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free fortnightly

A victory with lessons for other liberation struggles

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Kosovo is free



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KOSOVO

Kosovo celebrates independence as world divides over sovereignty

THE people of Kosovo celebrated this week, their dream of independent statehood finally a reality. On Sunday the Kosovan Parliament enthusiastically passed a resolution declaring the former Serbian province's independent.

The move followed an almost two-year process of internationally-sponsored negotiations, which failed to yield an agreement, and came amid a continuing deadlock in the UN Security Council.

The Prime Minister of Kosovo, Hashim Thaci, read out the declaration in a special session of Parliament on Sunday.

"We declare Kosovo to be a democratic, secular and multiethnic republic, guided by the principles of non-discrimination and equal protection under the law," the declaration said.

"We shall protect and promote the rights of all communities in Kosovo and create the conditions necessary for their effective participation in political and decision-making processes."

All 109 deputies present at the session in the capital Pristina voted in favour with a show of hands while 11 deputies from ethnic minorities, including Serbs, were absent.

"For the first time in our history, we have a framework that allows us to build freely and with no fear of brutal force by our neighbour [Serbia]," said well-known Kosovar journalist Veton Surroi.

Premier Thaci, a former commander of the armed liberation movement, the Kosovo Liberation Army (KLA), was elected last year.

After the declaration of independence Sunday thousands of people took to the streets, waving Albanian flags as well as those of Western nations perceived as supporting the bid for independence.

Albanians flew in from countries all over the world to participate in the festivities, which culminated at 11pm on Sunday with an official fireworks display. Albanian Diaspora communities celebrated across the world with joyful public rallies.

Serbia has already complained to United Nations that Kosovo's declaration of independence is a unilateral secession of part of its territory and "does not produce any legal effect either in the Republic of Serbia or in the international legal order."

Kosovo is the 21st century's third new state and has split the states of the world into two clubs: those who fear their own disintegration and those who do not.

The United States and Britain were amongst the first countries to recognize the new state. Russia, a close ally of Serbia, and China have opposed, signally a deep divide in international opinion, including amongst members of the European Union.

Britain and France declared



Kosovars celebrate their declaration of independence, which has split the globe as only some countries recognise the new state. Photo AFP

their support for an independent Kosovo in Brussels on Monday. Germany, Italy and 14 other member states in the 27-member bloc declared their intention to follow suit. EU foreign policy chief Javier Solana arrived Tuesday in Kosovo, becoming the first leading international figure to visit since it proclaimed independence from Serbia.

Spain, with its own Basque separatist problem, and divided Cyprus, were both opposed.

Norway said it would follow the lead of other Nordic countries, including those in the EU, and recognise Kosovo.

US President George Bush said Tuesday he supported the independence of Kosovo because it "will bring peace." He told reporters: "History will prove this to be a correct move, to bring peace to the Balkans. This strategy has been a long time coming."

The US president called on the Kosovars "to honour their commitment to support the right of non-Albanians, non-Kosovars inside their country."

Earlier, in its formal statement recognising Kosovo, the United States said independence for Kosovo was the only way to bring stability to the region.

"Independence is the only viable option to promote stability in the region," the statement by US Secretary of State Condoleezza Rice said. "United States supports the Ahtisaari Plan and will

work with its international partners to help implement it."

The plan put forward by former Finnish President Martti Ahtisaari, whom the UN appointed to oversee the process of negotiating a settlement to the Kosovo issue, provides for a multiethnic Kosovo with six constitutive communities - Albanians (who constitute 90%), Serbs, Roma, Turks, Bosnian and Egyptians.

Prime Minister Hashim Thaci said hopes have never been higher in Kosovo. "We pledge that the implementation of the Ahtisaari proposal will be our national priority," he told parliament.

Justifying the British decision to back Kosovo, Foreign Secretary David Miliband said the "90 percent plus Muslim population" there had been seeking self-determination since the end of a NATO bombing campaign to drive out Serb forces from the majority ethnic Albanian province in 1999.

"If we'd tried to sit on that aspiration, if we'd tried to deny it, I think we'd have far more instability and danger" in the Balkans, he told BBC radio. "That's not to say that the current situation is not without risks but I think the risks would have been far greater if we'd tried to squash the desire for independence."

India is "actively considering" its stand and appears tilted towards the view taken by Russia and China, The Hindu paper said.

"We have taken note of the

unilateral declaration of Independence by Kosovo. There are several legal issues involved in this declaration. We are studying the evolving situation," said the Indian Foreign Office.

"It has been India's consistent position that the sovereignty and territorial integrity of all countries should be fully respected by all states. We have believed that the Kosovo issue should have been

resolved through peaceful means and through consultation and dialogue between the concerned parties."

The optimism, however, is tempered with realism as most Kosovars realise big challenges lie ahead. The economy is in disarray and the fledgling state does not enjoy the legitimacy that an agreement in the UN Security Council would have provided.

Sri Lanka rejects Kosovo's 'secession'

SRI LANKA promptly rejecting Kosovo's declaration of Independence Sunday. A statement from the Foreign Ministry said Colombo did not endorse the "unilateral secession" of Kosovo from the Republic of Serbia.

"We note that the declaration of independence was made without the consent of the majority of the people of Serbia," the statement said.

"The unilateral declaration of independence by Kosovo could set an unmanageable precedent in the conduct of international relations, the established global order of sovereign States and could thus pose a grave threat to international peace and security."

The Foreign Ministry said this Kosovo's action was a violation of the United Nations Charter which enshrined the sovereignty and territorial integrity of Member States.

Moreover, UN Security Council Resolution 1244 of June 10, 1999 reaffirmed its commitment to the sovereignty and territorial integrity of all States of the region.

"This action is particularly regrettable, since all efforts at reaching a negotiated political settlement on the future status of Kosovo, as envisaged by the Security Council Resolution 1244, have not been exhausted," the Foreign Ministry said.

KOSOVO

Kosovo's declaration of independence

The text of Kosovo's declaration of independence, signed in parliament by Speaker Jakup Krasniqi, Prime Minister Hashim Thaci and President Fatmir Sejdiu:

"CONVENED in an extraordinary meeting on February 17, 2008, in Pristina, the capital of Kosovo,

Answering the call of the people to build a society that honours human dignity and affirms the pride and purpose of its citizens,

Committed to confront the painful legacy of the recent past in a spirit of reconciliation and forgiveness,

Dedicated to protecting, promoting and honouring the diversity of our people,

Reaffirming our wish to become fully integrated into the Euro-Atlantic family of democracies,

Observing that Kosovo is a special case arising from Yugoslavia's non-consensual breakup and is not a precedent for any other situation,

Recalling the years of strife and violence in Kosovo, that disturbed the conscience of all civilized people,

Grateful that in 1999 the world intervened, thereby removing Belgrade's governance over Kosovo and placing Kosovo under United Nations interim administration,

Proud that Kosovo has since developed functional, multiethnic institutions of democracy that express freely the will of our citizens,

Recalling the years of interna-

tionally sponsored negotiations between Belgrade and Pristina over the question of our future political status,

Regretting that no mutually acceptable status outcome was possible, in spite of the good-faith engagement of our leaders,

Confirming that the recommendations of UN Special Envoy Martti Ahtisaari provide Kosovo with a comprehensive framework for its future development and are in line with the highest European standards of human rights and good governance,

Determined to see our status resolved in order to give our people clarity about their future, move beyond the conflicts of the past and realize the full democratic potential of our society,

Honouring all the men and women who made great sacrifices to build a better future for Kosovo,

We, the democratically elected leaders of our people, hereby declare Kosovo to be an independent and sovereign state. This declaration reflects the will of our people and it is in full accordance with the recommendations of UN Special Envoy Martti Ahtisaari and his Comprehensive Proposal for the Kosovo Status Settlement.

We declare Kosovo to be a democratic, secular and multiethnic republic, guided by the princi-



The Kosovo parliament passed the declaration of independence at a special sitting Sunday. Photo AFP

ples of non-discrimination and equal protection under the law. We shall protect and promote the rights of all communities in Kosovo and create the conditions necessary for their effective participation in political and decision-making processes.

We accept fully the obligations for Kosovo contained in the Ahtisaari Plan, and welcome the framework it proposes to guide Kosovo in the years ahead. We shall implement in full those obligations including through priority adoption of the legislation

included in its Annex XII, particularly those that protect and promote the rights of communities and their members.

We shall adopt as soon as possible a Constitution that enshrines our commitment to respect the human rights and fundamental freedoms of all our citizens, particularly as defined by the European Convention on Human Rights. The Constitution shall incorporate all relevant principles of the Ahtisaari Plan and be adopted through a democratic and deliberative process.

We welcome the international community's continued support of our democratic development through international presences established in Kosovo on the basis of UN Security Council Resolution 1244 (1999). We invite and welcome an international civilian presence to supervise our implementation of the Ahtisaari Plan, and a European Union-led rule of law mission. We also invite and welcome the North Atlantic Treaty Organisation to retain the leadership role of the international military presence in Kosovo and to implement responsibilities assigned to it under UN Security Council resolution 1244 (1999) and the Ahtisaari Plan, until such time as Kosovo institutions are capable of assuming these responsibilities. We shall cooperate fully with these presences to ensure Kosovo's future peace, prosperity and stability.

For reasons of culture, geography and history, we believe our future lies with the European family. We therefore declare our intention to take all steps necessary to facilitate full membership in the European Union as soon as feasible and implement the reforms required for European and Euro-Atlantic integration.

We express our deep gratitude to the United Nations for the

work it has done to help us recover and rebuild from war and build institutions of democracy. We are committed to working constructively with the United Nations as it continues its work in the period ahead.

With independence comes the duty of responsible membership in the international community. We accept fully this duty and shall abide by the principles of the United Nations Charter, the Helsinki Final Act, other acts of the Organization on Security and Cooperation in Europe, and the international legal obligations and principles of international comity that mark the relations among states. Kosovo shall have its international borders as set forth in Annex VIII of the Ahtisaari Plan, and shall fully respect the sovereignty and territorial integrity of all our neighbours. Kosovo shall also refrain from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

We hereby undertake the international obligations of Kosovo, including those concluded on our behalf by the United Nations Interim Administration Mission in Kosovo (UNMIK) and treaty and other obligations of the former Socialist Federal Republic of Yugoslavia to which we are bound as a former constituent part, including the Vienna Conventions on diplomatic and consular relations. We shall cooperate fully with the International Criminal Tribunal for the Former Yugoslavia. We intend to seek membership in international organizations, in which Kosovo shall seek to contribute to the pursuit of international peace and stability.

Kosovo declares its commitment to peace and stability in our region of southeast Europe. Our independence brings to an end the

US recognizes Kosovo

The official US response to Kosovo's declaration of independence by Secretary of State Condoleezza Rice:

THE United States has today formally recognized Kosovo as a sovereign and independent state. We congratulate the people of Kosovo on this historic occasion.

President Bush has responded affirmatively to a request from Kosovo to establish diplomatic relations between our two countries. The establishment of these relations will reaffirm the special ties of friendship that have linked together the people of the United States and Kosovo.

Nine years ago, the international community, led by NATO, acted to end brutal attacks on the Kosovar Albanian population. This timely international intervention ended the violence, leading to a United Nations Security Council decision to suspend Belgrade's governance and place Kosovo under interim UN admin-

istration.

Since that time Kosovo has built its own democratic institutions separate from Belgrade's control. Last year, UN Special Envoy Martti Ahtisaari developed a plan to build a democratic and multi-ethnic Kosovo and recommended Kosovo be independent, subject to a period of international supervision.

In light of the conflicts of the 1990s, independence is the only viable option to promote stability in the region. The United States supports the Ahtisaari Plan and will work with its international partners to help implement it.

We welcome the commitments Kosovo made in its declaration of independence to implement the Ahtisaari Plan, to embrace multi-ethnicity as a fundamental principle of good gover-

nance, and to welcome a period of international supervision.

The unusual combination of factors found in the Kosovo situation -- including the context of Yugoslavia's breakup, the history of ethnic cleansing and crimes against civilians in Kosovo, and the extended period of UN administration -- are not found elsewhere and therefore make Kosovo a special case. Kosovo cannot be seen as a precedent for any other situation in the world today.

The United States takes this opportunity to reaffirm our friendship with Serbia, an ally during two world wars. We invite Serbia's leaders to work together with the United States and our partners to accomplish shared goals, such as the protection of the rights, security, culture and livelihood of the Serb community in Kosovo.

As Kosovo today begins its life as an independent state, the United States pledges to continue to be its close friend and partner.

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KOSOVO

Legal furore over Kosovo recognition

Paul Reynolds
BBC News website

THE recognition of independence for Kosovo raises serious questions of international law as well as sensitive diplomatic difficulties.

The United States and many European Union countries accept that Kosovo should no longer be formally part of Serbia.

They will recognise a limited form of independence for Kosovo, as recommended in a report drawn up for the UN by the former Finnish president Martti Ahtisaari.

The EU is sending a major law and order mission to Kosovo, made up of 1,800 police and justice officials, including judges, in effect taking over from the current UN presence.

Serbia itself, supported strongly by Russia, rejects independence for Kosovo. Serbia and Russia argue that there is no UN Security Council approval for the move and that the parties should continue negotiating until an agreement is reached.

Serbia offered Kosovo autonomy but not independence.

So what are the legal arguments for and against recognition?

The arguments for

After the war over Kosovo in 1999, the UN Security Council took control. In resolution 1244 of 10 June 1999, it ordered the Federal Republic of Yugoslavia (as it then was) to withdraw all its forces from Kosovo and hand Kosovo over to the UN.

The problem is that although the resolution called for a "political solution to the Kosovo crisis", it did not specify what that solution should be.

And there has not been any further Security Council resolution mandating independence for



While the legal issues over the independence of Kosovo persist, they did not impact the morale of Kosovons celebrating. Photo AFP

Kosovo.

Many Western governments argue that because 1244 does refer to general principles that G8 foreign ministers had agreed in advance of the resolution, these should be used as the basis for the acceptance of independence now.

These principles include the deployment in Kosovo of "international civil and security presences" and "facilitating a political process designed to determine Kosovo's future status".

EU legal opinion

The European Union has drawn up, as it is required to do by EU procedures, a document to justify its own mission to Kosovo and the arguments deployed are the same as the ones used to justify recognition.

The document basically argues that independence for Kosovo is within the spirit of 1244, if not strictly within the letter.

The 1244 resolution also

envisaged a final status process and did not constrain or pre-determine its outcome.

"Acting to implement the final status outcome in such a situation is more compatible with the intentions of 1244 than continuing to work to block any outcome in a situation where everyone agrees that the status quo is unsustainable," it says.

The document adds that this approach "will enable, rather than frustrate, the conclusion of the

final status process envisaged in resolution 1244".

And it gives approval to international recognition: "Generally, once an entity has emerged as a state in the sense of international law, a political decision can be taken to recognise it."

Nato troops under the Kosovo Force (K-For) continue to be mandated by 1244, the opinion holds.

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What about all the other Kosovos?

Philip Bowring
International Herald Tribune

THE Balkans may be a long way from Asia but the word "Balkanization" is still etched in the minds of many leaders, particularly those who lived through the years of instability that followed decolonization.

Though the issue of Kosovo is not attracting too much public comment in Asia, it is a worry for those who ponder the implications for countries struggling with separatist minorities of their own.

They note that while the original break-up of Yugoslavia resulted from internal forces, the independence of Kosovo was made

possible because the United States and the European Union supported this dismemberment of Serbia.

Whether this is the result of idealism or is regarded as punishment for Serbia's actions during the Milosevic era does not matter from the point of view of those not directly involved.

Indonesia and Sri Lanka have said that they will not recognize Kosovo's independence.

China and Vietnam insist that any solution must not compromise the territorial integrity of Serbia.

Most other Asian official reaction is similarly likely to be negative.

There are two issues here from an Asian perspective.

The first is how far the principle of self-determination should be taken.

Kosovo is a landlocked state of 2 million people, 10 percent of whom are Serbs strongly opposed to its independence.

The second is to ask when and where the process of dismemberment of former empires will end.

After all, the very word "Balkanization" derives from the break-up of the Balkan territory of two empires, Ottoman and Austro-Hungarian, into 10 states.

It may be that the nature of the European Union can allow many

mini-states to exist within a broader political entity, and that Kosovo is as viable as Luxembourg. Just possibly, the EU can be successor to the former Ottoman and Hapsburg empires, embracing all states of the Balkans, big and small.

Possibly. But none of that is much consolation to other regions of the world which do not possess equivalents to the EU.

Since 1945, if not earlier, they have mostly lived with two concepts: First, the nation state as accepted by their peers at the United Nations; second, borders defined by their histories as parts of Western empires.

Thus far there have been remarkably few post-colonial formal splits. The major one was the cre-

ation of Bangladesh out of an untenable Pakistan divided by a thousand miles and an equally large cultural gap. Singapore's separation from Malaysia was peaceful. Eritrea's from Ethiopia was not.

But African and Asian nations still worry deeply about national integrity. The end of formal Western empires (most recently the Russian one) is still far too close for successor nations to be confident that their borders will survive. So they are particularly sensitive when they find the West instinctively supporting separatist movements, even if only verbally.

Whether the issue is Darfur, West Papua, Nagaland or the Shan states, the old colonial powers are often seen on the side of

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KOSOVO

The irony of defending sovereignty

Demands for self-rule and independence stem not from isolationist tendencies, but a desperation to escape state repression.

Kanthavanam
Tamil Guardian

AMIDST firework displays, street parties and concerts around the capital and much of the country, the Republic of Kosovo was born on February 17, 2008.

The long-awaited 'Unilateral' Declaration of Independence was made in concert with the United States and leading members of the European Union.

The events leading up to Kosovo's UDI and its aftermath will undoubtedly be a source of hope for peoples around the world committed to the liberation of their homelands from oppression and tyranny.

Over the last six months, for obvious reasons, Russia has adopted a 'no precedent' approach, defending the territorial integrity of its ally Serbia.

Russia's leaders are committed to their own notion of sovereignty - one as selective as the US's, but with a different perspective.

This was first exhibited by Moscow's anger at Chechnya's refusal to sign up to the Russian Federation, thus leading to the first and second Chechen wars and destabilization of the entire Caucasus region.

Whilst sovereignty is key to statehood, it is not an automatically isolationist property.

Throughout the history of the modern state, countries have, to some degree or other, pooled their sovereignty for mutual gain, be it in the form of economic or cultur-

al cooperation or state integration/ merger as with the union between Scotland and England 1600's; German Unification in 1871; Italy's during the 1840s-1870 and, of course, the European Union itself in the past few decades.

Thus, it is disingenuous to argue that the mere emergence of new independent states would be destabilizing; newly independent states are no more likely to create international instability than existing states.

Rather, there is an argument that, in order to ensure their long-term futures, states, including new ones, are more likely to join the world's proliferating 'sovereignty pooling' organizations, thus actually increasing international cooperation - just as several post-Soviet Eastern European states have willingly joined the EU.

The separation of Kosovo and Serbia arguably provides a period in which both can overcome their differences, address the issues that led to the conflict and build new cordial relations, whilst at the same time retaining genuine ownership of their own futures, as well as sharing a joint one in which both sides have a degree of control.

In contrast, Moscow fears this 'break up' of Serbia will give fresh impetus to several independence movements along its own border from North Ossetia, Abkhazia and Chechnya.

Though both the South Ossetia and Abkhazian movements are pro-Moscow, Russian politicians have raised the possibility of recognizing these entities as states (along with Transdniestra; a break away region of Moldova where there is a large Russian troop presence), only as a threatened response against the US and EU for recognizing Kosovo.

Ultimately, Russia fears that as a consequence of all such declarations, Moscow's power and influence in the world will be eroded.

This is why Russia has sullenly promised to veto Kosovo's application to the United Nations.

During the past years of talks over Kosovo's future, leading members of the international community came to the realization

Sovereignty is never absolute and traditional arguments fail to cover the legacy of European colonialism

that independence is inevitable given the failure of the negotiation process to voluntarily retain the loyalty of the Albanian-majority province within the Serbian federation.

Therefore, most European States have recognized the newly independent state, as they have with all the Balkan states which sought independence since the 1990s.

At the same time, the international community continues to dictate the ability of less powerful states to govern or to gain access to all the institutions and powers that ought to come with interna-

tional recognition.

A classic example of this is the continuing international stewardship of Bosnia-Herzegovina and the EU's provision of 2000 judicial, police and other law enforcement 'advisors' to Kosovo.

Sovereignty is therefore never absolute.

Since December the US and EU have been dragging Kosovo's independence, hoping to buy time to persuade Russia to their point of view.

Whilst vehemently insisting on the principle of sovereignty and territorial integrity, Serbia's response to Kosovan independence is to threaten to recognize the independence of the Republic of Srpska (a constituent member of the Bosnia-Herzegovina).

Whilst warning of instability in the region and elsewhere, it is Serbia itself which is also threatening an economic blockade of Kosovo and reduced diplomatic cooperation with states that recognize Kosovo.

That there is discord over Kosovo amongst the world's states is not in doubt.

The emerging tensions between Russia and the West will be exacerbated by the Kosovan UDI.

Even within the EU, there are deep divisions, with Spain, Romania, Greek Cyprus, Greece and Slovakia joining with Russia in stating fears other independence movements will be encouraged.

As a result of these fears, there is a concerted international attempt to define Kosovo as a 'special case', a one-off in international affairs.

This, however, does not alter the basic premise of a people's right to self-determination.

Nor, indeed, does it preclude the creation of future 'special cases' (i.e. transitions to independence under international stewardship) based either on model of

Kosovo or Bosnia-Herzegovina or more traditional ascent to independence like Eritrea.

Furthermore, the traditional arguments about 'sovereignty' fail to account for the very real legacy of Europe colonialism for what is disparagingly now described as the 'third world'.

It is rarely acknowledged that the 'internal' conflicts in these regions stem to a great part from the arbitrary delineation of international borders during the post WW2 rush to 'de-colonise'.

Some argue that the 'special case' status of Kosovo is justified because it is the final stage of the break up of Yugoslavia, an artificial construct.

But this line of thinking could be applied to any number of post-colonial developing states on the basis their splitting into cohesive sub-entities is the simply a continuation of the process of decolonization, of dismantling the artificial constructs of the European empires.

The irony is that, amid a 'globalising world', demands for self-rule and independence stem not from isolationist tendencies, but a desperation to escape state repression.

Especially given the drive to sovereignty pooling in today's 'globalised' world, the most effective response to present and future independence demands is to make the status quo of a united state more appealing by ensuring equitable power-sharing.

Rather than pouring billions into stamping out popular armed challenges to the 'sovereign' state, the international community should look at the other end of the 'problem' and forcibly compel repressive states to end their persecution of ethnic and religious minorities, accept demands for internal power-sharing and simply govern better.

Other Kosovos ...

Continued from p4

difficult minorities opposed to the central governments the powers themselves created.

Nor does it appear, at least from a distance, that an independent Kosovo offers even a sensible solution to the problem of linguistic nations divided from their national state.

Logic would surely be the partition of Kosovo between Albania and Serbia, rather than the creation of another mini-state with another disgruntled minority.

Many in the rest of the world do not even credit the West with good intentions, noting that some influential voices in Western capitals would be happy to see Iraq divided into three states, Shiite, Sunni and Kurd.

Even if they appreciate that

the European Union and the United States are trying to solve problems rather than introduce new divide-and-rule stratagems, they worry.

Take Sri Lanka. Kosovo logic suggests that the Tamils in the north deserve a separate state, an eventuality that would have huge implications for an India which can only exist if its major constituent parts - be they Tamil, Sikh or Bengali - accept an overriding identity and the benefits of diversity and size.

None of this is to argue that minority rights do not matter - that China can suppress Tibet and (Turkic) Xinjiang, that Russia can brutalize Chechnya, that Thailand can submit its Malay/Muslim minority to alien laws and language, and so on.

But for most of Africa and Asia the issue is sustaining states capable of delivering administration and a stable basis for development. As Kenya shows, even in states without overt separatist problems and with some success in economic development, the over-riding problem remains integrating diverse peoples into states.

Kosovo's independence may be the last act in the Balkanization of former empires.

But it also looks like a victory for tribalism and creates a principle which can only exacerbate problems in other countries.

In place of acceptance of minority autonomy within a single state structure there will be fights to the bitter end between centralism and separatism.

Kosovo's declaration ...

Continued from p3

process of Yugoslavia's violent dissolution. While this process has been a painful one, we shall work tirelessly to contribute to a reconciliation that would allow southeast Europe to move beyond the conflicts of our past and forge new links of regional cooperation. We shall therefore work together with our neighbours to advance a common European future.

We express, in particular, our desire to establish good relations with all our neighbours, including the Republic of Serbia with whom we have deep historical, commercial and social ties that we seek to develop further in the near future. We shall continue our

efforts to contribute to relations of friendship and cooperation with the Republic of Serbia, while promoting reconciliation among our people.

We hereby affirm, clearly, specifically, and irrevocably, that Kosovo shall be legally bound to comply with the provisions contained in this Declaration, including, especially, the obligations for it under the Ahtisaari Plan. In all of these matters, we shall act consistent with principles of international law and resolutions of the Security Council of the United Nations, including resolution 1244 (1999). We declare publicly that all states are entitled to rely upon this declaration, and appeal to them to extend to us their support and friendship.

EDITORIAL

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Living Proof

Kosovo's victorious march to independence has lessons for other liberation struggles

Kosovo's declaration of independence on Sunday and the ensuing international recognition from many powerful states is a powerful shot in the arm to peoples resisting and seeking independence from tyrannical regimes everywhere. Whilst every situation and every circumstance is unique, there are important lessons from the Kosovan march to independence for liberation struggles everywhere. These include the oft denied but evident brittleness of 'sovereignty' and the necessity amongst those struggling for freedom for unity, clarity of purpose and indomitable resilience against their oppressors' worst excesses. All of these played a part in the Kosovars' final victory on Sunday.

Whilst it has often been brandished by repressive states as a way of denying the demands for self-determination that inevitably follow their tyrannical rule and also of forestalling international efforts to restrain them, the notion of 'sovereignty' is in practice so brittle that one respected international relations scholar aptly calls it 'Organized Hypocrisy'. Others argue that at no time since the modern 'sovereign state' emerged (amid the Peace of Westphalia in 1648) has sovereignty been practiced as an inviolable principle of international affairs. Indeed, as one of our columnists points out this week, the most vehement defenders of sovereignty this week- Serbia and Russia - have also been threatening to recognize other demands for independence (Abkhazia in Georgia and Republic of Srpska in Bosnia-Herzegovina) and thereby violate the very 'principle' on which their outrage is based.

The swift recognition of Kosovo's independence by the United States and several European powers stems from the existence of other important, sometimes contradictory, 'principles' besides sovereignty; including those of self-determination, humanitarian intervention (lately in the form of the 'responsibility to protect') and perhaps the most oft cited one: as the US bluntly put it, Kosovo's "independence is the only viable option to promote stability in the region." The point here is that in the international politics arena, which is governed by competing interests (including those that masquerade as 'values'), no 'principle' is truly inviolable. In other words, international politics is about contesting and defending power-distributions, not principles.

As such, the recent history of the Kosovan struggle ought to be examined by those engaged in struggles for national liberation and statehood elsewhere. Not because the Kosovan example comprises, as Serbia

protests, a 'tool-kit for separatists' - it does not - but because it amply demonstrates the dynamics and vagaries of international politics. For example, that the past few years of deliberation and discussion on the former Serbian province's political future have taken place whilst it was under international trusteeship has served to obscure the crucial role of the Kosovan Liberation Army (KLA) in the freedom struggle. The past few years have also obscured the initial (and vehement) hostility from powerful states, especially the United States, to both the Kosovan demand for independence and, especially, the KLA.

Indeed, whilst Kosovo's Albanians have been protesting against Serbian repression for decades, even when the international community was striving to bring peace to the rest of the Balkans in the mid-nineties, these demands were dismissed. Kosovars were excluded, for example, from the landmark Dayton Agreement in 1995. As the scholar Steven Burg notes: "for many Kosovar Albanians, the message from Dayton was clear: force was the only means by which to secure group interests ... and the escalation from the use of force was the only way to internationalise [their] conflict." Within months the KLA had emerged to wage an armed struggle against Serbian rule. It was sharp escalation in violence and the vicious repression that Serbia unleashed on the Kosovan people that finally led to NATO intervention.

What is particularly interesting is the West's response to the Kosovan demands. Whilst taking these more seriously after the KLA's emergence, the West still insisted initially that Kosovars negotiate with Slobodan Milosevic's racist regime for autonomy within Serbia: the US, for example, called for "dialogue between the government of Yugoslavia and the responsible democratic Kosovar Albanian leadership". As for the KLA and its armed struggle, the US representative Robert Gelbard had a clear response: "we condemn the unacceptable violence by terrorist groups in Kosovo, particularly the KLA". He also said: "it is the strong and firm policy of the United States to fully oppose terrorist actions and all terrorist organizations."

The problem was that whilst the international community backed the 'moderate', 'democratic' leadership of Ibrahim Rugova (and called on it to also condemn the KLA's 'terrorism'), the people of Kosovo rallied instead to the fighters. That the present elected Prime Minister of Kosovo, Hashim Thaci, is a former leader of the KLA reveals what Kosovars thought of international condemna-

tion of their liberation struggle as terrorism and of accusations by countries such as Germany - one of the other states to swiftly recognise Kosovan independence this week - that the KLA was trafficking drugs. Indeed, so great was the popular swing behind the militants that Rugova's party, the LDK, splintered. Eventually, it was the US itself which was insisting the KLA, must also represent the Kosovars alongside the LDK in negotiations with Serbia.

Once Kosovo became an international protectorate and the people could freely articulate their views, they chose not Serbian rule, but self-rule. And once it also became clear that this was the view of the overwhelmingly majority of Kosovars, the liberal members of the international community were compelled to shift their position. As British Foreign Secretary David Miliband said this week: "if we'd tried to sit on that aspiration, if we'd tried to deny it, I think we'd have far more instability and danger."

Despite oft-repeated commitments to human rights, democracy and just peace, the international community has supported the Sri Lankan state, despite its repression of the Tamils, for decades. Although the Tamils explicitly and overwhelmingly declared their demand for independence from the Sinhalese in 1977, the international community continues to tell us to negotiate with our oppressors for autonomy and devolution. The international community is well aware that anything short of independence - including the once much-vaunted, now ignored, federal solution - is vulnerable to arbitrary retraction by the Sinhala leadership at any point in the future. Thus international condemnation of Tamil 'terrorism' and veneration of Tamil 'moderates' is, as we know full well, more to do with shattering Tamil unity and assisting the Sri Lankan state to isolate and destroy the LTTE, than with achieving a just peace.

The international community will not take on the Sri Lankan state on behalf of liberal principles. However, neither will it defend the odious regimes in Colombo indefinitely. As the case of Kosovo demonstrates, the principle of 'state sovereignty' cannot be sustained once the world is convinced that not only will the vast majority of Tamils, when given a chance, seek independence from Sinhala rule; but, especially, that they will not abandon their political goals or their struggle irrespective of the brutality visited upon them. Unity, clarity of purpose and indomitable resilience; this is how the third birth of a state in the 21st century became impossible to prevent.

OPINION

Kosovo's lessons for Sri Lanka

Reacting to Kosovo's declaration of independence, Sri Lanka's Ambassador to the United Nations warns his government: never withdraw the armed forces from the Tamil areas and never permit a foreign presence in the country

Dayan Jayatilleka
The Island

KOSOVO declared its independence from Serbia this Sunday. In his four hour long valedictory media conference, outgoing Russian President Vladimir Putin has denounced the move as "illegal and immoral". Serbia and Russia have called for an emergency meeting of the UN Security Council. Russia, China, India and South Africa are among the countries which have opposed Kosovo's declaration of independence.

The open secession of Kosovo and its recognition by powerful Western states takes place notwithstanding UN Resolution 1244 of 1999 which recognizes Kosovo as part of Serbia. As the Russian Federation's charismatic Foreign Minister Sergei Lavrov (who stunned me by a burst of fluent Sinhala upon introduction) warned in his Gunnar Myrdal Lecture in Geneva a few days back, the recognition of Kosovo's independence runs contrary to the very basis of international law and is fraught with consequences for Europe and other parts of the world.

The Russian position has consistently been that any solution should be agreed upon in negotiations between Serbia and Kosovo. This was abandoned as impossible by Marti Ahtissari, who recommended de facto independence for Kosovo. Incidentally he was brought to Sri Lanka as a possible negotiator or facilitator by the Ethnic Affairs Advisor of President Kumaratunga, but luckily for Sri Lanka was objected to by Lakshman Kadirgamar and, it must be admitted, the JVP.

There were options other than secession for Kosovo. One was for the fullest autonomy within Serbia. The other was the carving out of the Serbian majority portion of Kosovo and its annexation with Serbia. However, all options were aborted by the obduracy of the Kosovo leadership, which insists on independence.

It must be noted that the current leader of Kosovo is a former leader of the separatist army which practiced terrorism, the Kosovo Liberation Army (KLA). The majority of people of Kosovo had become accustomed to the idea of independence during the several years of administration by a UN High Commissioner (later nominated as an IIGEP member for Sri Lanka by the EU).

The hardening of the position of Kosovo was also due to open

pledges of recognition of independence by several key Western powers.

Of course the breakaway of Kosovo merely completes the unraveling of the former Yugoslavia. There were many reasons for this: the abandonment by majority Serbian ultra-nationalists, in the new context of electoral competition, of the enlightened compact forged by the unorthodox Communist Joseph Broz Tito, a founder leader of the Non-Aligned Movement (and friend of Sri Lanka); the exacerbation of ethnic tensions by the adoption of an IMF package; the rollback by Serb nationalism of Kosovo's autonomous status as a province; recognition by certain Western European states of the breakaway Yugoslav republics setting off a centrifugal chain reaction; the excessive brutality against civilians of the Serbian army and Serb militia in the breakaway republics; the partiality of the Western media which focused only on Serb excesses but not those committed by anti-Serb forces.

In the final instance however, the secession of Kosovo is traceable to a single mistake: the decision by President Milosevic to follow the advice of President Yeltsin (who had already been lobbied by the US), and withdraw the Yugoslav army from Kosovo, notwithstanding the fact that in its heavily camouflaged and dug-in positions, it had withstood US/NATO bombing and was well positioned to inflict, with its tradition and training in partisan warfare, unacceptable casualties on any invading ground forces.

Cuban leader Fidel Castro reveals that at this crucial moment he had written to Milosevic and urged him, in the final words of his missive, to "Resist! Resist! Resist!", but the Belgrade leadership failed to do so. In short, the impending independence of Kosovo is the result of the failure of political will on the part of the ex-Yugoslav leadership.

Instead of resisting, the Yugoslav army withdrew and was replaced by an international presence on the ground in Kosovo. After a period of tutelage, Kosovo was encouraged with a nod and a wink, to secede completely.

These then are the lessons for Sri Lanka: never withdraw the armed forces from any part of our territory in which they are challenged, and never permit a for-



eign presence on our soil. After 450 years of colonial presence, and especially after the experience of the Kandyan Convention, we Sri Lankan should have these lessons engraved in our historical memory and our collective identity. The Western imperialists who failed to capture our island militarily were able to take control of it only because we double crossed our leader, trusted the West, signed an agreement and allowed foreign presence into our heartland.

The Western war against Yugoslavia was waged not by the Bush administration but by a liberal one. It was waged under the doctrine of liberal internationalism, and humanitarian interventionism. These doctrines were updated to "preventive humanitarian interventionism" in the case of the invasion of Iraq.

Today, the buzzword is the "Responsibility to Protect", and I refer not to the UN World Leaders summit of 2005 which requires the endorsement of the Security Council, but the original 1998 version of the Canadian government sponsored International Commission on State Sovereignty, which had a far more elastic interpretation! The co-chairman of that Commission was former Australian Foreign Minister Gareth Evans (whom Lakshman Kadirgamar was determined, should not play a role in Lanka's peace process despite his offers to do so in 1995).

We may find a newer version arising with UK Foreign Secretary David Miliband's Aung San Suu Kyi lecture delivered at Oxford University a few days back. In it, he says that notwithstanding some mistakes in Iraq and Afghanistan, the West must not forget, and must take up once again, its moral imperative to expand democracy throughout the world (including, interestingly enough in "established democra-

cies").

He identifies and rejects three objections to that project: the "Asian values" school which in its 1993 variant of a statement by 34 countries, recognizes democracy but resist the imposition of western values as neo-colonial; the Realpolitik school which stresses "interests" rather than values and morality; and even the pragmatic school which points out that democracy is the product of internal historical processes. Foreign Secretary Miliband makes several pointedly critical references to China, (which he will be visiting shortly) in his speech on the need of the West to extend democracy worldwide.

The patterns of world politics appear kaleidoscopic, with coalitions forming over one issue, only to break up over another. At first glance this would make long term alliances or affiliations almost impossible. However, certain issues are revelatory of underlying dynamics which are of a defining character. Kosovo is certainly one such issue.

The Kosovo crisis sheds light on a dynamic in world politics which is of central importance to Sri Lanka. This is the matter of state sovereignty. As a country which is grappling with a challenge to its territorial integrity and unity, all tendencies towards the break-up of established states are against the basic interests of Sri Lanka.

The issue of Kosovo not only illustrates the phenomenon of secessionism. It reveals a more fundamental contradiction within world politics, namely that between state sovereignty on the one hand and those tendencies which act to undermine states. Such tendencies are twofold: secessionism from within and hegemonism from without. The tendency towards hegemonism manifests itself most starkly in the phenomenon

of interventionism.

Kosovo and earlier Chechnya disprove the identification that some make between Western interventionism and particular religions. While it is true that on a global scale, the West perceives itself as besieged by and struggling against what it calls Islamist terrorism or Islamic radicalism/extremism (some hard-line ideologues even talk of Islamofascism) attention must be drawn to the fact that Serbs are Christian, while Kosovo Albanians are Islamic.

The Chechen separatists, some of whom were headquartered in the West, were also Islamic, while Russia is mainly Christian. Western interventionism is not tied to any particular ethnic or religious group. The name of the game seems the old one of divide and rule, and whichever group or struggle weakens the target state appears to be the one that is afforded patronage.

All tendencies in world politics which weaken, fragment and de-stabilize states, undermining their sovereignty and making them vulnerable to hegemony and intervention, are inimical to Sri Lanka. All tendencies which strengthen and defend state sovereignty, unity and territorial integrity, are friendly and helpful towards Sri Lanka.

By extension, all state and non-state actors which work towards the weakening of state sovereignty in the non metropolitan areas of the world, i.e. the global South and East, cannot be regarded as the strategic friends, allies and partners of Sri Lanka. All state and non-state actors which support, defend and work towards the preservation and strengthening of the sovereignty, independence, unity and territorial integrity of states, are objectively the friends, allies and partners of Sri Lanka.

OPINION

US Declaration of Independence validates Tamil Statehood

Bruce Fein

Washington Post

APPLYING the "self-evident" truths celebrated in the Declaration of Independence, the United States should recognize the right of Sri Lanka's long oppressed Tamil people to independent statehood from the racial supremacist Sinhalese.

To deny the statehood right - sought by the Tamil people since 1976 - would mark one of the United States' most ill-conceived hours. Double standards beget enmity or contempt, a steep price even for a superpower.

To borrow from the Declaration, let facts be submitted to a candid world.

In 1948, Sri Lanka achieved nationhood from British colonial rule with a population of about 10 million. The commanding majority were Buddhist-Sinhalese. A Hindu-Tamil minority approximated 2 million.

Immediately upon independence, the Sinhalese denied citizenship and disenfranchised a staggering 1 million Tamils, which reduced them to a politically impotent ink blot. There has never been a Tamil president, prime minister or head of the military.

In the last two years, four Tamil parliamentarians under the ostensible protection of the Government of Sri Lanka (GOSL) have been assassinated. Sri Lanka's signature became predation, repression, and state sponsored race riots against Tamils, the first organized on May 27, 1958.

Take the grim fate of Tamil Jayantha Gnanakone, whose story speaks for all Tamils. Beginning in 1958, his family's businesses were thrice looted and burnt by Sinhalese while police and fire-fighters played spectator. His best friend was burned alive and, Jayantha was forced to flee to the United States for safety. No prosecutions were forthcoming nor compensation paid.

As an international airline pilot, Jayantha's career was stymied for balking at aping the Sinhalese. His shipping and transport business was crippled by the GOSL for protesting Tamil subjugation; and, the Parliament concocted allegations he was smuggling drugs and guns.

The GOSL similarly manufactured a criminal charge against Jayantha's mother, likening her to Colombia's notorious Pablo Escobar. She died of a heart attack in her home caused by stress during the appeal of her conviction and life sentence. In 2005, Jayantha's brother was arrested and falsely accused of complicity in the assassination of Sri Lanka's foreign minister.

Jayantha's homes have been regularly raided and ransacked by the police or military without warrants. His wife was arrested in 2000 on suspicion of assisting the Tamil Tigers. Even his minor children, who are U.S. citizens, have been threatened with arrest on more than one occasion while visiting Sri Lanka.

The 1958 Sinhalese Only Act was a landmark in the history of Tamil oppression. It generally excluded or handicapped Tamils in public or private employment, education, housing or welfare. Roads, schools, hospitals and public utilities were shortchanged in Tamil areas, which reflected a Sinhalese policy of "separate and unequal" that has persisted for 50 years.

Budget revenues have been spent exclusively on Sinhala and Muslim areas; and, only three industries - cement, chemicals and paper - were founded in the Tamil region, and they have been shuttered for two decades.

In 1961, Tamils began a non-violent, Gandhi-like protest in favor of regional autonomy. The Sinhalese government answered with assaults on the demonstrators, mass arrests, detentions of Tamil members of Parliament, torture and shootings. The fire-hoses and cattle prods used by white policemen in the United States against civil rights demonstrators in the 1960s were gentle in comparison.

In 1978, then Prime Minister Junius Jayewardene unilaterally rewrote the Sri Lankan constitution to the exclusion of Tamil representatives. It created an omnipotent presidency, an office which President Jayewardene employed to enact the 1979 Prevention of Terrorism Act. The law enables the Sinhalese police to arrest, search or punish any Tamil who might question Sinhalese supremacy without judicial review or supervision.

In 1983, the Sinhalese government originated racial riots that culminated in the slaughter of 4,000 Tamils. No prosecutions were brought against the Sinhalese culprits. No Tamil was compensated. Crimes of violence against Tamils by Sinhalese are never pursued, reminiscent of black lynchings in the United States during Jim Crow.

Tamils cannot resort to Sri Lankan courts for protection. There is no parallel to the United States Supreme Court decision in *Brown v. Board of Education* (1954). In 1970, for example, the GOSL inaugurated a system of standardization, which required Tamil students seeking college



Tamil demand for statehood is consistent with the principles of the US Declaration of Independence

admission to score substantially higher marks than Sinhalese applicants.

This abbreviated chronicle of Sri Lanka's persecution of the Tamil people easily justifies Tamil statehood, with boundaries to be negotiated. The Declaration of Independence proclaims: "[W]hen a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce [a people] under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security." The Canadian Supreme Court in *In re Secession of Quebec*

(1998) elaborated that a right to secession may arise whenever a government flouts its obligation to represent "the whole people belonging to the territory without distinction of any kind." Tamils have been treated as third-class citizens for a half-century.

Last Friday, the Sri Lankan ambassador to the United States, Bernard Goonetilleke, sported with facts in likening the persecuted Tamils to the Confederate States of America. The states that formed the Confederacy dominated the Congress and the White House for decades before 1860. The institution of slavery had been fortified by the Fugitive

Slave Act of 1850, the Kansas-Nebraska Act of 1854, and the Supreme Court's decision in *Dred Scott v. Sanford* (1857) protecting slaveholders in Free States. The Civil War erupted when the Confederacy fired on Fort Sumter, not because of Union aggression. Is it any wonder that an ambassador has been defined as an honest man sent abroad to lie for his country?

President Bush should not tarry in urging the GOSL to recognize Tamil statehood and to negotiate boundaries.

Bruce Fein is a lawyer for Tamils For Justice and chairman of the American Freedom Agenda

Legal furore over Kosovo...

Continued from p4

As for the legality of the EU mission, the argument is that there is nothing to stop the EU from taking over from the UN, as 1244 simply refers to "international civil and security presences". In addition, it suggests that Kosovo could invite the EU to undertake this role.

The document interprets references in the 1244 preamble to Kosovo being part of the Federal Republic of Yugoslavia and to the "territorial integrity" of Yugoslavia as being non-binding.

The arguments against

The counter-argument by Serbia and Russia is simpler. It is that Serbia, the sovereign state, has not agreed to independence for Kosovo, that there is no Sec-

urity Council resolution authorising the detachment of Kosovo from Serbia and that therefore its independence is illegal.

Some European Union members - Greece, Spain, Cyprus, Slovakia, Bulgaria and Romania - agree, though they have not blocked the EU mission.

Serbia and Russia also say that 1244 itself gives no authority for independence. They point to article 10 of 1244 which authorises "substantial autonomy with the Federal Republic of Yugoslavia" for Kosovo, meaning, in their view, that 1244 blocks independence.

And they argue that 1244 talks about international organisations being deployed in Kosovo "under United Nations auspices", which an EU mission would lack.

Russian Foreign Minister Sergei Lavrov had this to say on 12 February, in a translation by the RIA Novosti news agency in

Moscow: "We are speaking here about the subversion of all the foundations of international law, about the subversion of those principles which, at huge effort, and at the cost of Europe's pain, sacrifice and bloodletting have been earned and laid down as a basis of its existence."

"We are speaking about a subversion of those principles on which the Organisation for Security and Co-operation in Europe rests, those [principles] laid down in the fundamental documents of the UN."

The main principle he refers to is that borders should be changed only by agreement.

In Russia and Serbia's view, since there is no agreement, there should be no recognition.

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OPINION

Genocide is not a war against terrorism

**Lakshine
Sathiyathan**
TYO (Canada)

THEY lay lifeless. Row by row, lines upon lines, bodies of young Tamil women draped in cloths, as horrified family members search frantically for their daughters, nieces and sisters, fearing the next covering they lift up will expose the face of their loved one.

I was disgusted. Disgusted with myself, disgusted with what the world had become.

I was at disgust with myself, for I was behind a computer screen, in the safety of my own home. A home in a first world nation that does not have to face such conflicts. I turned my speakers off thinking without sound these images of absolute sadness would be bearable.

But when a picture is worth one thousand words are the sounds of their agonizing cries necessary?

Their cries echoed vividly in my mind: cries of why, cries out to God, cries out to those beside them in search of comfort.

I could see it in their faces, their expressions enough to pierce through your heart. The tears welled up in my eyes, reducing the video to a mere blur. I could see it no longer.

They call it a 'War Against Terrorism.' Sixty-five Tamil school children are deliberately targeted by the Sri Lankan government in genocidal intent and they called it a 'War Against Terrorism.'

The Tamils of Sri Lanka fight for independence after decades of oppression and they dub it 'terrorism.'

'War Against Terrorism,' a phrase that sadly has become a household term internationally, a phrase used to describe a never-ending war against those who seek to strip us of our liberties.

They call it a 'War Against Terrorism.'

'War Against Terror-ism' a phrase being abused, perverted and taken out of context; a phrase that has become an excuse to disguise what is genocide.

Under the Convention on the Prevention and Punishment of the Crime of Genocide, acts of murder committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such are considered as acts of genocide.

Government-sponsored atrocities in north and east Sri Lanka are parallel to that of Rwanda and the former Yugoslavia which forced the international community to establish special committees - ethnic cleansing, starvation, murders of children; extrajudicial killings, rapes, bombardments, shelling, arbitrary arrests and detention, labour camps, ill-treatments, summary executions, collective punishment, and pillage.

These atrocities, committed on a large scale and used as an



The killing of school children in Mullaitheevu are among the acts of the Sri Lankan state in its 'war against terrorism'. File photo

instrument of oppression against the Tamil people, meet the international definition of genocide.

The Sinhalese majority enforce such barbaric, inhumane, means of violence to conquer the Tamil homeland and impose its alien Sinahla rule on the Tamil people - a Tamil people, who by their free vote at the General Elections in 1977 had given a clear mandate for the establishment of an independent state, a Tamil people who speak a different language to that of the Sinhala people; who trace their origins to roots different to that of the Sinhala people; and who by their suffering and sacrifice fall between the cracks of a failed world.

'War Against Terrorism' - a phrase used to justify the merciless slaughter of thousands upon thousands of Tamils.

Genocide - one corrupt government's desire to wipe a race off the face of the planet.

But they call it a 'War Against Terrorism.'

Genocide is Not a War Against Terrorism.

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OPINION

Because we can

J. T. Janani
Tamil Guardian

IMAGINE a country whose greatest asset truly is its people. A country in which over a third of its citizens speak fluently one or more of English, French, German, Spanish, Norwegian, Danish, Swedish, Dutch, Creole, Zulu and many more, in addition to speaking the world's oldest living classical language, Tamil.

A country with one of the highest literacy rates in the world, which has for decades exported professionals - doctors, teachers, scientists, engineers, accountants, computer programmers - as far afield as Britain, the United States, Canada, Australia, much of Africa.

A country which is secular, but where learning is held to be sacred. You already know this country: this is Eelam.

Imagine a country whose unpolluted seas are a clear turquoise blue, lined with white sandy beaches, still unspoilt, whose skies take on the azure hues of the Indian sub continent, whose shore is lined with coconut palms, and tens of varieties of mango, guava and jack fruit. Imagine a country of rice fields and banana groves, chilli plants and hibiscus flowers, brimming with the lushness of the tropics, which even in places which are not naturally green has been made so by the industriousness of its people, its network of traditional water wells and irrigation channels.

You remember this country. It is Eelam.

Imagine a country, where unlike in all its neighbours, one cannot bribe one's way past the traffic police or for that matter any government official. Where jobs are awarded on merit and not patronage. Where, unlike its neighbours, there is no sex tourism or porn industry. Where organised crime is not allowed to flourish.

Imagine a country with a written history of over 2000 years. Which predates the existence of the United States of America by over a thousand years. A country whose treatise on ethics, the Kural, declared circa 30 BC that "all men who live are alike at birth. Diverse actions define their distinction", well before the American constitution came along to tell us that "all men are created equal".

A country whose citizens' attitude to unjust government is defined by that other phrase from the Kural: "more malicious than a professional murderer is a leader who rules his people with injustice and oppression"; a country, whose concept of justice and common law predates the arrival

of the Romans in Britain.

A maritime, island society situated in the midst of strategic sea routes, which has assimilated and learnt from the waves of passing colonial powers - the Portuguese, the Dutch, the British and yes, even the Sinhalese. In short a country, which while nourished by the past can look confidently to a global future.

A global people. On a trip to the Vanni during the ceasefire, it was common to see, in a single guest-house, visiting Diaspora children playing together who spoke between them almost all the languages of Europe.

Although there are only a few hundred thousand Tamils in the UK, over one in fifty of every doctor in Britain's National Health Service is Tamil. Across Europe, the Americas, Asia and Africa, you find today that the Tamil community produces several times as many highly skilled professionals on a per capita basis than the national average.

You know the exceptional educational standards, the literacy levels achieved in the Tamil homelands before the Sinhalese sought to crush us by war. You know the economic standards that were achieved then and are possible in the future. You have seen the blueprints for the development of Eelam, the plans for the industries which will be developed, the respect for the environment embedded in these plans, the role of the knowledge industries, the eagerly awaited return of the Diaspora.

But the governments of Sri Lanka and their allies in the international order tell us something entirely different.

They give us instead their abhorrent and twisted version of the vision. They tell us that the East is liberated even as its people languish in endless refugee camps. They tell us Jaffna is liberated even while its citizens are crushed by an occupying army.

Recently, one "Sri Lanka expert" from a leading British think tank and advisor to the British government, told a conference that the aspirations of the Tamil people were being met during the ceasefire because the A9 had been opened up and starvation ward off temporarily from Jaffna.

They tell us it is illegal and unconstitutional to talk of secession. Then they tell us it would be a bad example for neighbouring India. They say that it might not be good for global security, whatever that means in the killing fields of the Northeast. When all else fails, they wheel out the post



Eelam's untouched beaches, among other natural resources, make it a potentially viable state

9-11 "T" word. They tell us we are extremists if we dare to speak of Eelam.

They tell us that the moderate Tamils of Sri Lanka have no wish to live in Eelam, but prefer instead their current conditions of Sinhala repression and hopelessness. They conveniently forget that through fifties, sixties and seventies, generations of 'moderate' Tamils had already agitated and in 1977 even voted for independence - before the Tamil youth took up arms.

They tell us our hopes for Eelam are all false. Or unachievable. Or too costly.

They conjure up, as junior British foreign minister Kim Howells, did in last month's

British Parliamentary debate, a nightmarish rerun of the partition of India and Pakistan, forgetting how much of the responsibility for the failure of that partition must be laid at the door of the arrogant British civil servants who drew up the implementation for it.

It is time to tell the world, that they may not tell the Tamil nation what they want. They may not tell the Tamil people what our dreams and aspirations should be. They may not tell the Tamil people what to think.

It is time to tell them, that it is the Tamil people - not the policy makers in the capitals of the world - who decide how we give shape to our future, how we give life to

our aspirations and how we ensure the survival of our nation.

It is simply time to tell them what we want. If they anticipate partition is difficult, it is time for them to take the steps now to plan a successful transition.

Because it is now time for the Tamil people to cash in their cheque, their promissory note of the right to self-rule at the bank of international justice.

Because we can. Don't let them tell you otherwise.

So make sure you spell out for them our dream in all its glory. And tell them, as the Vaddokodai resolution urged us to three decades ago; we will not flinch till the sovereign state of Tamil Eelam is established.

NEWS

Tamil youth publicise their cause



SPORTING red T-shirts, with an Eelam map Australian Tamil youth from Sydney, Canberra and Melbourne gathered on February 12 in the Australian capital, Canberra, to voice support for the Tamil struggle and to highlight the worsening humanitarian situation in the northeast of Sri Lanka.

The 200 fans arrived wearing red "Voice of Tamils" T-shirts bearing the slogan "Where is the Humanity", and set up a party outside the gates with drummers, dancers and whistles before play.

They were attending a cricket match at Manuka Oval between Sri Lanka and India as part of the tri0nations tournament being played during the Australian cricketing season.

The youth were mainly Tamils of Sri Lankan origin and settled in Australia. Yahoo.com quoted Adrian Francis from this group as saying "It's more of a campaign than a protest."

"We are doing this because we believe that Tamils in Sri Lanka are discriminated against and poorly treated. They are subjected to injustice in every possible walk of life and this has to change."

Ground officials, claiming to be acting on behalf of Cricket Australia, would not let in two members of the group. The group was also advised not to fly Tamil flags.

Student Vekram Sambasivam said the Tamil sympathisers had come from Sydney, Melbourne and Canberra, although they weren't necessarily supporting their home country.

"How can I when they do what they do to my people?" Sambasivam said.

"We came here to get some attention for our cause, but the guards explained that it was Cricket Australia's policy not to politicise the game with banners."

Francis, who said his parents were victims of this injustice,

claimed this was the first public exhibition of their disgruntlement.

"We don't want to resort to hostilities. This is a peaceful way to draw attention. We chose to turn up for this cricket match because we felt this will help us draw attention."

According to Francis and a few of his fellow red shirts, this campaign will be seen in other places of Australia on course of this tri-series in future.

"Definitely in Sydney and Melbourne, where we have a sizeable presence. You can see how serious we are about this, we came all the way from Sydney," said someone identifying himself as Jayan. It's difficult to speculate how far reaching their effort will be or whether they have chosen the right platform to voice their displeasure.

But if drawing attention was their main objective, they did succeed in that endeavour. Not clear how enjoyable it was for the Sri Lankan team, they enjoyed the support nonetheless, as did many others.

Separately, the Canadian Tamil students from York University used Tamileelam flag as the rallying symbol as they exhibited prize winning entries in the cultural shows during the "multicultural week" event in York.

During the week-long event in York University, the Tamil Students' Organization was selected as the best group.

"The goals of our group is to bring together the Tamil student community not only in York, but across all higher institutions in Canada, and to expose the student community to the cultural aspects that define our roots," key spokesperson for the group said.

More than 10,000 students and 60 different Student Organizations participated in the week-long event.



Australian Tamil youth protested at the cricket (top, middle and right) while Canadian Tamil youth used the Tamil Eelam flag as part of their award winning rally during student's week. Photos TamilNet

NEWS

West seeks 'political process'

WESTERN countries this month called for a political process as the only means to end the bloodshed in Sri Lanka.

Sri Lanka's former colonial ruler Britain has called for a "political process" to end Sri Lanka's spiralling violence and condemned the latest wave of bombings against civilians.

British Foreign Secretary David Miliband in a statement released to mark the country's 60th anniversary of independence said that the Sri Lankan government's unilateral withdrawal from a ceasefire with the Liberation Tigers did not mean both parties should stop protecting civilians, reported AFP.

"Violence can never provide an answer to Sri Lanka's problems," Miliband said. "A sustainable solution to Sri Lanka's conflict can only emerge through a just political process involving all communities."

"I call for an immediate end to practices which target civilians or put them in peril," Miliband said.

"I urge all in Sri Lanka to take steps to safeguard the civilian population and find ways to reduce the violence."

"People in Sri Lanka need to find space to realize their many similarities, rather than becoming further polarized by their differences," Miliband said.

Separately, the US also echoed the call.

"Only a political solution to the country's conflict that responds to the aspirations of Sri Lanka's Tamil and other communities offers a way out of the current cycle of escalating violence," the US embassy in Colombo said in a statement on February 3.

"We appeal urgently to all parties to the conflict to take every possible measure to avoid killing or injuring civilians," the statement said.

Last month, during a visit to India, Britain's Prime Minister Gordon Brown had called for the



British Foreign Secretary David Miliband

shaping of a "new world order" in which the international community intervenes where populations are being threatened by "genocide, ethnic cleansing, war crimes or crimes against humanity, and the state is unwilling or unable to halt or prevent it."

The world has "a responsibility to protect" Mr. Brown said.

Earlier, in a British Parliamentary debate on Sri Lanka, junior Foreign Minister Kim Howell called for a new ceasefire and for UN monitoring of human rights abuses in Sri Lanka.

MPs from all three main British parties agreed a UN human rights monitoring mission was needed and criticised the Sri Lankan government's decision to abrogate the 2002 Ceasefire Agreement with the Liberation Tigers, a move which resulted in the withdrawal of international ceasefire monitors.

Foreign Office Minister Kim Howells said the end of the ceasefire meant "we have entered a dangerous new phase in Sri Lanka."

Britain, he said, has "to continue to work with international partners to make it clear that there cannot be a military solution, and to work for a cessation of hostilities."

"We must press the Govern-

ment of Sri Lanka to address the grievances of Tamils through a credible and sustainable political solution. We must urge the LTTE to change," he said.

"We must work quietly and patiently behind the scenes with all the communities and with civil society in Sri Lanka to sow the seeds of a future resolution of the conflict."

"We must encourage the diaspora to play a bigger role in the search for peace," he also said.

He said the LTTE "must renounce terrorism and demonstrate a real commitment to democratic principles if it is to be regarded internationally as a legitimate political movement."

"Some Tamils argue that the military pursuit of self-determination is generated by a sense of despair that their grievances will never be addressed in a united Sri Lanka," he said.

"It is vital that the Government of Sri Lanka allay those fears and give them hope."

"For Sri Lanka to find a way forward, we need to see signs of genuine good will from the Government to any proposals for devolution that might emerge and a readiness on the part of disillusioned Tamils to contemplate alternatives to self-determination."

India's assures economic support to Colombo

INDIA has not only announced its continuing economic support for Sri Lanka this month, it has also put numbers, and signatures on the table.

During a business focussed visit to Colombo, an Indian Minister announced that over 2 billion dollars of investment was being lined up from businesses in his country who wished to invest in the island. India's Union Minister of State for Commerce Jairam Ra-

mesh called on Sri Lankan President Mahinda Rajapakse in Colombo on Feb 14 and reiterated India's commitment to provide economic foundation to the 13th Amendment to the island nation's Constitution for devolution of powers. He also presided over a timetable for a 5MW power plant in Sri Lanka's east (see page 15).

In the course of the courtesy call on Mr. Rajapakse, Minister Ramesh said India would strengt-

hen the economic muscle through investments in key areas.

Mr. Ramesh revealed during his visit to the island that investments of 2 billion dollars from business houses in his country into Sri Lanka are at a discussion stage. "While 220 million dollars worth of Indian investment is already there in Sri Lanka and as much as 2 billion dollars of inve-

Germany wants sanctions if Sri Lanka continues war

UNLESS Sri Lanka's hardline government abandons its militarist path, the EU should impose sanctions, Germany said this week, adding that an EU-Troika will travel to Sri Lanka in early March to assess the situation.

In an interview with the Tages Spiegel newspaper published on February 9, German Economic Cooperation and Development Minister Heidemarie Wiczeorek-Zeul also said Germany had frozen new development cooperation projects with Sri Lanka and, because of the deteriorating security situation, was withdrawing half their development personnel from the island as well as closing the German Development Bank there.

The English translation of extracts of the Tages Spiegel interview with Minister Wiczeorek-Zeul published in The Morning Leader newspaper February 13 follow:

Q: In January the Government of Sri Lanka has withdrawn from the Ceasefire Agreement. What can Europe and the world do?

A: The international community must influence both parties to the conflict to seek a political solution and withdraw from the war which brings only suffering to the people. In the beginning of March an EU-Troika will travel to Sri Lanka.

If the Sri Lankan government continues to insist on a military option, I will demand that the EU should withdraw the General System of Preference (GSP) offered to Sri Lanka. This concession enables Sri Lanka to export its goods and products to the EU at reduced or exempted tax and duty levies. This step will really bring economic pressure on the GoSL. For Sri Lanka a preference system plus is in place until the end of 2008 which, however, requires good governance.

If the EU continues to accept the present situation the plus is meaningless. The biggest portion of Sri Lanka's exports consists of textile exports.

Only garment product exports to the EU markets are valued at US\$ 1-2 billion annually.

The other part is exported to the United States. It is also important to consult with the US which has also taken up a very critical position towards Sri Lanka in the past weeks.

Q: And development cooperation?

A: For the past two years we have not concluded any new agreements on cooperation as projects cannot be implemented due to the security situation.

We are only engaged in com-

pleting what we have started earlier. We could make new agreements over _38 million, but we shall not do so at this point.

Q: How should the United Nations act?

A: It would be encouraging if the UN Security Council takes up this issue. However, it seems that it is difficult at the moment for the UN Security Council to act. However, what the UN Secretary General, Ban Ki Moon can do without a formal decision of the Security Council is to send a special envoy to Sri Lanka.

After the departure of the Norwegian monitors who were in place since the Ceasefire Agreement of 2002 there is nobody to document human rights violations. The war is now again in full swing.

Q: Why has Sri Lanka failed to achieve peace after the tsunami of 2004 as it has happened in the Aceh Province of Indonesia?

A: After the tsunami I had greater hopes of Sri Lanka achieving peace than in Indonesia. There were so many initiatives from people from around the world.

But it turned out to be different. The reconstruction in Aceh is successful and there is a responsible government set up even in the province of Aceh.

In the north and the east of Sri Lanka where many Tamils live we practically cannot further undertake development projects.

I presume both parties to the conflict believe they can solve the conflict which continues from 1983 by military means.

However, this is unrealistic. It will result only in more deaths numbering thousands. Since 1983 more than 75,000 lives have been lost in the fighting between the government and the LTTE. The LTTE considers itself as a freedom movement but the EU banned the LTTE as a terrorist organisation almost two years ago.

It is such a beautiful country and its people are very motivated. I feel a genuine responsibility for the people of this country. If the violence increases the international community has a responsibility to act.

Q: Should tourists travel to Sri Lanka?

A: It is up to the Federal Foreign Office of Germany to issue travel recommendations.

However, we are withdrawing half of the personnel working in development cooperation and we will close the office of the German Development Bank (Kreditanstalt fuer Wiederaufbau), because the security situation is very critical.

Continued on page 18

CULTURE

The incomparable Thirukkural on courage and love

Culture editor
Tamil Guardian

WE conclude our three part introduction to the 2000 year old Tamil classic on ethical living, the Thirukkural, by looking at two popular themes from its three books: love and courage.

We saw previously that concepts such as fairness and justice cut across one book to the other. The concepts which often appear in a personal context in the "Path of the householder" in the book of virtue but reappear in a national context in considering the "wealth of nations".

Whereas love in the sense of love for mankind is an important part of the book of virtue, and romantic love is the theme of the book of love, the Kural importantly places courage in the wealth of the nation.

We start first with a reprise of the foundation to the wealth of nations. As we saw in part II of this series, in the Thirukkural the wealth of nations is founded on good leadership, good advisors and expertise and on the qualities of the country: natural qualities (defensive location, a fertile land etc), good alliances (and its opposite, weak enemies) and a strong defence capability. We see this in the respective sections "merits of a king", "merits of ministers" and "qualities of a country".

Much of the principles enunciated in the context of a country naturally lend themselves to the modern corporate world. Here, the Thirukkural is similar to ancient Chinese classics such as the "Art of War" which in a modern context has been applied not just to physical war, but corporate strategy and in some American interpretations, to marketing, for example. But whereas the "Art of War" is a treatise on achieving victory, the Kural is in essence a treatise on ethics.

The approach is broad and all-encompassing. As Dr Albert Schweitzer said the Thirukkural addresses "the most varied questions concerning the conduct of man to himself and to the world"

For example the chapter called "merits of ministers" deals not only with the giving of advice but also the qualities of ambassadorship, the general ability to win over people to one's point of view, to judge and sway an audience, for example. But here again the Thirukkural is just as applicable to the modern corporate world as it is to politics and media.

The Kural considers the defensive capability of a nation in three parts: fortresses, the merits of the army, and military pride.

In the chapter entitled merits of the army in the book of wealth, the Thirukkural begins by telling

us that:

"Foremost among a monarch's possessions stands
a conquering army, complete and fearless"

The Thirukkural's usual approach to a subject is to consider it from different angles. It describes the different facets of the ideal without necessarily giving instructions on how to achieve the ideal. As with the Chinese approach, the Thirukkural's aphorisms are meant to be a subject of meditation and personal interpretation.

So on the nature of the ideal army, the Kural looks first at tradition, desertion and defeat:

"Commanding a long tradition of valor, acquainted
with neither defeat nor desertion that defines an army"

It looks at unity and cohesiveness.

"That indeed is an army that stands together
even when faced with death's grim fury"

The sentiment expressed is of course open to denigration as fanaticism, but only when taken out of the military context, the context of the defence of the nation's wealth in which the Kural has carefully placed this subject. It would be difficult for a military strategist to disagree.

On the personal qualities of soldiers:

"Valor, honor, trustworthiness and a tradition

nobly upheld, these four are the army's protective armour"

On the importance of leadership:

"Though courageous troops abound There can be no army without commanders"

On size versus strike capability of an army:

"So what if a legion of rats roar like the sea? The mere hiss of a cobra will deaden their din"

On the causes of failure:

"An army will prevail as long as there is no desertion, no privation and no contention"

Consider how succinctly this line considers the need for absolute unity and the need for supplies and essentials, privation includes for example the starvation of a group or a country via embargos.

Interestingly the Kural tells us that even when an army is merely for decoration it may be useful:

"Even without winning offense and defence an army of splendid appearance may still win acclaim"

But more importantly it tells us that where there is an army which is not purely for decoration, how defense may be fol-

lowed by offense:

"Well trained armed forces will withstand every offense
then outflank and storm the foe"

The Thirukkural and Tamil culture are inextricably and symbiotically linked. We chose courage as the theme for the wealth of nations in this third part because it is such an important cornerstone in the hierarchy of Tamil values.

And this is echoed in the Thirukkural in the chapter called "military pride" which in a much more personal way defines the character of the soldier. Although we have considered the Kural in the context of the wealth of the nation, we must remember that the concept of duty ("dharma") is integral to Tamil culture.

So while the section on leadership is also an enunciation of the duties or ideal characteristics of the king, and we are also told the duties or ideals of ministers, ambassadors, householders, monks, here, this chapter of the thirukkural is mainly concerned with the soldier. Recognising the communal nature of the soldier's service, the ideal soldier is in fact part of the "qualities of a country". Compare for example with the householder who is in a separate book.

This chapter (military pride) begins, as it means to go on, with an attitude:

"Dare you not, my enemies, stand against my monarch

Many who did, stand now as stone monuments"

Note how the chapter starts in the first person.

It goes on to define the ideals in terms of scope of ambition, fearlessness and clemency.

"It is more gratifying to carry a lance which missed an elephant than to hold an arrow that hit a thicket dwelling rabbit"

"Having hurled his spear at a battlefield elephant the hero found another and grasped it with glee"

"Intrepid courage is what they call valor

but clemency towards the defeated is its sharp edge"

There are many couplets on the soldier's attitude towards death which echo the culture which the Thirukkural shapes and is shaped by:

"Who would dare deride as defeated men who die fulfilling valour's vow?"

We find echoes of Homer's Achilles:

"To fasten the warrior's anklet on one who desire glory

more than life is to decorate heroism with distinction"

And yet if the Thirukkural extols martial valour it does so in the context of the country. Whereas on the other hand it sees love and associated concepts of charity, as a personal virtue of



every householder.

For the Thirukkural, if the army is the foremost of a nation's possessions, without love, life is hardly worth living:

"With love enshrined in the heart, one truly lives,
without it the body is but bones encased in skin"

The Thirukkural's chapter "possessing love" contains the most poignant poetry in the entire work:

"They say it is to know union with love
that the soul takes union with the body"

But consider, this where love is linked to sacrifice, and perhaps even back to the soldier:

"The unloving belong only to themselves

but the loving belong to others to their very bones"

"Life without love in the heart is like a sapless tree in the barren desert"

We end here our look at a work which is widely considered to be the world's oldest and most complete treatise on the art of ethical living. So intrinsic is the Thirukkural to Tamil culture that it is taught in schools in Tamil Nadu and Tamil Eelam, and sworn in the law courts.

Mahatma Gandhi said: "I wanted to learn Tamil, only to enable me to study Valluvar's Thirukkural through his mother tongue itself.... There is no one who has given such treasure of wisdom like him."

We urge the interested reader to explore the Kural on his own.

There are a number of excellent translations available online (see references below) of which we prefer the American English Himalayan Academy translation, for its closeness to the meaning of the original.

As before we leave with you an excerpt from the ever entertaining book of love from NV Ashraf's comparison of translations:

I won't clasp your broad chest,
A common dish for all women's eyes to gorge! (PS)

When I sulked, he sneezed:
hoping I would forget and say "Bless you". (PS)

If I wear a wreath, she cries enraged: "For which woman's sake is this?" (PS)

If I say "I love you more than any one", She frowned asking, "Than whom, than whom?" (KV)

The moment I said we won't part in this life, Her eyes were filled with tears. (DZ)

"I remembered you", I said; "After forgetting?" said she withdrawing herself! (PS)

She blessed as I sneezed, but soon recalled it crying: Thinking whom did you sneeze?" (VS)

When I suppressed my sneeze, she wept saying, Whom are you hiding from me?" (DL, NV)

If I try making up with her, she would ask enraged, "Is this how you coax others as well?" (PS, JN)

If I gaze at her in silence, she would fume and ask, "Thinking of whom this comparison?" (SI, PS)

FEATURES

Thieves are common in lawless land

BASIL FERNANDO
UPI Asia Online

CONSTANT reports of widespread thieving are circulating in Sri Lanka, particularly around suburban town centers. This has gone so far as to affect even the dressing habits of women traveling in buses or three-wheeled vehicles.

It has been customary for women to wear gold chains or other valuables, but this habit is changing due to the widespread snatching of such items from commuters. Now women are wearing artificial bangles, and thousands have tales to tell of their unfortunate experiences with thieves.

Yet police inquiries are rare, and not even a handful of such cases have been resolved out of many complaints.

Other habits are also changing. People are locking their houses more securely, and trying to spend less time away from home. A once carefree attitude has disappeared as people put additional locks on their doors and avoid travelling at night.

Anxiety about family members who have not arrived home at specified times has also increased. Mothers are often seen running behind their children, particularly if they are young girls. Almost everyone expresses a sense of anxiety and insecurity and a siege mentality prevails.

In essence this problem is about policing. The completely failed policing system is now incapable of guaranteeing even the most elementary security for persons at home and those who have to commute.

Although everyone admits this problem, the government has done nothing to improve the situation.

In fact, the civilian population no longer believes the government is either willing or capable of dealing with this issue.

The problems of the country's failed institutions were recognised unanimously in Parliament when the 17th Amendment to the Constitution was adopted.

This amendment created a body of eminent persons empowered with the participation of all political parties to select suitable persons for posts in some of the most important public institutions.

These included the police, the judiciary, public services and the Department of Elections.

The commissioners who were to have the power of appointment, promotion, transfers and discipli-

nary control of personnel in these institutions were themselves to be selected by a Constitutional Council on the basis of merit alone. Thus, the strategy of the Constitutional Council was to counteract the arbitrary or political selection of persons for key posts.

The National Police Commission (NPC), which was appointed on the basis of the 17th Amendment, functioned up to 2005. During its short period of operation, developments within the police force created greater security in the officers of various ranks that their destinies would not be controlled by politicians.

Had the NPC continued the initial achievements of its first three years would have considerably improved. There would have been a greater possibility for this virtually collapsed institution to be rebuilt and its capacity to enforce law and order strengthened.

The ruling Rajapakse regime discontinued the pursuit of the 17th Amendment, however. That was a deliberate move, as the system of power manipulation and ever-increasing corruption was incompatible with the existence of an independent Constitutional Council mandated to ensure the selection of persons of merit.

The new regime regards meritocracy with contempt and open power manipulation and blatant corruption are the order of the day.

In order to continue to rule in this manner the regime had to discontinue any serious attempt to maintain law and order.

The government's scheme to displace the 17th Amendment was couched in all sorts of excuses which made a mockery of the constitutional process.

One excuse was the delay on the part of minority parties to agree on a candidate. The primary obligation of a head of state to intervene to resolve issues of constitutionality was mockingly ignored.

However, after almost two years the minority political parties put forward a common candidate and named the former auditor general, who had the courage to expose various forms of audit irregularities by the government, as the proposed member for the Constitutional Council.

Now the mocking game still continues with various spokes-

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Colombo is experiencing not only the effects of war, but also lawlessness causing rampant crime

War spreads to Colombo

Ravi Nessman
The Associated Press

AS a raging civil war killed thousands in the country's northeast, Sri Lankans in Colombo and other southern cities shopped, held picnics and cheered their children at soccer matches.

Now a recent wave of bombings has brought the devastation of the civil war to the heart of the capital, and many are scared to leave their homes. The bombings blamed on the Tamil Tigers have ripped through passenger buses and a department store and killed half a high school baseball team in a packed train station.

Normally overflowing buses travel half empty, parents whisk their children home after school and the government has appealed for tens of thousands of volunteers for a new civilian security force aimed at preventing more attacks.

"A bomb could go off at any time," said Colombo resident

Dilhar Gunasekara. "Everyone is scared."

The LTTE, listed as a terror group by the United States and the European Union, have been fighting since 1983 for an independent homeland for minority Tamils in the north and east. For years, they were discriminated against by governments dominated by the Sinhalese majority.

The fighting, which has killed an estimated 70,000 people in this island nation in the Indian Ocean, largely ended after a 2002 ceasefire deal. But new violence erupted two years ago. In July, the government said it had driven the Tigers from the east and turned its attention to the LTTE heartland in the north.

Although there was scattered violence in the south in recent years, much of it was far from Colombo and its approximately 800,000 residents, or targeted

government and military leaders. Many residents of Colombo shrugged off the violence.

But that complacency was shattered Nov. 28 when a powerful bomb hidden in a package killed at least 17 people at a suburban department store. A string of attacks followed, culminating in the bombing of two buses in other towns and a suicide blast in Colombo's main train station in the days around the nation's 60th Independence Day on Feb. 4.

LTTE spokesman Rasiyah Ilanthirayan did not answer repeated calls seeking comment. The group routinely denies responsibility for such attacks and accuses the government of targeting civilians in Tiger-held territory.

Since the beginning of the year, 90 civilians have been killed and nearly 300 wounded in government-held territory, according to the military. Of those, 19 have been killed and 122 wounded in Colombo and its suburbs.

"When I leave home, I'm just not certain I'll make it back," said

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NEWS

Secret Indian training for Sri Lankan intelligence

A HIGH-LEVEL team of officers from the Sri Lanka military intelligence corps (MIC) and army were taken stealthily into Pune in early February for advanced intelligence training at Indian Army's various high-security institutions there.

The initial phase of the training at the National Defence Academy (NDA) finished on February 8, the Times of India newspaper reported.

The secret visit was a precursor to the setting up of an intelligence training school in the island nation, the newspaper said.

The team was expected to be briefed on advanced electronic warfare, command, control, communications and computer intelligence at the Military Intelligence Training School and Depot (MITSD), the only institution of the Indian Army which imparts training in all aspects of intelligence.

The visit assumed added significance "in the backdrop of recent statements by chief of naval staff Admiral Suresh Mehta that Indian Navy and Coast Guard had

shared intelligence regarding movement of LTTE Sea Tiger boats in the Palk Strait and Gulf of Mannar," the paper reported.

According to senior officers of directorate general of military intelligence and NDA, the three-member team from General Sir John Kotelawala Defence University (KDU), Colombo, was led by Major General S K Balasuriya, commandant and vice-chancellor of the university, and include Lieutenant Colonel ALPS Ti-llekera, commanding officer of the training wing, and W M Amardasa, acting director of the academic service.

"Unlike other foreign countries' delegations that visit the NDA, the Lankan trio were detailed on the entire spectrum of activities of the academy," said a senior NDA official.

Interestingly, an eight-member team of Indian MI officers led by a major general had visited Sri Lanka in August 2007 on a reconnaissance mission for setting up the school, the Times of India added.

Clean chit to DMK over LTTE

THE Indian central government last Saturday gave a clean chit to the Dravida Munnetta Kazhagam (DMK) regime in Tamil Nadu, saying it had done "better than others" in curbing security threats to the nation and there was no LTTE infiltration in the state.

On a visit to Ramanathapuram district, about 650 km south of Chennai, central Minister of State for Home Sri Prakash Jaiswal said, "The state government has done better than other states in dealing with national security and terrorism."

He added Tamil Nadu's performance was "satisfactory" on the law and order front.

When compared to the "previous regime" of opposition leader J. Jayalalitha of the All India Anna Dravida Munnetta Kazhagam (AIADMK), "the situation under the DMK rule is very good", he said adding there was no major terror activities in the state.

Jayalalitha, had earlier urged

the centre to take action against Karunanidhi for his "support" to the LTTE.

The AIADMK General Council also alleged that Tamil Nadu had become a haven for "extremists" and "terrorist forces".

Quizzed on the rise in activities of the Liberation Tigers in the state - as alleged by both the AIADMK and the state Congress - Jaiswal said the AIADMK leader was indulging in "false propaganda" against the DMK regime.

Questioned about the Congress walkout from the assembly over the DMK's alleged support to the LTTE, even though the party is a DMK ally, Jaiswal said the Congress legislators were protesting the lack of opportunity to speak in the assembly.

Asked about central Finance Minister P. Chidambaram's appeal to the M. Karunanidhi government "not to allow LTTE activities in the state", Jaiswal said he was "not aware of any LTTE infiltration" into Tamil Nadu.



PDK activists dressed as wounded Tamil civilians marched through the streets of New Delhi

PDK urges stop on military aid to Sri Lanka

One million signatures submitted to Indian defence minister

SEVERAL hundred activists of the Periyar Dravidar Kazhagam (PDK) marched towards the Indian Parliament February 6 morning, demanding the Indian government to immediately stop military aid and assistance to the government of Sri Lanka.

As a part of the protest, the activists, including 100 women and children, dressed as wounded Tamils, marched from Jantar Mantar to Parliament Street and submitted a memorandum at the Prime Minister's office.

PDK leaders met Indian Defence Minister A. K. Antony the following day at his residence and submitted a petition signed by a million Indian Tamils demanding that India stop all military aid to Sri Lanka.

The team that met Mr. Antony consisted of PDK President Kola-thur Mani, General Secretaries

Viduthalai Rasendiran and Kovai Ramakirutinan and Treasurer Duraisamy.

The PDK President said that the Tamil Nadu government refusal to grant permission for a rally in support of Eelam Tamils led them to hold the major demonstration in the national capital.

He pointed out that Indian Finance Minister P Chidambaram and External Affairs Minister Pranab Mukherjee have always stressed that the ethnic conflict in Sri Lanka cannot be resolved a militarily, and could only be solved through dialogue.

Mr. Mani further said that his organization had collected a million signatures from the Tamil Nadu people to seek an end to all aid and assistance to the Sri Lankan forces by India.

He blamed the current Sri Lankan government of President

Mahinda Rajapakse for the killing of Tamil parliamentarians.

He argued that the sentiments of the people of Tamil Nadu were hurt because of Indian support to Sri Lankan forces.

PDK general secretaries, Viduthalai Rasendiran and Kovai Ramakirutinan also took part in the march.

The leaders condemned the closure of the A-9 highway to Jaffna for the past two years has added to the misery of the island's Tamils who have become refugees in their own land.

They criticized the Sri Lankan government for blocking food and medicine supplies to Tamil areas.

The activists shouted slogans against Sri Lankan President Rajapakse for his policies which they said were an attempt to achieve the "genocide of Tamils."

India to set up 500MW power plant in Sri Lanka

News Post India

INDIA and Sri Lanka agreed last Wednesday on a timetable to build a 500 MW coal-fired power plant in Veloor, near Nilaweli, in the eastern Sri Lankan district of Trincomalee.

The power plant, which is to cost \$250 million, will be a joint venture between the Indian power utility giant, National Thermal Power Corporation (NTPC), and

the Ceylon Electricity Board (CEB).

The first of the two 250 MW units will be commissioned by April 2012, and the second in July that year, according to an agreement signed here.

The signatories to the timetable were NTPC Director (Transmission) R.K. Jain and CEB Additional General Manager (Transmission) R.J. Gunawardene.

The ceremony was presided over by the visiting Indian Comm-

erce Minister Jairam Ramesh and Sri Lankan Power Minister W.-D.J. Seneviratne.

As per the timetable, a joint venture agreement between NTPC and CEB will be signed in April this year. The same month, the NTPC will be given the contract to do the feasibility report. The power purchase agreement will be inked in August.

The issue of transportation of

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FEATURES

What Liberation?

Bhumi

Ground Views

Based on field trip between 10 and 14 December 2007, the author continues to query the much heralded liberation of the East in this the second of a three part series.

THE author identified four dominant themes that seriously impact on the sustainability of resettlement in the Batticaloa district. These are:

1. Lack of consultation and clarity
2. Lack of Preparedness and Planning
3. Restriction of Access and Mobility
4. Protection Concerns of the Displaced and Resettled Communities

Having looked at the first three themes in the first part of this article (published in the last issue), the author now turns to the fourth theme.

4. Protection Concerns of the Displaced and Resettled Communities

The climate is clearly one of fear and uncertainty. The general view held by communities and agencies is that the constantly changing politico-military dynamics of the East (with the split in the TMVP and Pillayan seizing control), has created an atmosphere of tense unpredictability. The Government, it appears, is keen to get political legitimacy for the paramilitary group.

Tension is rife as the number of clashes within the TMVP is increasing. There is de facto control of the district by key TMVP commanders with shifting loyalties and uneasy relationship with the military and police at the ground level. After the latest intra-faction truce and according to their internal structure it appears that Pillayan now directly controls the areas between Arayampathy and Chenkaladi including the Batticaloa town while other commanders like Sinnathambi, Veera, Riyaseelan, Mangalan master and others control their own patches of territory in the district. There is a palpable fear among communities and space for civil administration, human rights and humanitarian work is alarmingly shrinking.

This is obviously evident in Batticaloa. On the day of the 'public' meeting held by the TMVP (10th of December 2007) groups of civilians - including the displaced - were rounded up by arm-



Displaced civilians in the east feel less secure now, as the government and paramilitary organisations work together. Photo UNHCR

ed cadres and forced to attend the meeting (which was a joint exercise by both Pillayan's faction and Karuna's commanders).

At approximately 8:20 a.m. around ten/twelve armed cadres were seen herding people into CTB buses in Alankulam on the Colombo-Batticaloa Road within sight of the police and army who stood by. This was repeated during the course of the day throughout Batticaloa - people were taken from Kovils, resettled villages and even bus stations. 12 bus-loads of people - including the recently resettled were taken from Vaharai and 7 buses taken from the Badulla Road area (Batticaloa West).

A meeting was held the day before in Pankudaveli (Batticaloa West) where the TMVP ordered that one member from each family must attend the public meeting. There are frequent reports of abduction and extortion by TMVP cadres. The construction industry in the district is one of the prime extortionary target and even the Government schemes like the world-bank funded housing program seems not to have been spared.

Normalcy and durable and sustainable resettlement cannot happen as long as the Government turns a blind eye to the climate of fear, insecurity and terror created by the different TMVP factions of what was the Karuna Group. They carry arms in public, have offices where they summon, inquire and detain civilians as they wish. They have forcibly taken over private property and set up offices across the district and have even begun setting up more fortified establishments by the main road as in Maavadiyaambu. They engage in joint cordon and search opera-

tions with the security forces (though this is more prevalent in the Ampara district than in the Batticaloa district) all in broad daylight and in complete cooperation of the Government forces.

Given the overwhelming physical evidence in the district, bland denials may not absolve the Government of complicity. The Government must be held accountable for the violations of the TMVP/Karuna/Pillayan group who are roaming freely with arms and are engaged in serious violations including abductions, intimidation and extortion.

The situation is worsened by the increasing tension between the Muslims and the Tamils within the District (in Arayampathi, Eravur and Valaichenai in particular). Rumours that Pillayan is supporting Muslim armed groups in order to win favour is rife and the security situation is deteriorating with the recent abductions of Muslims - including recently that of businessman Hassanar-Hayathu Mohamed from Eravur.

The general sentiment is that the tension amongst the two communities will worsen before it gets better, particularly given the impending elections. It is widely felt that in this dimension the situation is much worse in Amparai than in Batticaloa. The impending elections will only help bring these destructive trends to the forefront as 'democratic politics' in the 'liberated' land.

Before the split within the TMVP, families faced a clearly defined enemy, though with a loose command and control structure. Now, with many commanders vying for control, families face the dilemma of whom to suspect or even to turn to. Before the split,

the TMVP acted as a sort of 'buffer' between the LTTE and the Sri Lankan military. Now, even the agencies are unsure of whom to contact and communicate with when faced with complaints of abductions and harassment.

This also means that because of the presence of various factions and increasing confusion, responsibility can be easily shifted. So it is of little surprise that despite the publicised resettlement plans of the government, the culture of impunity and sense of lawlessness is widespread throughout the district. The security situation some people opined is worse for the communities now than before when you had predictable sources of threat with predictable reactions in predictable geography. Space for public gathering and advocacy is severely limited and fear, mistrust and insecurity is widespread and worsening rapidly.

'Protection' is an essential component of any resettlement intervention - most of the community members rank this as one of their top concerns. There is reluctance on the part of the government to accept a role for agencies in this sector in the same way as in shelter, water and sanitation and livelihood. Hence it has been very difficult to include this as a separate section in the resettlement plans.

Agencies, primarily with protection mandate have not been provided access. It was an uphill struggle, agencies reported, to get protection elements incorporated into the Government's resettlement plans - 'it was taken to the CCHA but don't know what happened thereafter'. Given the extent of violations reported from the resettled area it is absolutely

essential to ensure that 'Protection' gets headline attention as a separate sector in its own right.

The CCHA was necessitated because every issue in the areas had a security angle and a mechanism to include key decision makers from the security establishment was considered a good idea. But it appears as if the accommodation has gone to the extent to render the mechanism ineffective for immediate problem solving for operational purposes. The CCHA's credibility as a useful body for solving protection concern is under threat.

The following in brief are some of the 'Protection' concerns that were repeatedly mentioned in the district.

Abductions and forced recruitment

Abductions and disappearances are still occurring - and are on the increase by TMVP, both Pillayan and Karuna groups. As Pillayan seized control of the TMVP 'at least 25' abductions within and around the district were recorded although Pillayan did release a number of the underage cadres. For November, there have been a total of nine cases of recruitment and re-recruitment alone.

There have also been a number of complaints of forced recruitment and re-recruitment committed by the various commanders within the district. However, it must also be noted that most incidences of abductions and disappearances go unreported - there is a real fear of retribution if families complain to agencies. In the absence of any action taken by the military or the police who stands