticism of US

PORTO ALEGRE, Brazil, Feb 4 (AFP)

The World Social Forum renewed its calls for peace amid strident criticism of the United States.

"Today, arms have won, bombs have won, the absence of dialogue has won ... and for that reason the organisations that could guarantee mediation have been weakened," said Guatemalan peace advocate Rigoberta Menchu, the Nobel peace prize winner in 1992.

She said the US-led war on terrorism has caused a "new curtain of silence to fall on fundamental problems" that countries should be concerned about.

During a conference titled "a world without war is possible," Menchu said that the "events" of September 11 had led to "a redistribution of the powers at world level that has not necessarily benefited the population."

In the closing conference Sunday, another Nobel peace prize winner from 1980, Argentina's Adolfo Perez Esquivel, denounced what he called the United States' will to "remilitarise the South American continent."

"US troops went into Argentina with Latin American troops as part of Plan Colombia," Perez Esquivel said. "There could be another Vietnam in Latin America but they will not fight directly with us: they want us to kill each other."

Condemnation of the US Military intervention in Afghanistan has been a constant since Thursday's launch here of the World Social Forum, timed to coincide with the World Economic Forum, normally held in Davos, Switzerland but this year taking place in New York as a mark of respect in the wake of the terrorist attacks that left around 3,000 dead.

Another summit being held here on the fringes of the World Social Forum, the World Parliamentary Forum, concluded Sunday, with a rotund condemnation of US policies, including potential escalation in the US war on terrorism.

The Enron Debacle: The rise and fall of a Global Corporation

From its lofty position as the 'Rolls Royce' of Corporate America, the Houston-based Enron Corporation was reduced to 'junk' status, becoming the biggest bankruptcy case in US history. A combination of factors - including a lack of transparency, lax internal controls and fraudulent practices - was responsible for Enron's debacle.

✍ **Kavaljit Singh**

The anti-corporate activists, and groups in the US and elsewhere are in a jubilant mood over the collapse of the Houston-based Enron Corporation, which till recently symbolised the corporate-led globalisation model. But it is important to emphasise here that anti-corporate activists have not engineered the collapse of Enron; rather the company became a victim of its own contradictions and large-scale fraudulent practices by its top management.

Sudden Collapse

The collapse of Enron was almost inconceivable a few weeks ago because the company was internationally known for its risk management practices. In business schools and universities, Enron's risk management models and systems were not only taught but also praised as the 'best practice'. The company was the darling of investment bankers on Wall Street and was often referred to as the 'Rolls Royce' of Corporate America.

Despite the bursting of the hi-tech bubble, Enron's stock touched a high of \$90 in August 2000. *Global Finance* (a leading international financial journal) chose Enron - as the world's best company in energy services and electricity in its annual survey published

in September 2001. Enron was ranked No. 16 on *Fortune's* Global 100 Corporations list published in July 2001. In fact, not just the investment banks, business partners and financial markets, even the critics of Enron had never anticipated that

the most admired company would face a sudden collapse.

On 2 December 2001, Enron sought protection under Chapter 11 of US bankruptcy laws to reorganise and protect itself from lawsuits from creditors. With assets worth \$49 billion in September 2001, this is the biggest bankruptcy case in US history.

The credit rating, of the company has been reduced to 'junk' status, while the share prices have witnessed a free fall since October 2001. From its peak at over \$90 per share in August 2000, the price hit a low of 29 cents on 3 December 2001. The collapse was so imminent that a relatively little-known American company, Dynegy, called off its proposed merger deal with Enron when the latter's stocks hit the bottom.

Extraordinary Rise

The extraordinary rise of Enron is full of scams related to corrupt practices, bending of rules and laws, concealing of facts and embezzlement of accounts. Until the 1980s, Enron was a small company primarily engaged in natural gas pipelines. But the company shot into prominence with its aggressive and ambitious approach in the 1990s, the decade of deregulation, privatisation and globalisation.

From building power projects in India, Pakistan and Croatia, the company expanded to large-scale trading in power and gas in the deregulated markets of the

US and Europe. Taking advantage of business opportunities offered by deregulation of the energy sector in the US and the UK, Enron entered the business of energy, trading in a big way. With the usage of sophisticated trading instruments including derivatives, Enron soon emerged as a major player in the energy-trading market in the 1990s.

Although large-scale energy trading is a recent phenomenon in the developed countries, Enron quickly established its leadership in a couple of years and dominated this business, with more than 25% of total trading in the US. Until recently, the company also accounted for about 30% of the German wholesale power-trading market, besides being a 'Significant player in the gas and power markets in the UK.

Taking full advantage of the intellectual climate favouring deregulation, the company lobbied to limit regulation and disclosure of its trading operations in the US. In 2000, for instance, the company succeeded in exempting its Internet-trading platform from regulation by the Commodity Futures Trading Commission.

There's no denying that building contacts in the corridors of power facilitated Enron's massive expansion of business. The top management of Enron maintained close contact with the establishment, be it in Washington or Mumbai or Islamabad. Therefore, it is hardly surprising to know that Enron was the 12th biggest contributor to the Bush election campaign.

In India, the company was involved in a major bribery scandal in its Dabhol power project. Later, in a testimony before the US Congress, Enron admitted having spent \$60 million to 'educate the Indian public about the benefits of the plant'.

Fraudulent Practices

The collapse of Enron has more to do with its fraudulent investment activities than the wearing down of its core business of power trading. Although the details are yet to be revealed, initial reports suggest that the company suffered huge losses in investments which were covered up in the complex web of partnership investment companies and trusts by its chief financial officer. These losses were concealed in order to mitigate their im-

fact on the reported profits of the company.

The company suffered a \$1.2-billion loss in capital following a bad hedging deal with a private-equity fund called LJM set up by its chief financial officer. Further, the third-quarter results of the company (released in mid-October 2001) showed a \$1-billion write-off on water distribution, broadband trading and other investments.

In addition, the company pursued a deadly practice of getting rid of the asset-based portion of its business (which in the short run helped the company to attain better returns on equity) and expanding business on new debts, which became unsustainable in the long run. Thus, a combination of factors including lack of transparency, lax internal controls and fraudulent practices (concealing debts from its balance sheets in order to deceive investors by showing higher profits) was largely responsible for Enron's debacle.

Impact of Collapse

Apart from laying off nearly 4,000 workers, the collapse of Enron has several other wider ramifications. Although the exact spillover impact of the collapse would only be known in the days to come, one thing is certain: the negative fallout would not be restricted to the power-trading businesses. Even those subsidiaries of Enron that are not directly related to the power business (such as Enron Leasing Company) would also be badly hit by the bankruptcy of the parent company.

The initial reports suggest that the major victims of the fallout would be the banks and financial institutions that provided huge loans to Enron. Two of the major banks, Citigroup and J P Morgan Chase & Co., which together lent more than \$1 billion to Enron, are faced with potential losses of more than \$400 million of unsecured loans. The French bank, Credit Lyonnais, also had an exposure to Enron of \$50-100 million.

Some commentators have compared the collapse of Enron with the collapse of Long-Term Capital Management (LTCM), a hedge fund that collapsed in 1998. Also known as the 'Rolls Royce' of Wall Street, LTCM was a very prominent hedge fund with sophisticated fund managers and financial wizards on its pay roll. But follow-

ing the Russian crisis in August 1998, LTCM suffered a complete erosion of its capital base.

However, timely intervention by the US Federal Reserve bailed out LTCM; otherwise its collapse would have sparked a major crisis on Wall Street and the global financial markets. In the case of Enron, analysts are also expecting a similar bailout package, given the close proximity of its top management with the Bush administration. Meanwhile, a US Congressional panel has started investigations into the collapse of Enron.

The bankruptcy of Enron also has serious implications for India, as the company is the majority owner of the \$2.9-billion Dabhol power project in India. Even before its collapse, Enron was keen to sell its stake of 65% in the project because its tariffs were too high for the Maharashtra State Electricity Board. As a result, the project was shut down two months ago. Now with the filing of bankruptcy in the US, the sale of its stake is likely to be delayed; therefore, no early solution to the problems faced by the project is expected.

The bankruptcy also poses a serious blow to three Indian banks and financial institutions that had lent huge amounts of money to the project. The financial institutions - the State Bank of India, ICICI and the Industrial Development Bank of India (IDBI) - together have funded \$1.4 billion in the Dabhol power project.

Any further delay in the interest payments would lead to massive erosion of the earnings and profitability of Indian banks and financial institutions, some of which are already reeling under the burden of huge non-performing assets. Indian banks and financial institutions are expected to collectively lose nearly \$208 million worth of interest income over the next year.

In addition, Indian financial institutions have given guarantees to loans by export credit agencies (ECAs) such as US EXIM, OND of Belgium and the Japanese Bank for International Cooperation. Thus, the Enron debacle poses a potent threat not only to Dabhol lenders but also to the entire financial sector in India.

- Third World Network Features

"Bush - Fire"

(State of Union address to the US Congress on January 30, 2002)

President Bush is on fire, ready to alight the world into the flames of global war on terrorism - the 1st war of the 21st century. The nightmare of the US Presidency. Domestically ENRON gas is on fire, with the flames licking the White House. However, the Democrats are not as smart as the Republicans at witch-hunting - a la Senator McCarthy, the spirit behind the present CIA.

MS. Condoleezza Rice is probably cooking the best meal for the President, and Mr. Colin Powell is outdoing Mr. Blair at jet-line diplomacy. Obviously modern science and technology enables fast travel (not yet at the speed of light) and smart eloquence. Rhetoric is not the same as wisdom.

History today is moving at the speed of science and technology, whereas humanity is only just learning to be human. Thus humankind is in the nursery where the higher spiritual values are concerned.

Material Values - Privatisation of public property and maximisation of profit, and the cult of "very" private enterprise, including destruction of accounts, alleged suicides (hopefully not amounting to homicide), more "Watergates" and energy deals, law-suits and Congress debates appearing in the form of ever-changing and fast moving **Pairs of Opposites** (contradictions) is driving nearly all protagonists mad, and making nearly everyone an antagonist. The contradictions are too much for the **Human Brain** to register and for **social consciousness** to reflect. The lag between **social being** and social consciousness almost inevitably drives the ruling class into **Irrationality of thought, speech and conduct**, whether in USA or Tel Aviv.

President George W. Bush (Jnr) is the typical representative of the present "**State of the Union**", which he claims is stronger than ever, **Enron and Wall Street** notwithstanding, and the **Mass Unemployment and Growing Business Closures**.

The day **Mass Social Consciousness** reaches maturity, the qualitative transformation and human society and the planned global economy will ensure the dawn of a new era, where global economic depressions and world wars will be matter of the past. **Until then**, humanity is in danger of becoming **nuclear dust** and not mere concrete rubble, as in New York or Jerusalem. -L.K

IMF World Bank have failed

-Harvard economist

NEW YORK, Feb 4 (AFP)

A prominent Harvard University professor and activist accused the International Monetary Fund, the World Bank and the United States of pursuing policies that have caused the deaths of millions of people around the world.

"People die by the millions in silence because of poverty" and "this is the responsibility of the IMF and the World Bank," he told a gathering at the World Economic Forum, an annual meeting of corporate and political leaders.

"We have 25,000 people die every day for identifiable reasons."

He charged that the "IMF and the World Bank have failed," citing economic reform programmes imposed on poor countries by the two institutions in exchange for financial support.

But he laid much of the blame for their failure on the United States, which he said wields substantial influence over the Fund and the Bank and is "the biggest obstacle" to efforts aimed at increasing their assistance to the most impoverished countries.

"We have the means to save millions of people but we do nothing," said Sachs, who is also head of Harvard's Center for International Development.

Also attending the session was French parliamentary deputy Dominique Strauss-Khan, who maintained that the United States lagged far behind other industrial countries in the amount of development aid - as a percentage of gross domestic product - that it provides.

France devotes about 0.3 percent of its GDP to aid, compared with 0.1 percent made available by the United States, he said. ■

The C.I.A. and the school for terrorists

If Osama bin Laden was indeed responsible for the 11 September attacks in the United States, it is important to note that he was the creation of the Central Intelligence Agency (CIA) to serve US foreign policy, just as the terrorist training camp in Georgia, USA - euphemistically named the Western Hemisphere Institute for Security Cooperation - trains torturers, maniacs, terrorists and despots to serve in Central and South America to enforce US dominance in the economic, political and military arenas.

✍ Raymond Ker

America's evil actions in the past are backfiring on its own citizens today. If Osama bin Laden was indeed responsible for the 11 September outrage, then it is important to note that he was the creation of the CIA [Central Intelligence Agency], which in 1979 recruited the most vicious and radical fundamentalist fanatics from Saudi Arabia and other Arab and Muslim countries for the war in Afghanistan and utilised the enormous budget allocated by the US Administration to train, arm and finance them.

Brzezinski, who was Jimmy Carter's National Security Adviser during that era, admitted that the intention was to unleash the *mujahedin* on the Russians, who were supporting the government in Afghanistan. While this furthered the United States' Cold War agenda, it resulted in the destruction of Afghanistan. It also illustrates the sheer inhumanity, racism and stupidity of US foreign policy.

These terrorists soon became autonomous of their US masters and almost immediately started pursuing their own fundamentalist goals in North Africa (the assassination of Anwar Sadat), the Middle East, Chechnya, Bosnia, Kashmir, South-East Asia, etc. And now, finally (if there is indeed evidence linking Osama to the 11 September attacks), the World Trade Centre.

There are several reasons why have they turned on their American masters in such a spectacularly horrific way. The first is their perception that the holiest sites of Islam have been defiled because of the establishment of permanent US military bases in Saudi Arabia. This has been a recurring theme of bin Laden's broadcasts on the Al-Jazeera TV channel.

Another major reason for their anger is the incessant bombing of Iraq and the embargo which has resulted in the deaths of 500,000 children from malnutrition and the lack of medicines, and the slaughter of hundreds of thousands of civilians. US support for the brutal totalitarian regimes in Arab and Muslim countries which viciously thwart any democratic or progressive economic reforms is also high on the list of grievances.

Above all, there is the continued military, economic and diplomatic support for Israel against the Palestinians. Osama referred to 'a long series of crusader wars against the Islamic world', from the occupation of Palestine by the British, US support for the Zionist occupation and excesses in Palestine, to the assault on Bosnia.

This pattern of CIA activity can be traced throughout the Third World and can be extrapolated ad nauseam but is seen

most graphically in Latin America.

Most people are fairly familiar with the exploits of the CIA over the past half-century but few know a great deal about the terrorist training camp in Fort Benning, Georgia, named euphemistically: the Western Hemisphere Institute for Security Cooperation - WHISC. It was formed in Panama in 1946 and named the School of the Americas (SOA) in 1963 under John F Kennedy. It was then moved to Georgia in 1984 under terms of the Panama Canal Treaties.

This delightful venue has trained 60,000 Latin Americans from whose ranks were spawned the most vicious torturers, homicidal maniacs, State terrorists and despots, who have terrorised and perpetrated genocidal warfare against the civilian populations of Central and South America for five decades. These are the front-line troops enforcing the US 'full spectrum dominance' in the economic, political and military arenas. This includes the death or disappearance of 200,000 Guatemalans and innumerable other atrocities.

In Colombia two million have been displaced and thousands are still reliving the horrors of their torture - not surprising since, with 10,000 graduates from the SOA, Colombia is the school's largest customer and has the worst human rights record on the continent. This is underpinned by the \$1.3 billion US-funded aid package of which 75% is lavished on the Colombian security forces.

The El Salvadorean truth and reconciliation commission found that more than two-thirds of the worst human rights violators were graduates cum laude of the School of the Americas, while the Guatemalan Truth Commission Report stated that 93% of human rights violations were perpetrated by the military or death squads linked to the SOA, rather than by insurgents. The record shows that these model students also turned up in the security apparatuses of the murderous dictators of this tragic continent: Noriega (Panama), Galtieri (Argentina), Pinochet' (Chile),

Rodriguez (Ecuador), Fujimori and Alvarado (Peru).

But this is still happening today: Human Rights Watch in the year 2000 implicated seven of the School's darling graduates who were directing the exploits of the paramilitary torturers and murderers in Colombia who have American support and succour.

And what a fascinating spectacle the world was treated to when in 1996 the US Administration was compelled to reveal seven of the School's diabolical training manuals which outlined interrogation techniques including torture, blackmail and execution.

"New name, same shame"

In January 2001, when the School of the Americas' colours were pinned to the mast, the House of Representatives' fancy footwork merely entailed renaming it WHISC, effectively defeating a bi-partisan amendment to close the school by a narrow 10-vote margin, and it was business as usual. Paul Coverdell, the Georgia Senator, labelled this a 'cosmetic' change while protesters chanted: 'New name, same shame'.

The El Salvadorean truth and reconciliation commission found that more than two-thirds of the worst human rights violators were graduates cum laude of the School of the Americas, while the Guatemalan Truth Commission Report stated that 93% of human rights violations were perpetrated by the military or death squads linked to the SOA, rather than by insurgents. The record shows that these model students also turned up in the security apparatuses of the murderous dictators of this tragic continent: Noriega (Panama), Galtieri (Argentina), Pinochet' (Chile), Rodriguez (Ecuador), Fujimori and Alvarado (Peru).

The School has more aptly been dubbed School of Assassins by Eric Robison, who is currently on a hunger strike while serving a six-month sentence for protesting on the premises. Another hunger striker drew attention to the irony of George W Bush's call for all-out war against those who 'inspire, support and finance' terror when he has not closed down his School.

Hardly any mention was made in the mainstream media of the scrupulously non-violent protest on 19 November by 10,000 at the entrance to Fort Benning, when 3,600 of these crossed the line onto base property as part of a solemn funeral procession honouring those killed by SOA graduates. Many were arrested and also face six-month sentences.

Now what do you think the Bush administration's response would be to a demand from Latin American countries to extradite the trainers at WHISC for complicity in gross human rights abuses and crimes against humanity?

US plan to unleash CIA

This brutality is becoming more endemic in the new millennium: The US Administration now plans to 'unleash' the CIA to perpetrate political assassinations, torture and a string of human rights violations (as though they ever refrained from these dastardly deeds!); 'physical interrogation' (read: torture) is recommended by the venerable *Newsweek* magazine; and George W Bush orders the institution of military tribunals for suspected terrorists in camera and without a jury.

But there is also a corresponding urgency noted in activists and civil society to confront and reverse this cynical trend. If the enormous untapped energies of the billions, especially in the Third World, can be focused in this area a miracle will unfold in the current century.

- Third World Network Features

About the writer: Raymond Ker, who is based in Cape Town, South Africa, can be contacted at: raymond.kebbsa.co.za.

Israel: A terrorist success story

If there was an Academy Awards ceremony for terrorism, Israel would sweep every category - and every acceptance speech would have to thank the government of the United States, whose generous support has made Israel the most successful terrorist State in the world.

Rob Miller

How do you measure the success of terrorism? Is it by the numbers of civilians killed, maimed and terrorised or the level of disruption and fear brought to peoples' daily lives? Israel scores very highly on both these counts.

Most Successful Terrorist State

Surely though, the ultimate measure of success is the ability to use terrorism to achieve your aims and get away with it. By this measure, Israel is the most successful terrorist State of the 20th century and looks like continuing its winning streak into the 21st century.

Israel has its own special way of recognising the achievements of its great terrorists - by electing them its prime minister. There are no less than three Israeli prime ministers who have long terrorist histories.

The current prime minister, Ariel Sharon, cemented his place in the hall of fame with his leading role in the 1982 invasion of Lebanon, including the massacres by Israeli-backed militias in the Palestinian refugee camps of Sabra and Shatila. Earlier in his Israeli army career Sharon was responsible for the slaughter of 69 civilians in the Qibia village in Jordanian-controlled territory in 1953.

The Israeli prime minister at the time of the 1982 invasion, Menachem Begin, was a leader of the Irgun, one of the main terrorist groups in the Zionist movement. In the 1930s and 1940s the Zionists were trying to establish the Israeli State in what was then British-occupied Palestine.

In 1937, the Irgun launched a terror campaign against Palestinian civilians, setting off bombs in markets and attacking buses. In one attack on the Haifa fruit market 74 Arabs were killed and 129 wounded. In 1946, the Irgun set off a bomb in the King

David Hotel in Jerusalem killing about 100 Arab, British and Jewish victims.

In 1937, the Irgun launched a terror campaign against Palestinian civilians, setting off bombs in markets and attacking buses. In one attack on the Haifa fruit market 74 Arabs were killed and 129 wounded. In 1946, the Irgun set off a bomb in the King David Hotel in Jerusalem killing about 100 Arab, British and Jewish victims.

Another Israeli prime minister, Yitzhak Shamir, started his career in this same period as a leader of the Zionist terrorist group, the Stern gang. The Stern gang was responsible for the assassination of the UN mediator in Palestine, Count Folke Bernadotte, and a French UN observer in September 1948.

As central leaders of these groups Begin and Shamir both went on to play a crucial role in the terrorist activities carried out during the 1948 war.

The term 'ethnic cleansing' came into general use when it was used to describe the atrocities carried out by the Serbian nationalist forces in their push to create a Serbian state in Bosnia.

To carry out this particular form of terrorism is one thing, but as former Serbian ruler Slobodan Milosevic has found out, it is quite another thing to get away with it. In terms of getting away with ethnic cleansing, Israel is in a class of its own.

Zionism's Ethnic Cleansing

Ethnic cleansing was always going to be essential to achieving the Zionist movement's aim of creating a Jewish State in Palestine. This movement sought to escape the oppression suffered by Jewish minorities throughout history by setting up a State controlled exclusively by Jews, ruling over

a country in which Jews were the majority. The process of creating such a State in Palestine would inevitably involve systematic discrimination against the non-Jewish people of Palestine.

Through a combination of lobbying, military force and terrorist activity the Zionist movement was able to win the support of the US and other powerful nations for a UN partition plan which would create a Jewish State in Palestine. The 1947 UN partition plan violated the right of the Arabic-speaking Palestinian people to national self-determination, as it denied them the opportunity to vote on whether or not they agreed to the UN plan to hand over a part of their national homeland to a colonial-settler state.

The UN plan was also grossly unfair in that it granted the 30% of the population who were Jewish 54% of the land of Palestine, including the most fertile areas. Despite the obvious bias of the UN plan in favour of Zionism, it did not resolve the 'Arab question'.

In the area allocated to the Jewish State, Jews only barely outnumbered Palestinians (498,000 Jews to 497,000 Palestinians) and at this time the Zionist settlers only owned 6% of the land. The solution was ethnic cleansing. By waging a war of terror against the civilian Palestinian population, the Zionists were able to occupy 81% of the total area of Palestine by the end of the 1948 war.

Widespread Terror

One of the worst acts of terror during this war was the Deir Yasseen massacre. On 9 April 1948, the Irgun and the Stern gang attacked the village of Deir Yasseen and massacred 120 villagers. To ensure that the massacre had maximum effect in forcing Palestinians to flee, the terrorist forces raped women and girls, butchered infants and cut open the womb of a nine-month-pregnant woman.

This was just one of a number of massacres that terrorised more than 90% of the Palestinian population into fleeing their homes.

After forcing the Palestinian population to flee the villages, the Israeli forces would often blow up the houses to ensure the residents had nothing to return to. To reinforce the point, the Israeli authorities then 'legally' confiscated the homes, fields and property of all Palestinians who had not been in their 'regular place of residence' on 1 September 1948.

The media coverage of the attacks on New York has emphasised that the victims of terrorism are not just those killed and injured but also their families, and the society as a whole. Today there are more than 3.7 million Palestinian refugees registered by the UN and about another two million who are not registered. These refugees are the victims of the acts of terrorism carried out in the 1948 war and of further terrorist acts carried out in the last 53 years.

Unpunished Terrorism

In the Balkans, some refugees have been allowed to return - but not in Israel. There, Palestinian refugees are not allowed to return, despite the fact that under international law they have every right to. UN resolution 194 passed in 1948 explicitly affirms this right - but Israel's ethnic cleansing and defiance of this UN resolution goes unpunished by the UN and the US.

While the Palestinian victims of Israeli terrorism are left to rot in refugee camps, Israel struts the world stage claiming to be a democracy. This Israeli form of 'democracy' is based on driving out more than half the indigenous population of the country and thereby denying their right to participate in any aspect of society.

Meir Kahane, one of Israel's best known civilian terrorists, openly acknowledged this fact. According to Kahane: 'There is no question of setting up democracy in Israel because democracy means equal rights for all, irrespective of racial or religious origins. You can't, on the one hand, want a Jewish State and, at the same time, give non-Jews the right to become a majority.'

Denying the right of Palestinian refugees to return is therefore essential to maintaining Israeli 'democracy'.

Hollywood has produced numerous films in which 'evil terrorists', usually Arabs, take innocent civilians, usually Americans, hostage and make demands that must be met before the hostages are released.

We all know the script: the ruthless hijackers kill a hostage to show they mean business, the US government refuses to negotiate with terrorists, one of the hostages is a Special Forces-trained superhero who leads the fight against the hijackers, eventually killing them all and setting the hostages free.

These 'Hollywood principles' generally reflect the public stance of the US govern-

ment in relation to terrorism. This tough 'no negotiations, blow the terrorists away' stance was exactly that taken by the US and its allies in relation to the Taliban's offer to negotiate on a international trial for Osama bin Laden. Any suggestion that there should be negotiations or an assessment of the legitimacy of the territorial claims was dismissed as appeasement and rewarding terrorist aggression.

Do these principles apply to Israel?

Israel's 1948 acquisition of territory by force went unpunished. No doubt encouraged by this success, in 1967 Israel invaded the rest of Palestine and parts of Egypt and Syria, taking millions of civilians hostage. Israel demanded that its 'right to exist' be recognised before it would withdraw and release the hostages. The passing of UN Security Council resolution 242 calling on Israel to withdraw from the occupied territories had no effect.

US Convinivance

So did the US launch immediate military action against Israel? No. It called for negotiations while continuing to provide Israel with massive military aid.

In 1973, Egypt and Syria took military action to attempt to free their citizens and territory held hostage by Israel, exercising their right to self-defence under international law. The US response was to provide Israel with all the emergency military aid it needed to defeat Egypt and Syria.

The experience of Egypt's 1977 peace treaty with Israel seems to confirm the argument that negotiating with terrorists only encourages them. After Egypt had met Israel's demands for recognition and had its territory returned, Israel promptly invaded Lebanon in 1978, and again in 1982.

In effect, Israel has held millions of innocent civilians hostage since 1967 and has killed thousands of Palestinians who have resisted this. While in Hollywood movies and in Afghanistan, it is quite legitimate for the 'civilised world' (read, the US and its allies) to kill 'terrorists', those Palestinians who have exercised their right, under international law, to resist the illegal Israeli occupation of their land have been designated 'terrorists' themselves.

During the 1982 invasion of Lebanon the civilian toll from the terrorist activities of the Israeli army was 12,000 killed, 40,000 wounded, 300,000 homeless.

Over the course of the invasion the Israeli army used a range of terror weapons on civilians including cluster bombs and phosphorous bombs and shells. The use of phosphorous bombs and shells for military objectives is banned under the 1980 UN Geneva convention.

This description of their effect by journalist Robert Fisk explains why: 'Dr Shamaa found that the two five-day-old twins had already died but they were still on fire. "I had to take the babies and put them in buckets of water to put out the flames", she said. "When I took them out half an hour later they were still burning".'

The Israeli army entrusted the dirtiest work of the invasion to their right-wing Lebanese allies, the Phalangists. On 15 September 1982, the Israeli army sealed the Sabra and Shatila refugee camps in West Beirut and Israeli defence minister Ariel Sharon authorised a unit of 150 Phalangists to enter the camps.

The Phalangists proceeded to slaughter at least 1,000 Palestinian and Lebanese civilians over a two-day period while the Israeli army looked on.

Just because Israel is the most successful terrorist State in the world does not mean there is no role for Israeli civilians in carrying out terrorist acts.

Cover for Atrocities

On 25 February 1994, Barukh Goldstein, an Israeli settler, massacred around 50 Palestinian worshippers at the Ibrahim mosque in Hebron. Goldstein was a well-known leader of Kach, an extreme right-wing Zionist organisation. Wearing a military uniform he entered the mosque and emptied two clips of a machine gun into Muslim worshippers. In the two weeks following the massacre, the Israeli army continued Goldstein's work by killing another 30 Palestinians.

While fanatical settlers such as Goldstein are directly involved in terrorising Palestinian civilians, it is the 'ordinary' Israeli settlers who provide a cover and excuse for Israeli State terrorism and further ethnic cleansing.

Protecting these Israeli civilians provides an excuse for the Israeli army to station large numbers of troops in the Palestinian territories. The land on which these illegal settlements are built, and the 'secu-

rity zones' around them, is confiscated from Palestinians. To ensure the settlers can travel freely, 'Israeli-only' roads have been built which divide the Palestinian territories and have required the confiscation of even more Palestinian land.

While renowned for its large-scale atrocities, Israel combines this with smaller-scale daily terrorism, which has the greatest impact. For the past 34 years Israeli soldiers have held up Palestinian civilians at gunpoint on a daily basis.

Much has been made of the fact that those killed in New York were just ordinary people going about their daily business. The fear that you be could killed at any moment for no good reason is one of the worst effects of terrorism. This is a fear that Palestinians in the Israeli-occupied territories have lived with on a daily basis for over 30 years.

For Palestinians, however, the people who may kill them are not invisible; they are right in front of them every day pointing automatic weapons at them as they go about their daily business. They are the Israeli soldiers at the checkpoints, who may open fire at a suspicious movement, and the armed settlers, many of whom believe Palestinians should be expelled at gunpoint.

This is not an abstract fear, as most Palestinians have a close relative who has been killed or wounded by the Israeli army or has had their home blown up or bulldozed by the Israelis as punishment for resisting the occupation. According to Amnesty International, 2,650 Palestinian houses were destroyed by Israel between 1987 and 2000.

The support of the US government has been crucial to Israel's terrorist success. The US continues to provide Israel with massive levels of military and non-military aid: US\$3 billion in 1997 alone and a total US\$74 billion since 1949.

With the continuing support of the US government, Israel's position in terrorism's number one spot looks secure for some time. On the same day that the Israeli army continued its ethnic cleansing programme by demolishing 18 Palestinian houses in Gaza, the US called on Palestinians to stop their violence and crack down on terrorism so that 'negotiations' with Israel can continue.

- **Third World Network Features**

Israel's economic war against the Palestinians

The huge disparities in power and wealth add to the frustration of the Palestinians and feed into the spiral of violence. They will have to be tackled soon, if the deepening conflict is ever to be resolved.

✶ **Roger Riddell**

Although it is the political violence that reaches our television screens, Israel's economic onslaught against the Palestinians has also caused enormous damage. Eight months into the latest intifada, the economy of the Occupied Territories has imploded with a fierceness not seen since the 1967 war.

Much of the damage has been caused by the so-called closures - the decision by the Israeli authorities to prevent the normal flow of Palestinian people and goods in and out of the West Bank and Gaza.

Before the closures, over 110,000 Palestinian workers, more than 20% of the Palestinian workforce, were working in Israel. Most have lost their jobs.

At the same time, the flow of goods into the Palestinian Territories from Israel has slowed to a trickle and manufacturers and farmers have run out of supplies: About 50,000 workers have been sacked as a result.

In mid-February the Israeli authorities imposed a sea siege along the Gaza coastline. A further 6,000 people working in the fishing sector lost their employment.

The impact on the economy has been fearful. According to one United Nations source, economic output fell by a quarter during the first four months of the intifada. World Barik figures show that by the end of January unemployment had reached 30%. By March, this had increased to about 40%.

There are other factors, which in the longer term are even more damaging, in that they contribute to the permanent under-development of the economy. Today it is the Israelis, not the Palestinians, who effectively control the land and determine economic policies of the Occupied Territories. The Palestinian authorities only have control of 18% of the West Bank and 65% of the Gaza Strip. And the situation grows worse all the time, for the sway of the Pal-

estianian authorities is being constantly undermined by the Israeli policy, despite the rhetoric, of creating new illegal settlements for Israelis within the West Bank and Gaza Strip.

The inequality in power between the two populations is all too evident. The Israelis make it difficult for the Palestinians to drill new wells. During the hot summer months the only water supplier - the Israeli company, Mekorot - makes sure it supplies water to Israeli settlers in the West Bank. When water has to be rationed, it is the Palestinians who suffer. The Palestinians cannot even benefit from their few economic advantages, such as lower wages. Palestinian manufacturers find it difficult to obtain the standards certificate they need to export goods to Israel, often because the Israeli authorities fail to come to factories in the West Bank and Gaza to carry out the necessary inspection.

Even more remarkably, Israel fails to pay the tax it gathers for the Palestinian authorities in the unified free trade area. By the middle of March this year, Israel still owed the Palestinians about £180 million in unpaid tax from the last financial year, along with about £230 million from previous year. Altogether, this comes to a staggering 60% of the total tax revenue of the Palestinian authorities for the year 2000.

There is a huge gap in living standards between the two countries. By the mid-1990s, the average income in Israel was already 11 times higher than the average income in the Occupied Territories. And the gap has been widening rapidly in recent years.

It is no wonder that these enormous disparities in power and wealth add to the frustration of the Palestinians and feed into the spiral of violence. They will have to be tackled soon, if this deepening conflict is ever to be resolved.

Excerpt: **Third World Network Features**

The Massacre of 16 churchgoers in Pakistan last October will have surprised few Christians in the Muslim World. When the west and Islam clash, they usually find themselves in the crossfire, **William Dalrymple** on how eastern Christian became an endangered species

Cross to bear

Just 15km north of Islamabad, not far from the Pakistani nuclear facilities at Wah, lie the ruins of the ancient classical city of Taxila. Not many people come here today, but this was once the capital of a dynasty of Bactrian Greeks, descendants of Alexander the Great's stranded legions, who were ruled by a succession of kings with wonderfully unlikely names: Pantaleon, King of North India; Diomedes of the Punjab; Heliocles, King of Balkh and Menander of Kabul. The city was a Hellenic colony, carefully laid out in a grid of straight lines, like a chess board. According to tradition, it was at this spot that Christianity was first preached in India.

The Christians here will tell you that St Thomas came to India from Palestine, after the Resurrection, and that he baptised their ancestors.

Recently archaeologists have also found a second-century cross at Taxila. The cross is now in the Anglican cathedral at Lahore. Elsewhere in Pakistan there are other intriguing echoes of the

old legends; at Thatta in, Sind, for example, there is a Sufi Muslim community that claims to be descended from St Thomas's, first converts, and to have relics and books to prove it.

Anti-Christian Violence

For all the antiquity of Christianity, in these parts, there is now a serious question mark over its future. **The cold-blooded murder of 16 Christians at Bahawalpur last October is just the latest in a long series of atrocities against Pakistan's small Christian minority—just 4m people in a country of 140m.** Although Pakistan's constitution guarantees religious freedom, the country's notorious blasphemy laws prescribe life imprisonment for anyone who defiles a copy of the Koran, and death for insulting or criticising the prophet Mohammed.

Because virtually no evidence above the word of the accuser is needed to bring a guilty verdict against a defendant, the laws have often been exploited by indi-

viduals with a personal grudge against an innocent non-Muslim. In 1988 Bishop John Joseph publicly committed suicide to protest against the laws; and although no one has yet been executed under these statutes, several cases are now pending. In the meantime there is a steady stream of attacks on Christians by Muslim zealots.

Such anti-Christian bloodshed is not unique to Pakistan. Two years ago a wave of anti-Christian violence in India led to the burning down of more than 40 churches in the Dangs region of Gujarat. Social boycotts were organised against all Christian converts, and the pressure led to an estimated 2,500 reconversions back to Hinduism out of a regional Christian population of about 30,000.

On January 23, 1999, shortly after India's Hindu nationalist prime minister, Atal Behari Vajpayee, had called for "a national debate on conversions" Graham Staines, an Australian who had worked for 20 years in an Orissa leper colony, was burned to death as he slept in his Jeep.

The Christians in the Middle East, have also recently found themselves in trouble. For several hundred years under the capricious thumb of the Ottoman Sultan the different faiths of the Ottoman empire lived, if not in complete harmony, then at least in a kind of pluralist equilibrium. With the eventual collapse of the empire early last century, its fringes - the Balkans, eastern Anatolia, the Levant—were left to fend for themselves.

The fallout from that collapse is still being felt, more intensely now than ever. In the past few decades all three of these regions have suffered localised bloodletting of startling proportions. Pluralism has been replaced with a savage polarisation. In dribs and drabs - and great exoduses - religious minorities have fled to places where they can be majorities, and those too few for that have abandoned the region altogether, seeking out places less heavy with history, such as North America or Australia.

Islamic Tolerance

Islam has traditionally been uniquely tolerant of religious minorities. To see this, one has only to contrast the relatively privileged treatment of Christians under Muslim rule with the fate of Christendom's



The cold-blooded murder of 16 Christians at Bahawalpur -before the burial ceremony

one totally distinct religious minority: the European Jews. In the 17th century Huguenot exiles escaping religious persecution in Europe wrote admiringly of the policy of religious tolerance practised across the Islamic world: as M de la Motraye put it, "there is no country, on earth where the exercise of all religions is more free and less subject to being troubled, than in Turkey". The same broad tolerance that had given homes to the hundreds of thousands of penniless Jews expelled by the Catholic kings of Spain and Portugal protected the eastern Christians in their ancient homelands.

New Developments

Only in the late 20th century was that tolerance replaced by a new hardening in Islamic attitudes. After centuries of usually peaceful co-existence with their Muslim neighbours, things are now increasingly difficult for the last eastern Christians. Almost everywhere in the Middle East, for a variety of different reasons - partly because of economic pressure, but more often due to discrimination and, in some cases, outright persecution - the Christians are leaving. Even a century ago nearly a quarter of the population of the Levant was Christian; in a city such as Istanbul that proportion rose to nearly half. But today the Christians are a small minority of 14m, struggling to keep afloat amid 180m, non-Christians, with their numbers shrinking annually.

In Istanbul the last descendants or the Byzantines are now leaving what was once the capital city of Christendom. In the east of Turkey the Syrian Orthodox Church is virtually extinct; its ancient monasteries are now either empty or in the process of being evacuated. Those who have made it to the West complain of protection rackets, land seizures and frequent murders. In Lebanon the Maronites, have now effectively lost the long civil war, and their stranglehold on political power has finally been broken. Most Maronites today live abroad, in exile.

The same is true of the Palestinian Christians, a little to the south: half a century after the creation of the State of Israel, more Palestinian Christians live outside the Middle East than inside. There are now said to be more Jerusalem-born Christians living in Sydney than in Jerusalem. Their problem is that, like their Muslim compatriots, they are Arabs, in a Jewish State, and as such have suffered

as second-class citizens, regarded with a mixture of suspicion and contempt by their Israeli masters. However, unlike most of the Muslims, many are educated professionals and find it relatively easy to emigrate. In Egypt, the Copts are also profoundly troubled and apprehensive. Already facing discrimination under the current regime, they are well aware that things are likely to get infinitely worse if President Hosni Mubarak falls and an Islamic revolution brings the fundamentalists to power.

A common theme runs through these exoduses. Christianity is an eastern religion: it was born in Jerusalem and received its intellectual superstructure in Antioch, Damascus, Alexandria and Constantinople. At the Council of Nicea in 325 AD, where the words of the Creed were thrashed out, there were more bishops from Persia and India than from western Europe. But today, through various accidents of history, Christianity's centre of gravity is in the West. The remaining eastern Christians now find themselves awkwardly caught between their coreligionists in the Europe and the United States, and their strong cultural links with their compatriots. Last month's massacre is the grimmest possible indication of that increasing tension.

Actions of the West

In India, again, it was above all the actions of the West - in this case, insensitive American missionaries - that enraged the Hindus and made them rise up against the Christians in 1999. The National Missionary Movement of India, based in Tennessee, talks on its website of how "Satan has successfully camouflaged his grip on the people with a thin veneer of religion", while the Texas-based Gospel for Asia describes Hindus in Gujarat as "still living in the bondage of Satan".

In the Islamic world the quarrel with the West is more pointedly political. Nothing does more to unite the normally fractious and divided Islamic world than a US attack on one or other prostrate Muslim State. During the Gulf war "Death to America" riots spread from the Maghreb to Indonesia, causing increased friction for many eastern Christian communities, notably the Copts in Egypt and the Greek Christians in Istanbul. This time it may be much worse.

In the Gulf war the US was demonstrably acting to help one Arab country, Kuwait, against another, Iraq. This time the US and Britain are attacking a Muslim country not only to kill Osama bin Laden, but to topple its government. It is exactly the sort of adventure by the West against Islamic countries that the eastern Christians have learned to dread most, and, as at the time of the Crusades, it is the eastern Christians who are getting it in the neck.

One Middle Eastern scholar who has thought and written extensively about the dilemma of the eastern Christians is the Lebanese Christian historian Professor Kamal Salibi. His view is that the Christians are leaving above all because they are exhausted with the tension; they have simply had enough: "There is a feeling of *fin de race* among Christians all over the Middle East," he told me when I went to see him in Beirut a couple of years ago. "It's a feeling that 14 centuries of having all the time to be smart, to be ahead of the others, is long enough. The Arab Christians tend to be intelligent, well-qualified, highly educated people. Now they just want to go somewhere else."

Secular Arab Identity

I asked him if he thought it really mattered if the Christians did leave. "It is a very serious matter," he said. "Each time a Christian goes, no other Christian comes to fill his place, and that is a very bad thing for the Arab world. It is the Christian Arabs who keep the Arab world 'Arab' rather than 'Muslim'. Since the 19th century the Christian Arabs have played a vital role in defining a secular Arab cultural identity. It is no coincidence that most of the founders of secular Arab nationalism were Christians: men like Michel Aflaq, who founded the Ba'ath party, George Antonius who wrote *The Arab Awakening*. If the Christian Arabs continue to emigrate, the Arabs will be in a much more difficult position to defend the Arab world against Islamism.

"Everyone is very frightened by the spread of fundamentalism," said the professor. "And, of course, it is unsettling to read about what is happening in Algeria and Upper Egypt. But this is not the end of history."

Courtesy: *Guardian Weekly*

A new approach for Islamic World needed

✍️ Asghar Ali Engineer

The world of Islam is in turmoil today. The events of 11th September in New York have given it a new jolt. The Muslim world was far from stable even before that. It had experienced many crises, conflicts and revolution. The post-colonial phase in whole of Africa and Asia that way has not seen long lasting stability. There have been frequent changes of regimes and revolutions. Most of it has been due to post-colonial problems, lack of economic development and widespread discontent. The Islamic world, particularly the West Asian region, has been more conflict prone due to its sensitivity because of oil.

Politics and Islam

It is oil politics, which has caused much turmoil in this region and from Islamic point of view it is the core area of Islam. It is this core area of Islam, which has been much in turmoil. The western powers prop up in the countries of this region either puppet rulers or support dictators, monarchs and shiekhs who have no popular political base. Iraq, Iran and other countries in the region have witnessed several revolutions or political turmoil. And it being the core area of Islam, the political developments are foisted on it. Islam, thus becomes the cause of dictatorships and it is argued that Islam does not admit of democracy.

These monarchical or dictatorial regimes often survive by enforcing medieval theological formulations, which are based not on core teachings of the Qur'an but on medieval theological formulations and term it Islamisation of politics. Thus this legitimisation game by unpopular rulers has serious social and political repercussions of their own. These rulers then enforce measures which look anti-modern, anti-secular and anti-women and bring

upon harsh criticism on Islam.

The media also has its own anti-Islamic prejudices, which make media comments on Islam even harsher. Instead of looking at things in political and social perspective every thing is blamed on Islam and its bigotry. Or madrasa system of education comes under attack. It is not madrasa system *per se* which is responsible for social bigotry. On the other hand, madrasas are themselves reflection of political manoeuvrings by the undemocratic rulers.

The madrasas, which produced Taliban were dominated by people with political aspirations. In fact these madrasas were created for producing students who would wage jihad against Soviet occupation in Afghanistan. These

It is oil politics, which has caused much turmoil in this region and from Islamic point of view it is the core area of Islam.

It is this core area of Islam, which has been much in turmoil.

The western powers prop up in the countries of this region either puppet rulers or support dictators, monarchs and shiekhs who have no popular political base. Iraq, Iran and other countries in the region have witnessed several revolutions or political turmoil. And it being the core area of Islam, the political developments are foisted on it.

madrasas with jihadi-orientation were financed by CIA and Saudis to meet their political needs. Madrasas by themselves do not produce bigoted students. Madrasas are basically meant for religious education. Pakistani politicians, particularly Zia-ul-Haq, was instrumental in promoting Islamic orthodoxy for his own purposes. His entire Islamisation project was inspired by his political needs. He promoted Islamic orthodoxy and jihadi mentality in Pakistani army also. The ISI was nothing if not political instrument of military rulers. All these had no popular sanction of Pakistani people. There has been no truly democratic regime in Pakistan. During so called democratic spells in between military rules in Pakistan it has always been a controlled or rather authoritarian democracy.

The Taliban regime, which was an ultra-orthodox regime in Afghanistan, was backed up by Pakistan, not because it was religiously needed, but because it was political necessity to perpetuate Pakistani hegemony in the region. And jihad has been nothing but legitimisation of political violence in the region.

It is also true that the Saudis have financed extremist Wahabi groups in South Asia region, particularly in Afghanistan and Pakistan to fight other political influences, particularly Soviet influence during the Soviet period and Iranian influence during the post-Soviet period. The Saudi rulers were shaken by the Islamic revolution in Iran and wanted to counter it by financing extremist Sunni outfits in the region. The Sipah-e-Sahabah and similar other groups depended for their finance, apart from internal sources (ISI or donations from people) on sources such as Saudi.

Also, the Pakistani politicians directly or indirectly incited feelings in Kashmir, not because they really wanted it 'liberated' but it paid rich political dividends internally. And this also could be legitimised through the Islamic idiom of jihad. It does not mean there is no discontent among the Kashmiri people and their grievances are not to be redressed. It is a different issue altogether. The Kashmiri Islam, being sufistic Islam, has no place for jihadi mentality. Its outlook is sulhi-kul (peace with all). But jihadi outfits were created and financed to suit political requirements of the Pakistani rul-

ers. The jihadi idiom caught on easily among the educated unemployed youth that could let out their frustrations through armed fight.

Potential for Violence

It is also important to note that there is potential for violence in all societies, including industrially highly developed societies. In American societies too one finds great deal of internal violence as witnessed from time to time. As pointed out by Khaled Al-Maeena, editor-in-chief of *Arab News*, there are many instances of inhuman violence in the American society. He writes, "Before advising Saudi Arabia on how to monitor its Islamic seminaries, the US should take stock of its own schools, a breeding ground for scandals." He points out that Charles Whitman, the University student who climbed up the university tower in Texas in 1966 with an arsenal of weapons, and then killed 17 of his fellow students and teachers and followers of Charles Manson, who believed the latter was God and blindly obeyed his orders to go on killing spree were not product of any Islamic madrasa.

Or violence in Palestine particularly by Hamas is not product of Islamic madrasa system. It is product of Israeli policies in Palestine. The media after every suicide bombing rushes to denounce Islamic militancy but hardly says a word about Israeli ruthlessness and overuse of violence against Palestinians in the name of its security. Some papers even go to the extent of saying that the State of Israel is surrounded by number of militant Arab States out to destroy it and it has to take steps to ensure its security. No one points out that Israel alone has capacity to destroy all those States put together and has powerful backing of American arms.

Having said all this it is necessary to urge upon the Muslims to reflect deeply about the state of affairs in Islamic world today. May be the world media over-projects its anti-Islamic biases. Also, it is true that instability in the region is more because of oil politics and western interest but Muslims themselves also cannot escape all responsibilities for promoting peace and development-oriented politics in Muslim countries.

The times are changing fast and there is great deal of necessity for re-thinking the issues. The rulers have their own interests but the Muslims have to work for their own political and social liberation through modern education, on one hand, and, ushering in democratic culture, on the other. It is not enough to say Islam stands for peace, one also has to promote peace in Muslim societies. The jihadi discourse will have to be countered by discourse of peace and democracy. Islam itself was a revolution against injustices and ignorance in the Arab society of the time. The Islamic revolution gave values of justice, peace, human dignity and wisdom.

The Duty of Muslims Today

The times are changing fast and there is great deal of necessity for re-thinking the issues. The rulers have their own interests but the Muslims have to work for their own political and social liberation through modern education, on one hand, and, ushering in democratic culture, on the other. It is not enough to say Islam stands for peace, one also has to promote peace in Muslim societies. The jihadi discourse will have to be countered by discourse of peace and democracy. Islam itself was a revolution against injustices and ignorance in the Arab society of the time. The Islamic revolution gave values of justice, peace, human dignity and wisdom.

It is thus duty of all Muslims today to create societies in keeping with these fundamental values of Islam and fight, through democratic struggles, for realising these values. The jihadi discourse must be replaced by democratic discourse. Violence will not solve any problems of modern society. Industrial and

technological development can take place only through education and proper developmental perspective.

In critical periods the societies have thrown up leadership with future vision. Militancy and extremism must be completely shunned and Muslim youth must be inspired by these fundamental values for its struggles for better and more just societies. To raise cry for jihad is to play in the hands of vested interests that oppose any structural changes to perpetuate their own rule.

Persons like Osama bin Laden are not going to liberate Islamic countries. They will bring only more destruction and war. Frustration cannot be equated with change. What Osama and his supporters represent is anger and frustration. Jihad is not use of violence in the state of anger and frustration. Such violence is totally destructive not of ones enemy but of oneself. Real jihad will be against ignorance and vested interest using all available democratic space in one's society. Medieval theological idiom with an air of finality and dogmatism will not be an effective weapon. Such theological discourse will only breed stagnation.

The whole spirit of Qur'an is dynamic as pointed out by so many great Islamic thinkers like Jamaluddin Afghani, Muhammad Abduh, Sir Syed and Muhammad Iqbal. They waged real jihad against stagnation, dogmatism, ignorance and superstition in the name of Islam. It is highly necessary to revive the spirit of these great Islamic thinkers and activists. Their jihad was real jihad. Their main weapons were knowledge, understanding and constant efforts to change. Iqbal represented this spirit in his much quoted verse which says Firm conviction, constant efforts and overpowering universal love are the weapons of men in jihad of life. This is a challenge for us all Muslims. We must turn into a great opportunity and change the image of Islam in the modern world.

About the writer: *Dr. Asghar Ali Engineer is Executive Director of the Centre for Study of Society and Secularism, Mumbai and a Muslim theologian and social activist.*

Conference on “Disappearances”

✦ M.C.M. Iqbal

Introduction

Last month the Organisation of Parents and Family Members of the Disappeared (OPFMD) conducted a Conference on Enforced and Involuntary Disappearances in Sri Lanka. This Conference was conducted for three days from the 11th January, 2002 at the Lasallian Hall in Mutwal. There were about 50 participants amongst whom were several lawyers and human rights activists. Eminent human rights activists delivered lectures on the issues involved with the implementation of the recommendations in the Reports of the Disappearances Commissions of Inquiry and other related matters. Every lecture was followed by lively discussions by the participants. Representatives from similar organisations in the Philippines, Spain, and such other countries also attended this Conference.

Inauguration

Honourable Justice Chandradasa Nanayakkara, Judge of the Court of Appeal and Mr Vasudeva Nanayakkara, former Member of Parliament and patron of the OPFMD were the chief guests at the inauguration ceremony. Speaking on the occasion, Justice Chandradasa Nanayakkara is reported to have said that violations of human rights occur in many countries in the world and that a human rights violations free world is a distant dream. He had stressed the need to set norms in Sri Lanka and ensure their compliance. Having been the trial judge who heard the case of the disappearances of several school boys from Embilipitiya, he had said that he could well understand the anguish and pain of mind the parents and guardians of the disappeared in the other parts of the country.

Mr. Vasudeva Nanayakkara analysed the human rights situation in the country and stressed the need for fearless judges and an impartial Attorney General to deal with cases of disappearances.

Resolutions

Following are some of the resolutions passed at the Conference –

1. That a permanent Commission with full power to independently inquire into Disappearances be appointed or the mandate of the Human Rights Commission be extended for the same purpose.
2. That pressure be exerted on the government to make it take the relevant steps to include the right to life in the Constitution.
3. That action should be taken by the organisation to make the government publish the reports of all the Commissions of Inquiry into Disappearances in full and to ensure that the recommendations are implemented.
4. That the government to be made to implement the recommendations made by the UN Working Group on Enforced and Involuntary Disappearances.

Role of OPFMD

The OPFMD is keen to ensure that the victims of the disappeared get a fair

The reports of the Commissions point their finger at many henchmen of the government that was in power prior to the PA regime as being responsible for the ‘disappearances.’ In the circumstances the family members and guardians of the disappeared are going to suffer due to the absence of political support for their cause

deal from the government. However the human rights activists are concerned of the situation that would arise in this sphere due to the recent change of government. While the former government came to power with a promise to put an end to human rights violations in general and disappearances in particular and appointed several Commissions of Inquiry to find out the truth and identify those responsible for the violations and disappearances, they did not show much interest in implementing the recommendations of these Commissions. In fact disappearances and HR violations, especially torture of persons taken to custody, continued during the past regime too.

Concerns of HR activists

With the new government in power, one wonders if they too would show the same degree of lethargy in implementing the recommendations of the Commissions. This is a serious matter of concern because the reports of the Commissions point their finger at many henchmen of the government that was in power prior to the PA regime as being responsible for the ‘disappearances.’ In the circumstances the family members and guardians of the disappeared are going to suffer due to the absence of political support for their cause both from the party in power and that which is in the opposition now, including the JVP as the hands of these parties are blood stained.

Conclusion

It is therefore left to the local and international human rights organisations to take up the cause of the victims of the disappeared to ensure that justice is done to them. This includes the payment of adequate reparations and that the violators are not allowed to go scot free. Only such action will ensure that there is no repetition of the events of the late 1980s and the early 1990s in particular. There is a strong need to end once and for all, the cult of impunity that still persists among the security forces and the police who still widely indulge in torture of persons taken to custody, if not so much in ‘disappearances, as before.’

About the writer: *The writer who is presently a consultant in the Law and Society Trust was formerly Secretary of the Zonal and later All Island Presidential Commission on Disappearance and Involuntarily Removal of Persons* ■

Legal Liability for Disappearances: A Shameful Close of Correspondence

Editors note

On 10 December 2001, C.A. Chandraprema of *the island* newspaper took strong exception to our publication of an article reproduced from a report by the Asian Human Rights Commission (AHRC) on the Wahara detention centre at Kurunagala during the time of mass disappearances.

For the benefit of both Chandraprema and any others who would not know, we may point out that *Christian Worker* knows the AHRC as a very reliable and responsible organisation.

Its sister organisation, the Asian Legal Resource Centre, enjoys consultative status with ECOSOC at the United Nations.

AHRC was initiated by a group of eminent jurists, including Justice Bhagwati, former Chief Justice of India, Justice Patel, former Supreme Court Judge of Pakistan who resigned in protest against the military take over of his country and Senator Diokno of the Philippines, held in highest respect in his country for his fight against the dictator Ferdinand Marcos. AHRC regularly contributes to IJN forums and makes recommendations to governments on human rights issues. It has one of the widest networks, reaching over 200 000 persons. Its publications cover very wide range of issues and are recognized for their quality.

AHRC has done considerable work in Sri Lanka and three of its visible contributions in collaboration with several local organisations are the Monument of the Universal Declaration of Human Rights in Buddhhaloka Mawatha, Colombo, the Monument for the Disappeared at Raddoluwa Seeduwa, and the Monument for Fr Michael Rodrigo at Katuwapitiya, Negombo. Yet another monument is being considered for erection at Kantale in the Eastern Province for the Outstanding Sugar workers leader and CWF organiser Sarath Mallika de Silva who was killed in April 1989 by a Sinhala racist linker to the JVP for the 'crime of creating a peace zone' in a racially sensitive area.

When Christian Worker selects articles to be reproduced, it does so after due consideration and with a sense of responsibility.

Since The Island declined to publish AHRC's last reply, in a spirit of democratic fairness and dialogue we publish it below. We also regret the unfortunate use of language and unsubstantiated accusations against AHRC made by Chandraprema in his last article of January 16, without permitting AHRC the right of reply.

The latest addition to the debate on disappearances in *The Island* (January 16) ends with "Editor's Note: This correspondence is now closed". Mr. C.A. Chandraprema boldly and gratuitously started this correspondence by using his column to write a commentary on a report published by the Asian Human Rights Commission (AHRC) in June 2001 reproduced in the *Christian Worker* of September 2002. Now he cowardly withdraws, closing the correspondence. Before doing so he has slanderously referred to AHRC as deceitful, assured of the unilateral privilege to close the debate. This is not merely unfair but vulgar. The commentator, who in his December 19 commentary said that NGOs are used to hearing only their own voices, has in fact shown he is used to hearing only his own voice. AHRC knows that commentator is furious because he has been challenged and is not up to the task. After repeating the same things three times in overextended articles, he is exhausted and has drawn the debate to a close and gone to hide. His kind of journalism may be called closed-door journalism.

It was C.A. Chandraprema who chose to start this debate, by wanting to comment on our report on disappearances and torture related to the Wehera camp at Kurunagala. Our report was written for the sole purpose of pointing to the legal liability for what happened in the camp, including the liability of the officer legally responsible for the camp. This report and AHRC's contribution to this correspond-

ence are part of a larger campaign on disappearances, which is a global issue. Seeking legal redress for Sri Lankan disappearances is part of that debate.

The Essence of this Debate

Though Mr. Chandraprema chose to comment on our report, he merely revealed how he did not understand what was very basic to that report. He writes, "We were not discussing anybody's accountability for the disappearances". Did he begin to write without even understanding that our report was calling for legal accountability? In fact, anyone with some background understanding of human rights reports would have known that the sole aim is to call for legal accountability. As he has also referred to a back cover page of the *Christian Worker* with an AHRC advertisement he would have seen the elements of legal liability outlined in big letters. Did he not read it? Or did he not understand what he read? Or is he pretending that he did not know what was the very essence of this debate? None of these positions would be complimentary to him.

The Commentator's Trick

The truth is that his trick was to shift a debate about a serious question of legal liability into one of ridiculous pedantry over figures that pooh-poohed the idea that the perpetrators of a heinous crime—which amounts to a crime against humanity—be criminally liable. AHRC was throughout aware of this trick and it was for that purpose that we highlighted the issue of liability. We were aware that we were not dealing with an investigative journalist, but an ideologue defending perpetrators of disappearances, under the pretext of engaging in a debate about arithmetic.

He feigns surprise that "They have responded to my charge with an abstract legalism to the effect that 'No circumstance, whether internal political instability or threat of war has any significance to the legal accountability for the disappearances'". We wish to tell this commentator that this is not an abstract legalism but the essence of the issue. None of the perpetrators of disappearances can go before a court and say, "Oh, there was a civil war and therefore we were justified in causing these disappearances".

That was why all his unnecessarily long articles were simply irrelevant to the AHRC report that he chose to comment on. A commentator going out of his way to choose a report to comment on must above all focus on the very essence of that report. It is easy talk about what "I...I...I..." want to say. His comments are so egotistically centred. That is as he pleases, and as long as there are senior

editors who tolerate such ranting. However, the AHRC report was written for different purposes, and it took not an abstract legalism but a real position of law.

False Information to Readers

Even if editors allow a journalist to do what he likes, there is one thing he should not be allowed: to misinform the public about the law. To say that arrested persons can be killed and made to disappear during a civil war is a down-right misleading. It is misinformation on issues of murder, torture and illegal disposal of bodies. What right has *The Island* to misinform people on these issues? Are not the commentators required to consult their legal department before making such statements? If someone makes people disappear, believing what Chandraprema has said is true, is not the newspaper responsible for misleading that person? Even now, why doesn't the newspaper call for an explanation from the commentator on this issue?

Obviously Chandraprema, when writing his first commentary on December 19, believed that disappearances are permitted if there is civil war. When this was pointed out as absolute nonsense, he chose to close the correspondence, instead of apologizing to the public for misleading them. Why should commentators undertake writing on issues about which they are so ill informed? An ideologue like Chandraprema should take some propaganda work in paper devoted to that purpose. Or does he think *The Island* is one such paper?

Questions Without Right Answers

The strange commentator, while closing the correspondence, has chosen to ask some questions. Will he now reopen the correspondence to publish our answers? One question is, "Then may I in all innocence inquire why the AHRC is expressly blaming the then 'government' of having been responsible for the disappearances?" A primary school education would have been sufficient to provide the answer. It is because it is the duty of State to account for all disappearances. The State has responsibilities. One such responsibility is to account for each of its citizens. There is another reason in case of the Sri Lankan disappearances. The reports of the commissions of inquiry into forced disappearances have pointed to the State responsibility for these disappearances, including the responsibility of the highest level of government.

Numbers

As for numbers, the following explanation from "The Phenomenon of Disappearances in Sri Lanka", by M.C.M. Iqbal (courtesy of the Law Society and Trust) will suffice:

These Commissions received about 30,000 complaints in all (which included multiple complaints in respect of many of the disappeared persons). In mid-1997 the Commissions were asked to halt their inquiries and to submit reports on the basis of the complaints they had inquired into to date. Their reports, which were handed to the President in September 1997, have since been published as Sessional Papers.

The Commissions were unable to inquire into all the cases reported to them. When they wrote their final reports, a total of 10,136 complaints remained uninvestigated. To deal with these remaining cases, the President appointed another Commission in April 1998, with island wide jurisdiction and with the same mandate as the three zonal Commissions, except that it was precluded from inquiring into new complaints.

However, around 16,000 further cases of disappearance that had not been reported to any previous Commission were brought to the notice of the All-Island Commission. Although the parties concerned now wished these cases to be investigated and made the particulars available to the Commission, the mandate of the Commission barred it from inquiring into them. These cases have thus not been investigated by any Commission of Inquiry to date. The All Island Commission handed its report to the President in August 2000, but the report is yet to be published.

Invitation For Internship

In his closing remarks Mr. Chandraprema has asserted that the AHRC has a "grandiose plan" to reform the Sri Lankan prosecution system. However AHRC does not take the credit for making this suggestion for reform of the prosecution system. Credit should in fact go to several commissions appointed by the government of Sri Lanka, including the Soertsz and Basnayake commissions on police reforms. As for his suggestion that two juniors from the Department of the Attorney General of Sri Lanka come to Hong Kong to reform AHRC, though the invitation was made without consulting either AHRC or presumably the Department of the Attorney General, we would be most willing to welcome them under our internship programme. We can expose them to the practices of prosecution in other countries that have credible systems of prosecution. We ask Mr. Chandraprema to actively pursue this matter, as perhaps it would be at least one good outcome out of this discussion that he chose to bring to readers of *The Island*. We hope that he or *The Island* would be happy to pay for their tickets.

This correspondence may be closed, but the debate will continue, as long as it takes, in all forums—national and international—including cyber space. All interested persons are invited to visit www.dissapearances.org for further installments.

We request the editor of *The Island* to publish this rejoinder in fairness to AHRC, as well as the readers who have been so misled by one of its correspondents.

JUS COGENS

In my innocence, I ask
Why AHRC only blames government
For disappearances
Asks the commentator

The reply lies sir
In two Latin words
Jus Cogens
Simple meaning being
Wrongs compelling
States to act.

Some wrongs are so heinous
That the State is considered
Having being compelled to act
Meaning it has no option
But to act
Such, sir, is forced disappearance
High in the list of highest crimes
Also, sir, a crime against humanity
So also, sir, is Torture
And mass murder.

Crime is even worse
When after arrest
In legal custody
People are killed
By the officers
Paid and duty bound to uphold the law

To Chile's President Pinochet
The British House of Lords said
Your crimes—sanctioning acts of
torture
Are so heinous
Jus Cogens we must apply
Head of State or no Head of State
No matter
Yes sir, General, Captain,
Deputy Inspector General no matter

Jus Cogens, Sir, Jus Cogens
Amen.

Basil Fernando

UNP rule begins with victimisation of workers

December 05 General Elections last year saw the UNP/UNF combine elected to power. In the wake of this victory, organised groups of supporters of the new government began a campaign of terror and intimidation of employees in several workplaces. This victimisation of non-supporters of the UNP was unleashed despite the Government's pledge not to harm any one after coming to power. There are widespread reports that a large number of members of opposition trade unions had been mercilessly assaulted and prevented from entering their places of work. Members of UNP Government's trade union were in the forefront of this campaign. As in 1977 when the then Head of Government, Mr. J.R. Jayewardene sent the police virtually on an unofficial leave allowing his supporters to wreak vengeance on political opponents, the nephew of Mr. J.R.J., the present incumbent of the

office of the Prime Minister, Hon. Ranil Wickremesinghe, by his declaration of January 1st 2002 as the Day of Brotherhood and reconciliation with the Opposition enabled his supporters to act freely and high-handedly between the victory day and January 1st. The result was that thousands of employees at workplaces, offices and other public establishments were harassed to the point of not being permitted to continue to work any longer. The most victimised sections are in the CTB, the Dept. of Samurdhi, Railways etc. The Minister of Defence, Transport, Highways and Civil Aviation has admitted in Parliament that this situation is not confined only to the transport sector but it has spread to other sectors as well.

The Ministry of Public Administration has officially received over 3000 complaints of harassment, intimidation and

victimisation. The JCTU, the trade union combine of the opposition too has filed complaints in the Human Rights Commission in this regard.

The campaign of terror and intimidation has now spread outside workplaces and office affecting even elected representatives in local government institutions and Cooperatives who had now been forcibly ejected from performing their legitimate functions.

In the meanwhile, the Court of Appeal issued orders against the Vocational Training authority on an application filed by ten employees challenging their termination of service on the pretext that their appointments were made after the dissolution of parliament in October last year. The Court Order prevents the VTA from effecting any new appointment into their respective positions until the final determination of the action.

The new Cabinet of Ministers have decided to terminate the services of hundreds of those taken into public service institutions just prior to the elections. ■

Trade unions and labour reforms

The National Association for Trade Union Research & Education (NATURE) in collaboration with the I.L.O. held a 3-day Workshop on Labour Reforms as proposed by employers, trade chambers, investor lobbies and international lending institutions.

The Workshop was inaugurated by Hon. Mahinda Samarasinghe, Minister of Employment & Labour. The participants included leaders of major trade unions in the country representing diverse political orientations.

The Panel which discussed the topic: "Trade union response to Labour Reforms" comprised of senior trade unionists: Messrs. Bala Tampoe (CMU), Harry Sandrasegara (CWC), S. Siriwardene (CFL), Leslie Devendra (SLNSS), Pali Atukorale (JSS) and D.W. Subasinghe of CFTU. Mr. Jayaratne Maliyagoda moderated the sessions.

The aim of the Workshop was to formulate a common trade union response to the proposed reforms. Given below, in brief, are the conclusions of the workshop on some of the main issues that the proponents of labour reforms placed before the workshop.

Conclusions

1. The already ratified ILO Conventions 87 and 98 be brought into force in law and practice.
 2. That the State should put in place and operate an adequate social security safety net for displaced workers and the unemployed.
 3. Overtime work must be voluntary and should not exceed 12 hours in a week : 48 hours monthly and shall not exceed in the monthly average 48 hours in any calendar year.
 4. No investment of EPF funds in the highly risky private sector.
 5. Wages Boards should be allowed to continue with their minimum wages fixing responsibility. Minimum wage being tied to productivity is opposed by trade unions.
- Enhancing productivity, improving attendance; meeting and fulfilling targets, dead-lines etc. should be based on collective bargaining and mutually agreed rates of pay above the minimum stipulated by Wages Boards.
6. Termination of Employment of Workmen Act No.45 of 1971 could only be reviewed when an acceptable safety net is already in place.

7. The proposal that a minimum period of written notice of a strike be given is accepted in principle subject to the proviso that spontaneous strikes due to sudden provocation are excluded from such requirement. The modalities to be followed in this regard should be discussed and decided with trade Union participation.

In the event of the strike notice being made mandatory by 7 law, lock-outs resorted to by employers should also be covered under the same law and employers too should be required to give notice of intended lock-outs to the union/ unions and the Commissioner of Labour. In such instances employers should make good the loss of wages of employees.

8. Secret ballot for strike action is opposed by trade unions. Trade unions as a practice resort to strike action after consulting their membership and obtaining a majority in favor of such action. A Third Party or the State apparatus getting involved in the conduct of a strike poll is considered as interference in the affairs of trade unions and resort to such a course would amount to action contrary to accepted international norms in the field of labour relations.
9. The power of reinstatement now vested with the Labour Tribunals should remain as it is with no change whatsoever. ■

Trade Union Response to Privatisation

✍ T.M.R. Rasseedin

Conclusions of a Seminar held on Sept-ember 20 /21, 2001.

Privatisation is part of the Structural Adjustment Programme promoted by the IMF and World Bank for integration of national economies in the globalisation process. Structural adjustment with its emphasis on market performance, international competitiveness and cost-effectiveness and privatisation of public enterprises and exposure of previously protected industries to fierce international competition are posing grave threats to the very existence of the labour movement.

In Sri Lanka the policy of privatisation is being pursued in compliance with the wishes of financial institutions that lend and aid governmental programme to bridge the budget deficit; (brought about by increased defence spending) and to attract much needed FDI by making the country an attractive investment destination.

We do not accept the position that privatisation is the only way out to correct distortions in the economy of the Country.

Whilst we recognise the fact that the economy of Sri Lanka, in the process of development, needs to be modernised/ restructured in order to successfully meet the challenges in an ever more integrated world economy, we do not believe that privatisation of public enterprises is a panacea to cure the economic ills of the country.

Sri Lanka has pursued an aggressive privatisation policy since 1987 and up to now about 83 state enterprises have been divested to private buyers; Corporate and individuals; both foreign and local.

Some of these privatisations, have left much to be desired. The lack of transparency in the implementation of the programme has led to charges of corruption, incompetence, favouritism and unethical conduct despite a regulatory mechanism (PERC) being put in place since 1997.

A National Policy is needed

A clear national policy on privatisation is called for which would ensure that-

- I. It is used judiciously on a case by case basis" after careful consultation with the workers affected and after broad public support has been obtained.
- II. Foreign companies or foreign personnel are not introduced except when there are no suitable local resources.
- III. A public monopoly does not become a private monopoly as has already happened in some instances. Eg: Shell Gas, Prima, and Ceylon Oxygen etc.
- IV. That the involvement of Unions are made mandatory in the whole process of privatisation from from the time an enterprises is earmarked for divestiture up to its final disposal and special attention is given to their concerns with regard to employment, wages and working conditions.

We reject the idea that all inefficiencies, are the result of over-employment of labour. Even when this is a factor, it is not a situation of the workers' making and therefore, they have a legitimate right to demand adequate compensation, commensurate with the length of Service, Career prospects, employability etc. when they are being displaced for privatisation.

Sri Lanka provides ample evidence that private ownership does not necessarily translate in to improved efficiency. 07 companies were re-vested with the Government, under the Rehabilitation of Privatised Public Enterprises Law viz. The Hingurana Sugar Corporation, Kantale Sugar Factory, State Trading Corp (Hardware) -Lanka -Loha; Kahatagaha Mines, Colombo Fertiliser Corp. Hunupitiya; Mattegama Textiles.

Monitoring Authority

A separate post-privatisation monitoring authority needs to be established through an Act of Parliament as the PERC has proved to be inadequate to fulfill this role - its main objective being revenue maximisation to the Government.

Such an Authority should include a Trade Union representative, the Commissioner of Labour a representatives from the Central Environmental Authority, Dept. of Inland Revenue. Its functions may constitute the following to ensure:

- i. The observance of the terms of Sales Agreement.
- ii. The observance of the Labour Laws of the county.
- III. The maintenance of environmental standards.
- iv. The proper functioning of the enterprise privatised for a given period.
- V. To inquire into complaints against the enterprise and suggest remedial action.
- vi. Safeguard national interests
- vii. Encourage and promote employee participation and profit-sharing in privatised enterprises.
- Viii. To look into the possibility of and suggest ways and means of incorporating a heavy worker ownership component into the privatisation process.

Trade Union Policy

Trade Unions need to develop alternative economic strategies and project them publicly to win community support. State employment is highly prized as it provides security of tenure and social welfare benefits not available elsewhere.

Instead of bargaining for expensive redundancy and early retirement packages that benefit individuals in the context of the inevitable; unions should as a matter of policy fight job losses.

We recognise that it is essential for public sector workers and their unions to take a high public profile in promoting the services of the public enterprise in which they are employed and evolve a strategy involving users/consumers, the community and interest groups to successfully resist privatisation as is presently happening in the State banking and insurance sectors.

About the writer:

T.M.R. Rasseedin is the General Secretary National association for Trade Union Research and Education (NATURE) and Deputy Secretary Ceylon Federation of Labour. ■

Bank union on retrenchment

The Ceylon Bank Employees' Union, Bank of Ceylon and its People's Bank branch unions have issued the following press statement on the proposed retrenchment of staff at the Standard Chartered Grindlays Bank, Colombo:

"A statement issued by the Standard Chartered Grindlays Bank Group, which appears in the national newspapers gives a totally distorted version of what is actually happening in the Colombo Branches of this bank. We wish to give the following clarification so that the public will not be misled by the statement issued by this Group.

"The Standard Chartered Bank, Colombo offered voluntary retirement through different schemes twice during the last 2 years and a few employees responded and were retired. After the acquisition of the Grindlays Bank by the Standard Chartered Bank in August 2000, the Bank offered a third Voluntary Retirement Scheme to the employees in the two Colombo branches of the Bank and perhaps due to its unattractiveness only a few responded.

"The management has been irritated by the poor response to the attempts at voluntary retirements and the matter was discussed between the Regional Head of Finance of the Bank, with the local management sometime back. This executive instructed the local management to employ 3 strategies described by him to be directed at the employees targeted to be retrenched. 1. Demote non-performers even though their salary could not be reduced. 2. Isolate them. 3. Send them on "Gardening Leave" for 6 months to 1 year.

"The union is in possession of this written directive.

"The local management is meticulously implementing these directives now. Some senior employees were downgraded and about 40 employees were 'isolated' by instructing them to sit in a disused premises with no work given and ultimately 60 employees have been sent on compulsory leave, with written instructions that their services may be terminated after applying for such termination to the Commissioner of Labour. These steps have created a fear psychosis among the entire staff.

"Among those who have been sent on compulsory leave are trade union leaders numbering 5.

"The most obnoxious feature in this episode is that while this retrenchment is being planned the Bank has been employing since 2000, 150 clerical hands through 3 labour supplying agencies who are performing vital duties in the Bank to complete the daily functions of the bank. These employees are being paid a pittance as daily salary, are being used for clerical as well as minor staff functions, are being denied EPF and ETF contributions and is considered a convenient way of retrenching permanent staff and go for contracted cheap labour. These amount to unfair labour practices which are unethical and anti-social. It is disgraceful for an international bank to treat both permanent and contractual employees in this manner.

There is absolutely no justification for any retrenchment of the staff due to the above reasons and especially in the light of the press statement of the Group under reference which says that activities of the local branches are to be greatly ex-

panded in time to come, which means that the permanent staff cadre has to be increased.

The union will not permit any retrenchment of staff under these circumstances and will use everything in its power to stop it.

We call upon the Standard Chartered Grindlays Bank to abandon its dream of running these banks on contracted cheap labour by eliminating its permanent staff and to abide by the labour regulations in the country and accord decent treatment towards its staff who are stake holders in the company.

It is amusing to note that in the last paragraph of the public statement issued by the bank on retrenchment it says that "the bank has funded community projects for children's homes and sponsored sporting events like cricket, squash, yachting and tennis," to make it appear to the public that the bank is a benevolent and charitable organisation with a social conscience. But when the cruel and degrading treatment that the bank is now meting out to its Permanent and loyal staff is made known, the public, especially the working class of Sri Lanka will not be amused.

Employers face legal claims as job interviewees gain right to see notes

Jean Eaglesham,

Legal - Correspondent

Job applicants will have the right to demand a copy of the employer's notes of interviews under a new code coming into force early next year. Some employers face potential legal claims - as well as embarrassment - as a result, lawyers have warned.

Employers will be able to charge up to 10 pounds per copy but will be liable to criminal sanctions if they refuse access.

The right of access is enshrined in the revised version of a code due to be issued early 2002 by the Office of the Informa-

tion Commissioner the data protection watchdog.

It states that "applicants will be entitled to receive access to interview notes, presuming they contain personal data which relate to them".

The code - which covers employers' responsibilities for recruitment and selection has been sent for a "final pre-publication check" to a handful of organisations.

David Smith, deputy information commissioner, said yesterday this "final check"

would not alter the substance of the code "unless people convince us we are misrepresenting the legal position which we don't think we are".

Mr. Smith confirmed that virtually all notes of job interviews - including for example, handwritten comments scribbled in the margin of interviewees' CVs - would be open to access by applicants.

"It is hard to see how interview notes could be kept in a way that isn't caught," he said.

Lawyers warned that some businesses appear ill-prepared for the code. "Undoubtedly some employers are going to be caught out on it," said Tim Russell, head of the employment group at Norton Rose, the law firm.

He cited potentially discriminatory comments he had seen on interview notes such as "look at her shoes!" "getting married next year?" and "I wonder whether she wants kids".

Disappointed job applicants who bring discrimination claims can already gain access to interview notes. But very few candidates resort to litigation.

The automatic right of access is expected to increase significantly the number of people demanding to see their notes - some purely out of curiosity - which could in turn trigger more claims.

"In the past it's been outside everybody's radar screen that the notes they'd scribbled (as interviewers) could be discoverable," said Elaine Aarons, head of the City employment group at Evershades, the law firm.

"There is no doubt at all that line managers need training in understanding where the acceptable boundaries are in terms of what they write down," Ms Aarons said. Comments she has seen that could cross this acceptable boundary include: "how committed?", "query fit in?" and "stamina?".

The code will be the commissioner's blueprint for enforcing the Data Protection Act against employers. Employers that breach the act are committing a criminal offence and can be sued for damages.

(Financial Times, London December 19, 2001.)

Unemployed Graduates demanded 30,000 jobs within 3 months

While working people have been very adversely affected by the present economic conditions to day, unemployed graduates took to the streets on March 13, backed by supporting organisations, forcing their way to "Temple Trees" official residence of the Prime Minister.

Unemployed graduates backed by pro-Janata Vimukti Peramuna trade unions as well as undergraduate and bhikku organisations forced their way through police barriers yesterday and occupied the Galle Road in front of the Temple Trees, pledging to stage a hunger strike until the Prime Minister solves their problems.

The protest, which started in the morning, led to the closure of the road by evening. Police switched off lights in the area in a bid to discourage the graduates who said they would not budge until 30,000 jobs were provided within the next three months. Members of the Combined Association of Unemployed Graduates (CAUG), their parents, representatives of 38 trade unions and pro-JVP university students started their march from the Fort Railway Station around noon. It commenced from the spot where CAUG members had been spending the past 18 days in a continuous satyagraha.

According to 'The Island' security sources close to Prime Minister Ranil Wickremesinghe confided anonymously that the premier had given instructions to the Kollupitiya police through the Prime Ministerial Security Division (PMSD) not to attack or assault the protesters since the government suspected that the pro-

test was a ploy by the Janata Vimukti Peramuna to incite violence and tarnish the Government's image.

Around 4.30 pm, Police officials demanded that the agitators move away from the road since the traffic congestion threatened to block a sizeable portion of the Galle Road. This caused the agitators to squat at the main gate of Temple Trees, permitting vehicles to use one side of the road.

A posse of armed anti-riot policemen and a water cannon were lined up in front of the Wannu Rehabilitation Ministry nearby, to be mobilised if the protesters tried to break into Temple Trees.

Chandana Sooriyarachchi, CAUG convenor, mounted an iron barricade in front of Temple Trees and declared that they would not budge until a solution was given.

"The government must prepare a national policy to avoid political patronage in providing jobs and must ensure employment for these graduates, raising their standards with short-term training so they suit the available jobs," he said.

"If the Prime Minister can hold discussions with the LTTE, why can't he talk to us?" he asked. "Why can't this government give priority to the employment problem of 30,000 graduates on whom public money has been spent?"



Unemployed graduates overthrowing the police barricades on their march to 'Temple Trees'

Courtesy: The Island

A Bhikkhu's Role in Politics

Interview with the Revd. Baddegama Samitha MP

The Revd Baddegama Samitha, Incumbent of Dutugemunu Vihara at Baddegama and a former member of the Provincial Council for the Galle District made-history by becoming the first Buddhist Monk in the world to be elected to a Parliament.

The Revd Samitha has had a colourful history from his student days at the Kelaniya University where he became a student leader opposed to the suppression of democratic rights by the then UNP Government of J.R. Jayewardene which came into power in 1977 and introduced the authoritarian Executive Presidential Constitution in 1978. As a result of the student opposition to the government actions, the Kelaniya campus was invaded several times by the UNP hoodlums of Minister Cyril Mathew who was also the MP for the area. During one of the clashes with the students a UNP assailant was killed. The Revd Samitha was charged with the killing but acquitted in Court. He was however not permitted to complete his degree at the Kelaniya University as a result of government pressure. On being awarded a scholarship to the Lumumba University in Russia, three days prior to his departure, the Government had again reportedly intervened and had the scholarship cancelled. However after attending a Seminar on Third World Development in Germany he crossed over to England and after mastering the English language there, was able to enter Lancaster University on a scholarship where he read Comparative Religions and Politics. He was also Chairman

of the anti-Apartheid Society at the University.

Returning to the island after completing his degree, the Revd Samitha entered mainstream politics, contesting the local government elections in the South where he was elected to the Provincial Council of the Galle District, in which he served for 2 years.

During the last Parliamentary elections in December, the Revd Samitha then a Central Committee Member of the



Revd. Baddegama Samitha MP Speaking in Parliament

Lanka Sama Samaja Party (LSSP) contested as a Peoples Alliance (PA) candidate and was returned as an MP for the Galle District in the Southern Province.

Christian Worker interviewed the Revd Samitha in the course of his busy schedule of work and presents below his views on the role of a religious in the in the service of the people.

Excerpts from the Interview

Q: There has been a mixed reaction among members of the Buddhist Sangha to your election as a Member of Parliament. Would you like to comment on this?

A: I feel that what I have done is totally consistent with the spirit of the Buddha's teaching. We were not just meant to occupy temples but go out in service: "Go ye now monks and wander for the good of the people for the happiness of the people, out of compassion for the world..." said the Buddha.

Some people have complained that as an MP I will have to sit on the same level as other members, but if a monk gets into a public bus he has to sit alongside lay people. These are antiquated views based on false values and not in accord with the spirit of the Buddha's teachings.

As regard my monk's attire, the Secretary General of Parliament has advised me that I could come into Parliament dressed in the robe of a Bhikkhu. A Christian Priest Canon Boteju who was elected to the Legislative Assembly in 1920 had also attended that Assembly in his clerical dress.

Prior to my entering Parliament, I served as a Provincial Councillor I had my perks there too as a Provincial Councillor but I used them for the development needs of the area and not just for my own expenses. With the vehicle permit given to me I bought a vehicle for my

work and an ambulance for the hospital. You can always use money in the correct way to advance the interests of the people. I am happy to state that I have received the support of the Chief Monk in the Galle district and from other members of the Sangha, although I am aware that one dignitary in Kandy has objected.

The people of the area chose me: they know my vision and goals. There is a natural tendency for people to turn to their clergy in their difficulties, hardships and other needs. They find that the religious with their simple way of living could be depended on better to take up their cause. My election is a manifestation of this trend. Politics has become debased in our country and the religious surely have a creative role to play in this situation. Today elections too have become a very costly affair; election meetings and propaganda are a colossal waste of money. As such people need to bring to the fore individuals who they think are genuine in their efforts to promote the common goal. In Sri Lanka today, the burning issue is how to achieve peace in our society. People have very bitter memories in this regard. Labour power and funds that could be purposefully mobilised for national development are squandered instead on a senseless and wasteful war and for the promotion of narrow political rivalries. The present electoral system breeds violence and does not allow a free expression of the people's will. We need to have new electoral system and a new Constitution which will replace the present authoritative Executive Presidential System of 1978 that we are still burdened with. In all this the clergy have a responsible and creative role to play whether in the legislature or outside it. So also the issue of racism and the settlement of ethnic question which alone could end the war and put a stop to the terrible loss of human life on both sides. This is a criminal slaughter of Sri Lankan youth, be they Sinhala or Tamil. There is also a loss of civilian life and damage to property, so also the sorry plight of refugees and an awful drain on the economy. Today we face a total crisis in our country constitutional, political, economic and moral.

My election to Parliament in such a situation will give me the opportunity to present not only political party positions but also articulate the voice of true religion. I do not see any contradiction here since I was moved to enter politics through my love for the Dharma. It was the great revolutionary socialist Leon Trotsky who said: "Man does not live by politics alone", adapting a statement of Christ and the Bible.

Q: How were you politicised and drawn to enter the political mainstream?

A: As a small child I was compelled through the experiences I had, to question poverty in our society. The basic needs of every child in regard to food, clothing, shelter and education surely had to be satisfied if justice was to prevail in our normal everyday life. Born to a Buddhist family my overall way of thinking was naturally attuned to the Buddha's teachings. In the light of Buddhist thinking I was compelled to question whether what actually prevailed in Buddhist society was due to the will and lack of compassion on the part of the Buddha. However it became crystal clear to me that the Lord Buddha was not responsible for such a situation and that he could not possibly have endorsed such injustice. This prompted me to think hard about the reasons for injustice in the society. Teachers at the Dharma school taught that one who renounces the household life and becomes a monk is like one who is disillusioned or disappointed with normal everyday living but Buddha on his enlightenment was able to view the world with great compassion. If anybody was disappointed with life there would be no need to look upon the world with kindness. So it struck me that renunciation of household life by a Bhikkhu was for the purpose of becoming detached in order to develop spiritual qualities and aim towards becoming self-less. In such a situation it becomes almost inevitable for such a person to look upon the poor in the world with compassion and to identify with them and assist them. This leads to the need to analyse the cause of poverty in the world with wisdom.

Born into a so called high-caste, at the temple and on my way to school I was told that the parents of my best loved friends belonged to a "low" caste. This was brought home to me by the family elders for when my friends visited me they were not accommodated on the same level of seating. I was greatly embarrassed as a school boy by this, more so when according to the Buddha's doctrine all persons were born alike. This cruel caste oppression I thought was highly unfair. I learnt later that it had nothing to do with the Buddha's teaching but was rather something that was a hangover from the Brahminic Hindu-tradition. I therefore resolved to fight against these unfair practices from the bottom of my heart since my childhood days.

My thinking was also much influenced by the politics of the Lanka Sama Samaja Party which contested the Baddegama Constituency in the Galle district. I attended the meetings of the party addressed by its leaders like Dr. N.M.Perera and Dr. Colvin R de Silva. In fact the people of Baddegama elected a Samasamajist candidate to Parliament.

I joined the Bhikkhu Community which was loved by me since it was said to be organised on the exemplary foundation of common property. But after a time of living in this community, some matters there caused me a great shock and pain of mind. It puzzled me also to see that the division of Bhikkhus into different orders or sects had its basis in the caste system. It was possible to accept division that was based on differences in interpreting or following the Dhamma but not foolish divisions having their roots in caste-ism. It did not take me long to realize that this was not the Dhamma preached by the Buddha but a later creeping in of Brahminic Hindu Caste-ism into the Bhikkhu community. This directed my mind to change that needed to be effected in the Buddhist establishment too.

I became actively involved in university student politics, but I was marginalised and persecuted. Once I was even accused of being involved

in a killing and my attempt to go to Russia for further studies was blocked. But I was determined to work towards justice for the poor and now I have that opportunity in full measure.

Q: What is your response to Buddhism as is popularly practiced?

A: There are many things that I could say. I would just comment on two matters now.

One is the issue of almsgiving. I have regarded the giving of alms as an important facet of the Buddha's teaching. It is abundantly clear that the egotism and selfish desires of human beings bring disaster both to themselves and the society in which they live. For this reason this important teaching of the Buddha was directed at giving relief to beings. He directed that this difficult exercise should unfailingly be followed. The practical effects of this was the emergence of a human being who is deep and profound in his thinking by being free and unencumbered with unnecessary material baggage. The giving of alms therefore constitutes the practice of sharing our own basic resources in our common life together without division or conflict. It is essential to understand therefore that the giving of alms must not be reduced to a mere pietistic religious ceremony or a custom to honour and remember the dead.

This leads to another misconception in popular Buddhism: that one becomes rich because of the merit he/she has acquired.

It is a basic assumption that a person who effects meritorious acts is kind. Such kind persons have a natural tendency to make donations. Popular Buddhism sees the rich as great benefactors since such persons display great interest in constructing temples and shrines. In Buddhist teaching this is called the offering of property or wealth. The teaching of the Buddha however makes it clear that the noblest offering is that of practicing the precepts. As against the practice of precepts as the main offering, most people especially the rich

opt for a much easier offering namely the donation of property. But one has only to visit the industrial establishments run by such rich people or see their houses to realise the true nature of the offering made by them. For it would be clear even to a child that the money lavished on temples and places of worship is that which has been painfully extracted as profits out of the labour of their workers. In Buddhist teaching such profits earned through the oppression of workers are those acquired through robbery and fraud. (Violation of the second precept: "I will refrain from stealing".) Rich people only cheat themselves when they make such offerings earned mainly through the oppression of labour, and consider such offerings as bestowing merit on themselves.

In many workplaces owned by the rich, workers have to struggle in order to safeguard their basic needs and those of their families. In several cases, donations lavishly made to temples and churches have come even out of the Provident Fund dues belonging to the employees who have been cheated of them. This is a sin against humanity, against religion and against the law. The endless profits made come out of the toil, sweat and dedica-

tion of the workers. If the employer considers his investment as being of paramount importance, the wage labourer can equally consider what is extracted through his/her labour as being wrongfully acquired, as sheer robbery. Merit can in no way accrue to persons who make such offerings or donations. ■

Samsara and Nirvana

(Excerpt from Mahagama Sekera's 'Prabuddha')

Sated heavy with food and drink
With clothes and, home
And wealth and name,
Only then we see it clear
True fulfilment, is not here
Not this the end of suffering.

To search for true fulfilment,
To search for the highest truth
This is the first, step forward.
That first step you have taken
That first step I have taken
That step Siddhartha also took.

After that step
Man ceases to sin
Ceases to hate
Ceases competition,
The whole world turns into a vessel for his love.
And having thus the whole world won after that step
the world he will not shun.

Out of love for those who suffer,
most willingly he too will suffer.

Any use in becoming a Buddha
if no one's there to know the dharma?
If no one's there the truth to see?
if no one's there to savour beauty

Where men will quarrel compete and fight
for a half-loaf of bread
or to rush into a bus
disciple bands can never rise.

A world well satisfied
with food and drink and clothes and homes
is but a basic step towards a full society
where dharma can be apprehended
where truth and beauty can be seen.
For that end do I stop.
Stopping is itself the movement
Samsara truly is Nirvana.

Translated from the original Sinhala work Prabuddha in Vandana the common worship of Sri Lanka's Christian Workers Fellowship. ■

Christians, the Crucifixion of Jesus and Crime of Torture

✍ Nalin Swaris

The central symbol of Christianity is the figure of a tortured man. For Christians, the crucifixion of Jesus is both a historical and sacred event. While Christians mourn the death of Jesus on Good Friday, it is the sacred character and purpose of his death that absorbs their attention and fills them with gratitude: it was a necessary evil to redeem humankind from the clutches of Satan. As a result Christians tend to view this "utterly vile death of the cross" (Origen) with profound equanimity.

The German historian and theologian Martin Hengel has compiled, from ancient sources, the actual horrors which accompanied the ancient practice of torturing people to death through crucifixion, to understand what Paul called the (divine) "folly of the Cross".¹ Roman Catholic Theologian and Professor of Religion at Wichita State University, Stephen Moore, writes that when he tracked down Hengel's work in his college library, he was surprised that it was not shelved in the religion section, as he had expected, but in a corner of the history section devoted to torture alongside Amnesty International reports.² This brings me to the subject of my reflection.

A Gross Miscarriage of Justice

In Christian belief Jesus was truly God and truly man. Christian orthodoxy had from earliest times resisted the suggestion that the man who died on the Cross was a phantasm and not the actual Jesus of flesh and blood. And it is the terrible inhumanity of the punishments meted out to Jesus that I wish to focus upon.

Whenever Christians recite the Apostles Creed, they repeat more of-

ten than not, quite heedlessly, "he suffered under Pontius Pilate was crucified and died..". One wonders if they are jolted into shocking realisation that this stark statement sears into Christian memory one of history's grossest miscarriages of justice. Jesus was arrested in the secrecy of the night, dragged before secular and religious authorities, falsely accused, scourged mercilessly, crowned with thorns and presented by Pilate to a mob howling for his blood, with the words "Behold the man". It is as a man, that is to say, in his humanity, that Jesus was reviled, beaten, and tortured. His human rights were violated by the Jewish Church and the Roman State.

Crucifixion is one of the most perverse forms of execution invented by human beings. It was a sadistic method of killing a person by slow and agonizing torture. Flogging invariably preceded execution, the victim often carried the beam to the place of execution. His feet and outstretched hand were nailed to a cross at the wrists and ankles. The cross was then raised and the victim seated on a wooden peg. He victim would have suffered excruciating pain as he struggled to get a gasp of air; this entailed pushing himself up by the feet and pulling himself by the hands. He would have died slowly, too exhausted by the struggle to breathe.

Crucifixion is one of the most perverse forms of execution invented by human beings. It was a sadistic method of killing a person by slow and agonizing torture. Flogging invariably preceded execution, the victim often carried the beam to the place of execution. His feet and outstretched hand were nailed to a cross at the wrists and ankles. The cross was then raised and the victim seated on a wooden peg. He victim would have suffered excruciating pain as he struggled to get a gasp of air; this entailed pushing himself up by the feet and pulling himself by the hands. He would have died slowly, too exhausted by the struggle to breathe. Besides this general procedure, the details could be different from execution to execution: "crucifixion was a punishment in which the caprice and sadism of the executioners were given full rein" (Hengel, in Moore p.96)

Suffering as Spectacle for Gods and Humans

Jesus' crucifixion was by no means exceptional. Hundreds of other Jews were executed during Jesus' lifetime on charges of sedition. As the inscription placed on the cross on the orders of Pilate, clearly stated, he was executed for having allegedly led an insurrection against Rome. But, one may ask, why this infliction of excessive pain; why this extraordinary public celebration of cruelty? A matter of fact observation by Luke in his narrative of the crucifixion may provide an answer: "the crowd (who) had gathered for the spectacle" (23:48).

Michel Foucault, has explored the implications of what Friedrich Nietzsche called 'human suffering as a spectacle for gods and men'.³ Underlying the practice of public torture to death was (is) the theory of satisfaction. The theory was held at a time when the distinction between a sin against the gods and a crime against the State hardly existed. A crime or sin was regarded as an atrocity against the sovereignty of God, *casu quo*, the Church, or the king. The public executions had a theological-judicial function. The sovereign power had been affronted, the majesty of the sovereign tarnished. The accused

therefore had to be punished by a horrific exemplary act of vindictive justice. The entire spectacle of torturing to death functioned as a 'theatre of horror' whole exercise. The punishments inflicted on the body, served to drive home into the minds (and souls) of the subjects that not even slightest challenge to the sovereignty and majesty of the king would be tolerated. "People were summoned as spectators: they were assembled to observe public executions and *amendes honorable*, pillories, gallows and scaffolds were erected in public squares or by the roadside; sometimes the corpses were displayed for several days near the scenes of the crimes. Not only must the people know, they must see with their own eyes. Because the they must made to be afraid; but also be the witnesses, the guarantors of the punishment .." (Foucault, p.58)

In other words the people were compelled not only to witness but also approve the atrocities committed in the name of justice.

Public executions continued throughout the world right down to modern times. In Europe, as the ideas of the Enlightenment spread and took hold, "Protests against public executions proliferated in the second half of the eighteenth century: among the philosophers and theoreticians of the law; among lawyers and *parliamentaires*." (Foucault, 73).

By the end of the nineteenth century the practice of public torture and execution was abolished in European countries. Whatever the claims of divine justice may have been, in human justice, respect for human rights prevailed. "The need for punishment without torture was first formulated as a cry from the heart or from an outraged nature. In the worst of murderers, there is one thing, at least, to be respected when one punishes: his 'humanity'." (Foucault 74)

In the third part of his study, Foucault examines the shift that took place in the West, from physical punishment to what he calls a rational system of incarceration and surveillance. This was accompanied by a perpetual threat of violence by the State, which was internalised by citizens in the form of rigid self-discipline, produced by a continuous, physically non-

Torture of arrestees is endemic to the Sri Lankan 'justice' system. Police arrests, especially of the socially weak, are often arbitrary and done at the instigation of those who have political or financial 'clout' with the police. Torture is routinely practised as a method of criminal investigation in Sri Lanka. While many officers do excellent detective and investigation work, many resort to torture in order to extract a confession from a suspect – very often taken into custody based on a complaint by an influential person.

violent system of supervision by the State. Foucault maintains that this system of internalised self-discipline is more insidious, as damning to the spirit, as torture was to the body:.

Page Dubois reacts strongly to Foucault's confident assertion that, "We are now far away from the country of tortures, dotted with wheels, gibbets, gallows pillories" (p. 307). "Tell it to the El Salvadorians". She might as well have retorted, "Tell it to the poor and powerless Sri Lankans".

Dubois deplores what she regards as Foucault's "resolutely Eurocentric" narrative. Agreeing with Dubois' contention, Stephen Moore observes, "Whereas State-sanctioned torture does indeed seem to be the exception rather than the rule in Europe and America, the substantial role that certain Western democracies have played in supporting regimes that routinely employ torture to enforce public suggests disturbing, symbiotic relationship between "societies of the spectacle" and "disciplinary societies" (p.99).

Torture and the Sri Lankan Justice System

Torture of arrestees is endemic to the Sri Lankan 'justice' system. Police arrests, especially of the socially weak, are often arbitrary and done at the instigation of those who have political or financial 'clout'

with the police. Torture is routinely practised as a method of criminal investigation in Sri Lanka. While many officers do excellent detective and investigation work, many resort to torture in order to extract a confession from a suspect – very often taken into custody based on a complaint by an influential person.

Once locked up, the security of a suspect's life and limb are totally in the hands of the police officers. Foucault observes that in medieval times, torture was a judicial game between the judge who ordered the torture and the victim: "if the accused 'held out' and did not confess the magistrate had to drop the charges. The tortured man had won" (p.41). Such a contest begins between the torturer and his victim in the secrecy of police torture chambers. The aim of the torture being to break the victim and to extract a confession.

Since the torture is done in secret, a situation is created in which 'the caprice and the sadism of the torturer can be given full rein'. It allows the torturer to unleash passions of intense hatred and sensual desire, held in abeyance by the constraints of society. This is particularly so when the victim happens to be a female. The victim is often stripped naked, tied at the wrists, suspend by a rope from a beam and beaten by a gang of officers. Psychologists who have studied cases of females tortured by men have pointed out that perverse sexual pleasure is a powerful element in these acts of sadism.

The situation is so alarming in Sri Lanka, that an organisation called the *Janasansadaya* (Peoples Forum) was founded to expose the routine practice of torture by police officers. The breakdown of the justice system is such that the police can either hold suspects in custody or agree to let them be released on bail. Cases keep getting postponed and hearings could go on for years. Neither the advocates who appear for the suspects or the judges seem to be concerned about the mental torture created by the permanent sense of insecurity and fear in which the suspect and his or her family have to live in. There is no national outrage against what the editorial of a leading daily newspaper called "the hell" to which people are condemned by the law's delays. (*The Island* 30th January 2002).

To create public awareness of these State-sanctioned atrocities, *Janasansadaya* and the Asian Human Rights Commission, Hong Kong, launched a campaign against the practice of torture by the Sri Lankan police on the 4th of February 2002, to coincide with the celebration of 54 years of independence from British Rule. The campaign was organised around the single question: "What does independence mean to the ordinary Sri Lankan, if the Sri Lankan State does not respect its citizens elementary right to life and the security of their lives and limbs?" The campaign was accompanied by an exhibition which exposed the methods of torture used by the police and photographs of victims maimed or killed by law enforcement agencies and anti-State forces. The Day Against Torture attracted hundred of victims of torture and their families. Some of the participants were the relatives of victims who had died of torture in prison cells. They were given the opportunity to speak out their grief and to lament the cruel indifference of the justice system to their pleas for justice. The litany of crimes committed by the Sri Lankan police are too horrible to relate. In a recent case, a judge found the police guilty of committing atrocities against an innocent person. In his landmark judgement the judge asked with Juvenal: "Who will guard the guardians of the law?"

Torture and the Christian Conscience

When it comes to the crime of torture, the religion of an officer does not seem to function as a deterrent. The secretary of *Janasansadaya*, a Buddhist, had approached the director of a Roman Catholic institution in the area to inquire whether they could rent the hall of this institute for the planned exhibition on torture. The director, a priest, had responded that he was not in favour of the campaign; without giving people a good thrashing you cannot stop them committing crime. The request was denied. When the Buddhist gentleman expressed his utter bewilderment at the priest's attitude, I told him. "Obviously the good man has forgotten that the founder of his religion was the victim of a gross injustice and of the terrible crime of torture. He too was given 'a good thrashing'".

One might have imagined that Christians, especially Christian ministers, more than adherents of any other faith, would

be deeply sensitized against the crime of torture and feel outraged by its continuance. The contemporaries of Mark would have understood the horrible implications of his laconic statement: "they crucified him". (15:24) Illegal arrests, illegal detention and torture continue without any effective measures being taken to eradicate these gross violations of human rights. The commemoration of the death and crucifixion of Jesus is a fitting occasion for Christian to feel outraged at gross miscarriages of justice, which continue two thousand years after their founder was hounded as a criminal and killed by torturing him to death. "Were you there when they crucified my Lord?" asks the Negro spiritual. The answer is no. But the crucifixion is repeated again and again wherever State-

sanctioned torture takes place. Did not Jesus say, "Whatever you do to the least of my brethren you do it to me?" (Matthew 25:41) Christian ministers and laity can show no better devotion to their Lord than by joining the campaign against torture.

(For information contact Janasansadaya, 81/2 Arthur V. Dias Mawatha Panadura. Tel 038-35191)

About the writer: **Dr Nalin Swaris is a scholar in comparative religion**

¹ *Crucifixion in the Ancient and the Folly of the Message of the Cross*: Fortress Press Philadelphia (1977)

² *Post Structuralism and the New Testament* Fortress Press Minneapolis 1994

³ *Discipline and Punish* Penguin 1991. Part I deals with the phenomenon of public torture in pre-Modern times

Enduring Terror

Cecil Rajendra

In the war on terror
each man is a demon
under suspicion;

everywhere

the presumption
of innocence is drowned.

who is the enemy?
Mother and infant
grandfather or soldier
collateral damage
exact its vengeance
on each alike;

smart bombs
make no distinction.

In the shrill clamour
on either side of the border...
rules are bent
to suit the situation.

Our right to travel
Our right to assemble
Our right of expression
Our right to information
Our right to privacy
Our right of confidentiality -
all are immolated
on that altar of expediency.

Internment without trial
is now the norm ...

and a "tolerable" level
of torture is canvassed
as "acceptable" in
extracting information that might lead
to the lair of the devil.

In our attempt
to flush out terrorists
we have flushed our
principles down the toilet.

And in our taxi-
rank of priorities
meekly we surrender
the wheel of governance

honour and justice;
the Rights of man
woman and child
have been consigned
to a "back seat."
Funk has taken over;
Terror is the driver.

We now walk in fear
of our own shadow;
knock of a neighbour
police or postman
trigger the same shudder.

The war on ...
is done
Has blind terror won?

(Ed. Note: The poet is a barrister and the human rights chairperson of the Malaysian Bar Association.)

Contributed by the Christian Workers Fellowship (CWF)

Restructuring moves forward with Katunayaka Workshop

An earlier report in this column about an obstructive opposition to the Restructuring Guidelines adopted unanimously by the CWF's last Annual General Meeting has now ended after a workshop held at Kamkaru Sevana Katunayaka on January 05, 2002. This workshop was designed to take steps to implement without delay the Restructuring Guidelines accepted by the General Membership. All CWF branches were represented at this meeting except those at Hatton, Kantale and Galaha. It was decided to take the decision arrived at the Workshop to these three branches to ensure their compliance.

The January 05 workshop was summoned by an organising committee that had replaced the earlier core group who were responsible for drafting the Restructuring Guidelines – the result of 20 retreats and two workshops. The participants at the Katunayaka workshop were assisted in their deliberations by Susil Sirivardana who was Chairperson of the team responsible for the Evaluation Report on CWF which led to the Restructuring Process and a representative from PALTRA (Programme for Alternative Training).

After a discussion led by Susil Sirivardana, the meeting unanimously resolved that the Restructuring Process should be carried out without delay. It was envisaged that the process should be undertaken in 4 phases at both the Branch and Centre level and the process should be completed by the end of the 4th quarter of this year 2002.

A Process in Four Phases

The First Phase was the engagement in an intensive study of the 43 year old history and evolution of the CWF with special emphasis on its ideas as embodied in its basic writings so as to get back the value-led spirit of the movement that had unfortunately got blurred in more recent years by money-oriented "NGOism".

The Second Phase was to recognise all the existing and potential resources of CWF and to work out a methodology to utilise all such resources to the fullest. This was also to be combined with a study of the current methodologies of social mobilisation to assist the branches in their work.

The Third Phase was to examine the possibilities of CWF building two-way or three-way partnerships with governmental pro-

grammes and with friendly voluntary organisations.

The Fourth Phase would be reached when the earlier three phases had been successfully completed. Steps could in such a situation be taken towards the end of the 4th quarter to draw up a national programme and budget for 3 years with the assistance of a PWDRF facilitator. It is envisaged that in such a situation the maintenance and running of the branches will be on the basis of self-reliance and the external assistance sought would be strictly confined to the programme devised. It was decided also to have a small assessing and monitoring team of the Fellowship to pursue the activities carried out by the branches in pursuance of the three phases set out above. The team was to be elected by delegates drawn from all the branches so as to ensure its representative and democratic character.

Group Discussions

Those who had gathered then broke up into three groups to better brainstorm these proposals and share ideas. The result was that a number of helpful suggestions were made at the plenary session that followed to discuss the reports of the 3 groups. Among the needs that were identified in executing the study programme in phase 1, was the lack of proper Tamil translations in most of the basic writings of the CWF. So also there was lack of available copies in Sinhala and English too of these writings, necessitating a reprint of some of these pamphlets. This was an urgent need. It was pointed out also that the CWF position on the national question 'Sinhala – Tamil Conflict' and printed in all 3 languages in 1983 was specially pertinent in our situation and needed to be included among the basic writings spelt out for study. Unfortunately copies of this too were scarce needing another reprint of the pamphlet in all three languages.

In view of the need to deepen the spiritual life and insight of CWF members, all the groups brought up the importance of using CWF liturgies fully to meet this need. Vandana (The Common Worship of the CWF) with supplements was identified as also the Fellowship Meal (agape) specially devised for branches and of course the Workers' Mass. The present shortage of copies of these liturgies is however an inhibiting factor but steps will have to be taken to make them available to the membership.

The same position will apply even in regard to our basic writings especially Introduction to CWF, 'The Christian Worker and the Trade Union' and 'For a Real Sri Lankan Church!' So the Restructuring Process to be properly implemented will also necessitate a printing programme!

Internalisation is Key

But in any case we will have to start with whatever becomes available while we continue our study/work. It is crucial too that the Restructuring Guidelines booklet which is available presently, be properly studied and internalised by our branches and individual members. Our Easter Programme this year on March 30th with studies led by the Revd Dr. Hilarion Dissanayake omi on the theme of 'Easter ie. Hope in Struggle' and climaxed, in the evening by the Easter Eve Observances and the First Mass of Easter, should provide an excellent opportunity to renew ourselves – in facing the future with hope and confidence.

After a further month we will have the May Day Workers' Mass on May 1st morning which could strengthen our resolve and solidarity in carrying the struggle forward towards a better world.

Change of Secretariat

The CWF's decision and need to restructure assisted further by the Katunayaka Workshop on Restructuring perhaps led the Working Committee on February 02 to change the CWF Secretariat to make it representative now of only those who are fully bent on implementing the Restructuring proposals. The February 02 decision of the Working Committee was further ratified at its meeting on February 09 when the following were deemed unanimously elected to be the new Secretaries of the CWF: External Communications: Vijaya Vidyasagara, Internal Communications: Ananda Dissanayake, Finance: Vajira Priyadarshana, Education: Stanley Rodrigo, Media: A.H.Punyatilake, Personnel: V.D. Kannappan and Facilities: Kalhara Wijesinghe. The Secretariat thereafter decided to have Kalhara Wijesinghe as their Coordinating Secretary. ■

CWF May Day Mass

1st May 9 am

**St. Michael's Church
Polwatte,
Colombo 03.**

All Welcome!

OVER 30,000 DISAPPEARANCES

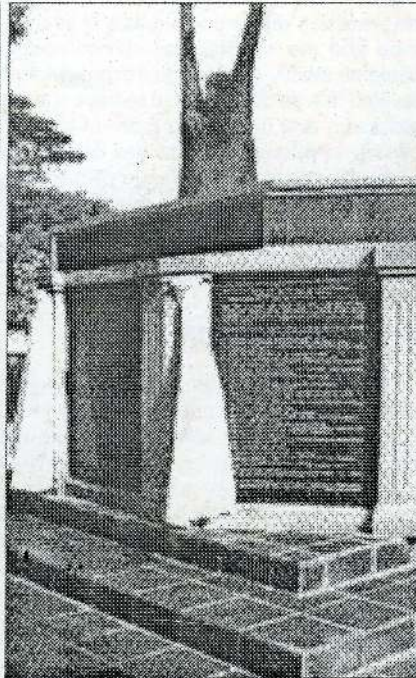
Endemic Torture ■ Massacres ■ Election-related violence and killings ■ Serious crimes all over the country

NOT INVESTIGATED, NOT PROSECUTED

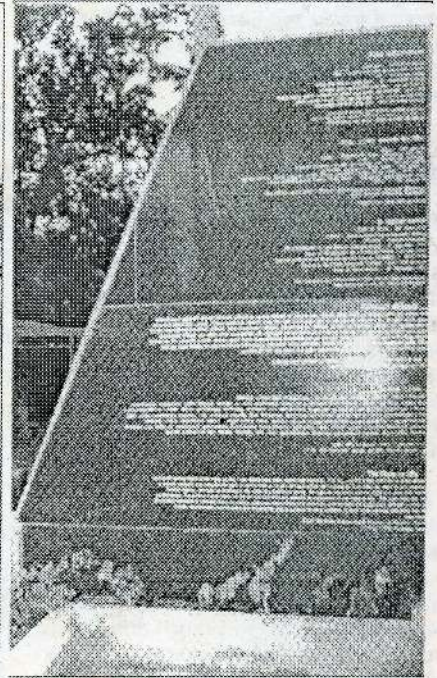
Three Monuments > One Message



A monument for the disappeared and against crime against humanity at Seeduwa



A monument on Universal Declaration of Human Rights at Bullers Road, Colombo



A monument for Fr. Michael Rodrigo (Fr. Mike) at Katuwapitiya, Negombo

R E F O R M

THE POLICE *and* PROSECUTION SYSTEMS
and

LET PEOPLE LIVE SAFELY!



ASIAN HUMAN RIGHTS COMMISSION - AHRC

E-mail: ahrchk@ahrchk.org | Web: www.ahrchk.net | www.disappearances.org