

Speaking out the unspoken:  
revisiting the tracks of the  
Great Divide Page 5

# NORTHEASTERN HERALD

What does America want  
of the Tamils in Sri  
Lanka? Page 6

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## Army actions arbitrary - no clear guidelines

The people in northeastern Sri Lanka are undergoing considerable hardship due to the arbitrary acts of the Sri Lankan security forces stationed in those parts, the Northeastern Herald understands.

Despite emergency regulations lapsing last year when the then government lost its majority in parliament due to crossovers, and the Ceasefire Agreement between the government and the LTTE stipulating no arrests and detention may take place under the PTA, police and army personnel continue to act with impunity, sources in Jaffna said.

"There has been no let up in the behaviour of the army and police. Though they are more restrained than before in their day-to-day conduct, they return to their highhanded ways when there are problems," said a resident of Pt. Pedro, referring to army arrests after its confrontation with students of Hartley and Methodist Girls' School last week.

Despite Emergency lapsing and arrests forbidden under the PTA no clear guidelines have been given to the police and security forces about matters of arrest and detention in the northeast leading them to act in ways that contravene the law.

Reports from Chavakachcheri state the Sri Lanka army is building a new camp in Mirisuvil adjacent to the hospital after taking over private property for that purpose. Though this was possible under emergency regulations, it is forbidden now after the regulations lapsed last year. The PTA does not allow the arbitrary taking over of private property by the military for security purposes.

Meanwhile, the army arrested Arumugam Viknarajah, president of the Point Pedro - Kottady fisheries society and Rajadurai Uthayaseelan on Tuesday and later handed them over to the police who produced them before the Point Pedro magistrate. Lawyers in Point Pedro state that with the Ceasefire Agreement stipulating that arrests under the PTA are forbidden, the action of the army in arresting these two citizens for alleged involvement in the disturbances connected with the military occupation of Hartley and Methodist colleges, was illegal.

It is important talks beginning in Thailand next week between the government and LTTE address the problem of issuing clear guidelines of do's and don'ts for the security forces so that it acts as a deterrent to the security forces behaving arbitrarily residents in Jaffna said.

# Agriculture rehabilitation in NE - a must at Thai talks

By a Staff Correspondent

The Sri Lankan government should come up with concrete proposals to rehabilitate the agricultural and industrial sectors of the northeastern province during the initial rounds of talks in Thailand LTTE and Tamil political party sources said.

The first and foremost confidence building measure at this juncture is to rehabilitate these key sectors of the northeast's economy, ruined by more than 15 years of deliberate neglect and military operations, they said.

"Tamashas, exhibitions and regular visits by ministers to the north are being falsely publicised as confidence building measures. Our people cannot be fooled by these. Real confidence building measures should be in the form of monies actually released by the Treasury through the relevant ministries and agencies for rehabilitating the dilapidated major irrigation schemes in the northeast, such as the Iranamadu Tank in Kilinochchi, the Giant's Tank's in Mannar and the

Valukkiyaaru Basin Scheme in Jaffna.

There should be concrete proposals with definite and clear commitments to rehabilitate the Paranthan Chemical Factory, the Kankesanthurai Cement Factory and Valaichenai Paper Company", an LTTE official said.

Both Iranamadu and Giant's Tank are in danger of breaching their bunds during the coming monsoon, due to 15 years of disrepair.

"But the Ministry for Irrigation and Water Management is yet to release a cent despite several appeals by local farmer's bodies and officials", the Tamil National Alliance MP for Vanni, Sivasakthi Anandan said.

"The Ministry of Rehabilitation and Reconstruction is shamming. If you look behind its flamboyant claims about the north, you will find little or no monies actually released for specific rehabilitation works", TNA sources said.

Six hundred million rupees are required to complete works started by the Ministry of Rehabilitation and Reconstruction in the northeast

in 2001. The government allocated 295 million for this but has so far released only 160 million in funds which did not include 93 million rupees the implementing agencies, such as the district secretariats, still owe to project contractors. Many works are stalled because of the outstanding payments on rehabilitation and reconstruction projects in the northeast.

The situation has been exacerbated by the government that

has sharply undermined provincial level rehabilitation and reconstruction in the northeast. The Northeastern Provincial Ministry of Rehabilitation and Reconstruction has been shorn of its powers to work in the north; and in the east its priorities are largely set by central government agencies such as the Divisional Secretaries and the Road development Authority.

The central Ministry for Eastern Province Rehabilitation and Reconstruction allocated 77 million rupees this year to the NEPC under a crash program. The NEPC Ministry of Rehabilitation and Reconstruction has completed works worth 44

million. But only 30.5 million has been released in actual monies by central ministry, which is under SLMC leader Rauff Hakeem. The 77 million earmarked for the NEPC this year is much less than last year's allocation, officials said.

Tamil politicians have charged in the past that the allocation of funds by Ministry for Eastern Province Rehabilitation and Reconstruction was in favour of Muslim areas in the east.

Gajendrakumar Ponnambalam, TNA MP for Jaffna said: "Nothing seems to have been done to rehabilitate and reconstruct the north. The government allocated 1400 million rupees for the rehabilitation of the north. This year it has been pruned down to just 400 million rupees. This is one of the reasons why the TNA did not vote on third reading of the budget. There was a one billion cut in defence spending this year which could have been put into rehabilitation and reconstruction of the north. Even out of the 400 million allocated for this year we do not know how much is

Cont. on page 2



A advertisement pleading for peace at the UNF rally in Colombo on Monday Pic. by Buddhika Weerasinghe.

# Amnesty appeals against intimidation by police

Amnesty International has circulated an urgent appeal requesting the public to lobby President Chandrika Kumaratunga and the Inspector General of Police (IGP) on behalf of Nandini Herat (a woman now in Kandy prison custody), her family, her attorney and a human rights activist. The police are accused of intimidating these persons to silence them from testifying against five police officers who had allegedly tortured Nandini Herat while she was in Wariyapola police custody.

The Amnesty statement says: "Police officers on trial for torturing a woman in their custody are reportedly trying to intimidate her, her family, her lawyer and a human rights defender who has been involved with her

case.

"Nandini Herat was arrested on 8 March 2002 by the police in Wariyapola, near Kurunegala, in the northwestern region of Sri Lanka. While in the custody of the Wariyapola police, she was reportedly subjected to sexual torture. The magistrate ordered that Nandini Herat should be given a medical examination, however a gynaecological examination was not conducted despite Nandini Herat's insistence that it should be.

"In early August five police officers, including the officer-in-charge (OIC) of the Wariyapola police, were charged with the torture of Nandini Herat before the Magistrates' Court of Wariyapola. The police officers concerned are still in their posts at the Wariyapola police station. The

trial has begun and the next hearing takes place on 13 September.

"The magistrate issued a warning that the witnesses should not be intimidated. However, the OIC reportedly went to Kandy remand prison where Nandini Herat is currently being held. Human rights activists believe he attempted to see her in order to ask her to withdraw the case, but was prevented from doing so by prison officials.

"Nandini Herat's father was threatened by Wariyapola police when he tried to obtain a copy of the initial complaint made to the police against her. Although he had with him a letter endorsed by the Inspector General of Police and the Superintendent of Wariyapola Division requesting that a copy of the document be handed to Nandini's father, the police at the station refused and threatened him and his son with death.

"Nishantha Kumara, a human rights defender who has taken up Nandini Herat's case, has also received several threats. In one incident, two men came up to him on a bus, pinned him down and pulled out a knife. They are reported to have said "Are you the human rights dog who is trying to send my brother in law to prison?" When the bus conductor and the driver intervened, Nishantha Kumara managed to escape.

"Two lawyers who had been asked to act on Nandini Herat's behalf have already withdrawn their services. There are fears that the withdrawals may be a result of intimidation, and there are concerns that a third lawyer - Priyantha Gamage - who has agreed to represent her is also being intimidated in order to make him drop the case.

"Journalists have reportedly been warned to stay away from the next hearing on Friday 13 September. They have been told that they will be stopped if they try to enter Wariyapola on that day."

Sri Lanka incorporated the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment into national law in 1994, and made torture a crime punishable by seven to ten years' imprisonment and a fine. Although the government has set up a Human Rights Commission and other mechanisms for preventing torture from occurring, and investigating allegations of torture and ill treatment, torture continues to be reported regularly, and only a handful of cases are investigated.

## Saththurukkondaan massacre: victims say justice will never be done

"Justice will never be done", said K. Krishnakumar, 39, the sole survivor and direct witness of the Saththurukkondaan massacre, speaking to the Northeastern Herald in Batticaloa this week.

Hundred and eighty six Tamils, mostly women and children, were massacred by the army and Muslim home guards in the villages of Saththurukkondaan, Kokkuvil, Panichchayadi and Pillaiyaryadi near Batticaloa town on the night of September 9, 1990. The villagers of the area unveiled a memorial for the victims on Monday.

Krishnakumar ekes out a living now as an assistant to a butcher at a mutton stall in the Batticaloa market. The NE Herald also spoke to the relatives of some victims.

There are many children here who lost both, or, either of their parents. They live in abject poverty, their growth stunted by severe malnutrition.

Krishnakumar related what he saw of the massacre.

"The villages were cordoned off by the Army around 10 a.m. It was almost 7 p.m. by the time the villagers - including infants, women, pregnant mothers and the old - were herded to the Saththurukkondaan camp and locked inside.

"Four masked men walked into the hall and selected me. T. Kumar, C. Sinnaththamby, and K. Jeevaratnam. Our shirts were removed and our hands tied behind our back with them. Then we were taken to the camp's back yard. We were dragged about fifty meters further, where we saw a pit about 20 ft by 5ft. There was a cashew tree by the pit and well

which was about 10 meters from it. "In the dim light I saw 25 soldiers armed with long swords and cudgels standing round the pit and the well. I was hit with a cudgel and I fell face downward. When the other three screamed the soldiers stripped them and stuffed cloth into their mouths. One by one they were taken to the edge of the pit and hacked with swords and were pushed in.

"A soldier came up to me and slammed me against the Cashew tree, pulled out a long kris knife, and stabbed me through the chest. He then pushed me into the pit. He stabbed me again on my back. Though I was bleeding, I didn't lose consciousness.

"Four more men were brought there, hacked to death and were pushed in to the pit. The soldiers went again and brought two pregnant women. They were stripped naked and their breasts were sliced off. The soldiers then cut open the stomachs of these women with their swords and pushed them into the pit.

"Later they brought many girls stark naked. Sand was stuffed in the girls' mouths and all were raped repeatedly. Then the soldiers cut off their breasts with the swords. Three of these girls were pushed into the well.

"As the area was dark, I was able to slowly crawl out while they were busy raping, killing and pushing bodies into the pit. When the soldiers left, I crawled towards the camp fence and hid in shrub jungle behind the camp. Later the soldiers brought tires and set fire to the bodies in the pit. The fires burned till about 3.00 a.m. in the morning. Once the pyre died out, the pit was filled with sand. With the help of a

passerby I went to the hospital".

Krishnakumar is frequently stung by severe pain from the knife wound he received during the massacre.

Our correspondent also spoke to Kanthiah Sivakkolunthu 42, the principal of the Karaiyakkanthivu School, who said: "The army camp was situated a thousand meters from my house. I heard cries of distress, shouts for help of women and children throughout the night. We also heard gunshots and saw a huge fire. Next morning I went to my uncle's house nearby. I did not see him, my aunt, nephew, niece or any of the children. All of them had been taken to the Army camp and butchered. Even their bodies were burnt. In this massacre one-and-a-half-year-old Subhosini, three-year-old Thulasi, seven-year-old Sulochana were lost. Some kids who had gone near the camp later to herd cattle said they had seen many human skulls and bones there."

Thambi Ayya Kirubaratnam who lost his wife in the incident said: "My wife was also taken by the army. The next day I informed the ICRC. They contacted the brigadier and we went to the Saththurukkondaan camp. The Brigadier denied any knowledge whatsoever regarding my wife being taken by the soldiers.

"In the back yard of the camp I found my wife's clothes and the pair of Bata slippers she was wearing when she was taken away by the soldiers. The brigadier was silent. He had nothing to say.

"I also testified to the Presidential Commission on the incident, but nothing has happened so far," he lamented.

## Agriculture rehab... Cont. from page 1

being actually spent or on what it is being spent. We do not see anything being done in the north."

Meanwhile the Executive Directors of the IMF noted in a statement issued Wednesday: "Sri Lanka is at a critical juncture—despite recent improvements, the macroeconomic situation remains fragile, and achieving sustainable high growth requires major adjustments. Directors also noted that resolution of the civil conflict and the scope for generating growth opportunities are closely intertwined.

"Directors welcomed the fact that the cease-fire is already providing an economic boost to the country through lower security spending and renewed economic activity in the country's conflict-affected North and East. Sustained peace would allow budgetary re-

sources to be reallocated to social programs and building or rehabilitating infrastructure, especially in the war-torn parts of the country", the IMF statement said.

Sources said that the United States Department of Agriculture said this week that it has authorized one of the highest amounts in export credit guarantees under Export Credit Guarantee Program (GSM-102) to Sri Lanka for the upcoming fiscal year.

The authorization includes \$10 million each for Kazakhstan and Morocco, \$25 million for Romania and Poland, and \$50 million for countries in the South Africa region. There is also \$25 million for southeastern Europe, and \$35 million for Sri Lanka.

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# Satahip is certainly no 'Nagaland' in Thailand

By Rajpal Abeynayake

"The negotiations in Thailand yielded results. It has been announced that it has been agreed to extend the ceasefire for one more year without territorial limits." That is not a preview of Satahip next week. It is a dispatch from Bangkok relating to the Nagaland peace talks held there sometime back. However, close watchers of South Asian politics will say that the Nagaland parallel is in fact as far from the Sri Lankan parallel as it can get.

Indian Home Ministry functionaries negotiated last year with the banned National Socialist Council of Nagaland (NSCN). A ceasefire agreement was worked out – while the NSCN was still banned. This Nagaland outfit has a reputation that's said to be close to that of the LTTE in terms of its ruthlessness.

When talks were about to begin in Thailand in early 2000 between the Indian government and the National Socialist Council of Nagaland, NSCN's leader Thuingaleng Muivah was arrested in Bangkok on charges of travelling to Thailand from Pakistan on a forged passport.

The NSCN demands the creation of a greater Nagaland comprising the areas of the state presently occupied by Naga tribes, and areas in the neighboring states of Manipur and Assam. Talks continued in Bangkok despite the fact that Muivah was arrested; and he was constantly berating Vajpayee for not extending the scope of the ceasefire agreement and the peace process

to the Naga inhabited areas, which were bordering Nagaland.

In May of this year the Naga Hoho (tribal conclave) and NSCN leaders along with Naga NGO representative again met in Bangkok as a prelude to talks with the centre. These 'internal' talks were described all around as a great success that has advanced the Nagaland peace process beyond any expectations of the Nagaland insurgent leadership.

The whole Bangkok-Nagaland nexus and the business of negotiations there with top Indian officials compares with the Sri Lankan – LTTE- Norway – Bangkok nexus is a very interesting way. Is it even thinkable that Balasingham will be arrested in Bangkok, even if he traveled there on a false passport? Of course Balasingham will not travel there on a false passport – the Norwegians will see to that.

But, the relative strength of the LTTE, and its standing in Thailand despite its rather blotted out image in that country is remarkable, considering that Nagaland leaders were treated with scant respect in that country. But, the analogies and parallels can lead to even more curious and interesting comparisons.

Muavi says today that the Indian government has taken a courageous step forward in recognizing the unique history and circumstances of the Nagaland people. He has said that this recognition took a long time in coming – but has come at last, and is therefore a very significant step forward in the Nagaland peace process.

This progress however was made, while the Indian government negotiated with a banned NCSC. If this

*Despite all of the fetters that the Nagaland rebels faced, they made good progress – and today, are in circumstances in which they are praising the India government on concessions made on 'core' issues such as recognition of the Nagaland history and unique circumstances of the Nagaland people*

situation is compared and contrasted with that of the Sri Lankan government talks without the LTTE – it is seen that the LTTE is being un-banned and is being given treatment in Bangkok that is comparable to treatment given to a national delegation. The bemused and the blunt might even say that this is despite the fact that the Nagaland leader (who was arrested in Bangkok once upon a time as stated earlier) had gone nowhere near assassinating a Prime Minister of India....

Perhaps the Nagaland movement was dealing with a greater adversary in the Indian state than the LTTE was dealing with in the form of the Sri Lankan state. But, there had to be more to it as well. Norway's involvement, and the LTTE's constant insistence on the precondition of de-banning for instance, has placed the LTTE on the footing of an equal negotiating partner for all intents and purposes – which is certainly not what obtained at the Nagaland

Indian government talks also held in Bangkok.

Indian political analysts, especially those in various South Asian strategic studies centres have constantly been saying that Sri Lanka could and should take a leaf out of Nagaland's book – always emphasising that there is a lot to learn from the Nagaland peace process. Certainly the Sri Lankan government seems to have learnt from the Nagaland peace moves that peace talks should be held in Bangkok!

But, other than that there seem to be various components in the Sri Lankan peace process kicking off in Thailand, which makes it almost totally unrecognizable from the Naga peace process in Bangkok. Chief among these is the fact that the non-state negotiator the LTTE, in this instance has been de-banned and legitimised before the talks, and that the same party is recognized in terms of parity with the Sri

Lankan state, which is not the parallel that clearly obtained in the Nagaland situation. Despite all of the fetters that the Nagaland rebels faced, they made good progress – and today, are in circumstances in which they are praising the India government on concessions made on 'core' issues such as recognition of the Nagaland history and unique circumstances of the Nagaland people.

The LTTE may have been debanned – but on the other hand can the LTTE hope to get recognition for issues such as 'homeland' etc., as fast as the Nagalanders did within their own context? Not likely. The LTTE is perhaps aware that getting any early relief on the 'core issues' is virtually impossible – which is probably why the LTTE stood the Nagaland example on the head and got most of the 'concessions' which are at least psychologically important to the peace process (such as the debanning) early.

The LTTE may have made a strong start vis-à-vis the Sri Lankan government compared to the start the Nagalanders made with the Indian government – but all parallels may end there, despite all the wishes of strategic studies experts in South India who are over-fond of drawing parallels between the Nagaland process and the Sri Lankan process. This is a good start for the LTTE, but it may be all uphill from here – compared to the process which seems to have been in exact reverse for the Nagalanders.

## The pitfalls on the road peace

to peace Tamil nation has gone through a traumatic period to say the least consequent to the granting of Independence. Successive Sinhala Governments have by design and meticulous planning brought this beautiful Paradise on earth to the lowest depths of virtual hell on earth.

There is no denying this fact whichever way you care to look without any bias. The country is almost bankrupt, foreign debt payment is higher than the total revenue. There is no law and order and corruption is rampant. There are no strategic development plan except for rhetoric of politicians who overnight assume themselves as fountains of knowledge and wisdom when in reality they are the very epitome of ignorance and petty-minded

egoism. The most unfortunate aspect is the attitude of educated Sinhala professionals and prelates. The golden principles of the compassionate Buddha are twisted to suit their self-proclaimed vision. It is tragedy of massive magnitude.

Greed for political power that automatically paves the way for the accumulation of ill-gotten wealth by blatant corruption appears to be licensed. There is no fear of punishment except of course divine retribution that has been seen within our lifetime. But the politicians are immune predators.

The majority of the Sinhala people have realised the need and value of peace, and the freedom to live without fear has been a welcome experience. It is only a demoted few who crave for power and shout slogans against peace, but

this is a minority that has no following. The international community is completely in favour of the peace process and the progress achieved.

In this scenario, the utterances of the former foreign minister who calls himself a Tamil appears to be a lone voice in the wilderness pontificating on what should be given to the Tamils as though he is the only saviour of the Sinhala people. Maybe he would like problems to continue like a beggar's wound so that he could continue to live in secluded ecstasy at public expenses despite the fact that he is nominated candidate who can never hope to be elected. In every period of history there have been such creatures that will sell their birth right for personal survival, and plum of office and perks. The government would do well dissociate

itself from him if it is genuine in encouraging the progress of peace.

The government should also indicate its sincerity by direct negotiations with the Tamil representatives, in this instance the LTTE / TNA and bring in the Muslim factor to support the peace process. The Muslims should face reality in the simple fact that it is not love the Sinhala Government has for the Muslims, but that they are the weapons that are brandished to scale down Tamil aspirations. A dispassionate and an intelligent assessment will indicate that if when the Tamils are sidelined by strategic annihilation, it is just a matter of a short time for the Muslim to be kept down too, especially in the present context of an anti-Muslim feeling in America and her allies.

The government of Sri Lanka is also playing with the peace process

in a carrot and stick game. The government appears to live with an illusion that India or America would come to its assistance with a military presence on the island to crush the LTTE. India will never make the same mistake twice and the Americans are too practical and have good memories to venture on suicide missions. America may provide arms directly or indirectly and training and they have also promised intelligence gathering. But if American intelligence could not smell the September 11<sup>th</sup> fiasco, what credit do they have to teach others? Practical and prudent procedure for the government should be to solve our problems among ourselves. There should be a sincere and genuine desire to save our motherland.

C. D. Chinnakone

# The displaced return to Thiriyai

Text and pix. by Our Trincomalee Correspondent

After 17 long years, the bus linking Trincomalee with Thiriyai, a traditional Tamil village 42 km northeast of this eastern port city, left Trincomalee on Monday to its destination. It is not surprising that some of the first passengers to board the vehicle and avail themselves of the direct bus service between the city and the village were from among the displaced families.

"We are going to our village to prepare our paddy fields for the forthcoming Maha season after nearly two decades," said farmer K. Thirumugam, who despite the bus being an hour late could not conceal his jubilation.

He is one among more than 7000 displaced people from Thiriyai. Ponnambalam Ramanathan, born in Thiriyai and a social worker, was at the bus stand to watch the first bus leaving to Thiriyai. He is the eldest son of a former Chairman of the Thiriyai Village Council late K. Ponnambalam. He recalled the events on the day when the last bus left Thiriyai, 17 years ago. He was at the scene.

On 10<sup>th</sup> August 1985 a state-owned bus left Trincomalee to Thiriyai via Kallampaththai with about 50 passengers. Kallampaththai is a village where a large number of Tamils of recent Indian origin, displaced from the upcountry due to violence in 1977, had been resettled. A group of soldiers, who were on their way to Thiriyai village from Gomarankadawela military camp got into the bus at Kallampaththai.

"On their way to Thiriyai they shot dead three settlers of Kallampaththai. The bus then proceeded to Thiriyai village. The army arrested about nine persons there, including some leading citizens of the village. Their hands were tied. Later the soldiers took them in the bus towards the Sinhala village of Kivulakada.

**Nearing Kivulakada, soldiers ordered the nine persons to get down at Kunchkomban Palam. When they got down, they were asked to line up before the bus. Thereafter the soldiers left the place without removing the bodies.** One person who escaped death in the rushed to Thiriyai village and informed of the gruesome killing," Ramanathan recounted.

"One of those killed was my brother Ponnambalam Mahadeva. At that time he was the principal of Thiriyai Tamil Maha Vidiyalayam," continued Ramanathan without any trace of emotion.

On the night of the massacre, the entire village fled to the jungle as rumours that another group of soldiers coming to

massacre the inhabitants reached the village. Since then there was no direct bus service to Thiriyai except for a brief period when the area was under the control of Indian Peace Keeping Force (IPKF). Some families did return to Thiriyai during that brief period. However, they too left the area when violence broke out again in 1990 following the withdrawal of the IPKF. Thereafter the Sri Lanka army and navy occupied the entire village.

Not a single private house is standing now except two, and the buildings of Thiriyai Tamil Maha Vidiyalayam, which was within the navy camp's perimeter, until the camp was removed last month.

The village and paddy fields are now overgrown with shrub jungle. There are also several tanks in the village. Neelapanikankulam is the major tank in the area. It irrigates 600 acres. More than 1000 acres are to be cultivated during the Maha season that commences with the northeast monsoon.

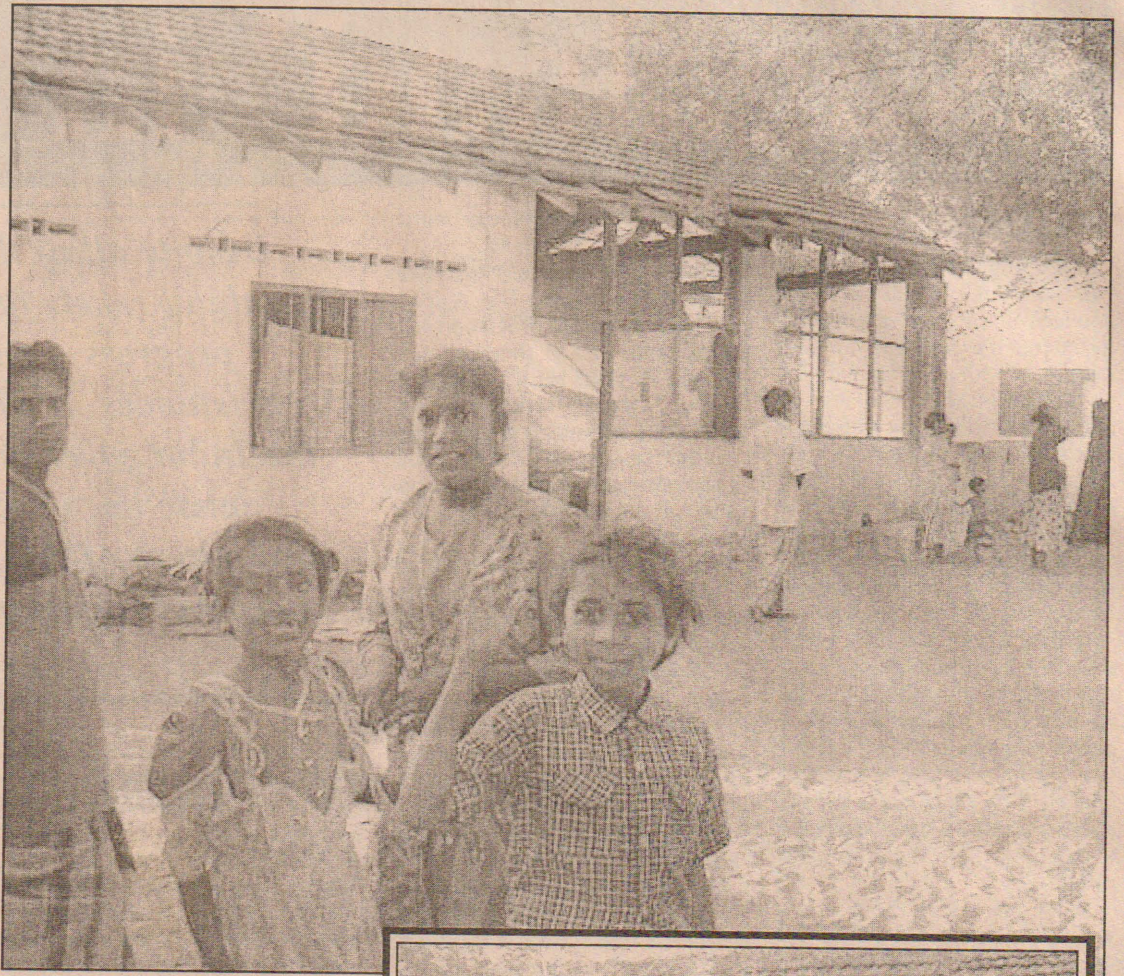
Thiriyai and several other villages such as Nilaveli, Kumburupiddy, Kallampaththai, Thennamaravadi and Pulmoddai come under the Kuchchaveli Divisional Secretariat. With the mass displacement from these villages, the office of the DS at Kuchchaveli was also relocated, first to Trincomalee town where it functioned in a private building for several years and thereafter to Nilaveli, eight km north of the city, where it functioned till 25<sup>th</sup> August this year.

The first official conference at the newly opened DS office at Kuchchaveli, held on 5<sup>th</sup> September, was to finalise arrangements to resettle the displaced back at Thiriyai village. Before making arrangements to undertake resettlement, it was decided to cultivate paddy in the village with each displaced farmer allocated two acres. There are about 500 such farmers.

The conference was told 8.5 million rupees have already been allocated to the Trincomalee District Secretary to assist the resumption of paddy cultivation in the area. Of this, the Eastern Regional Development ministry has allocated 3.5 million rupees. The Prime Minister's office allocated Rs.50 million.

It was decided at the conference to give 15,000 rupees to each farmer to grow crops in his two-acre plot for the forthcoming Maha. Questions such as how the funds could be channelled to displaced farmers to ensure a 100 percent Maha cultivation and the advisability of giving money to farmers for the cultivation were taken up at the conference.

It was finally decided to appoint a monitoring committee to oversee and coordinate all cultivation work including ensuring that sowing is completed before 25<sup>th</sup> October. The committee would also be in charge of disbursing money to farmers depending on the progress made in their tasks. In fact the bus service from Trincomalee to Thiriyai was initiated to enable



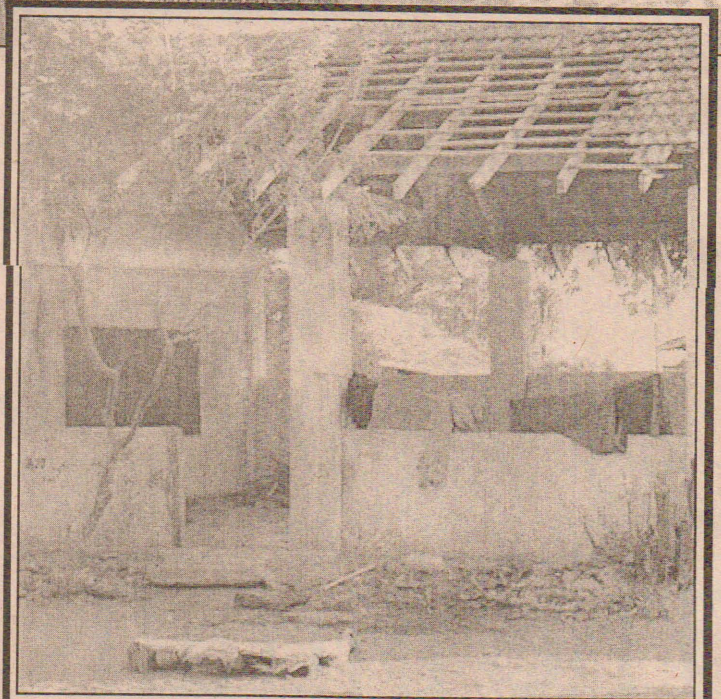
displaced farmers who now live in temporary huts at Nilaveli, to go to Thiriyai and recommence cultivation.

The main problem that now faces the displaced and the officials concerned, is to find enough tractors to for ploughing, before the deadline to begin sowing. At least 10 tractors are to be deployed daily to plough the 1000 acres. Agricultural implements such as mammoets and forest knives are also to be supplied to the displaced farmers. The Kuchchaveli DS office is now engaged in lobbying aid agencies in Colombo to supply agricultural implements to farmers.

Meanwhile, Thiriyai village area is officially free of mines. The UNHCR representative who attended the conference said a survey has already been conducted in the village by a group of experts in de-mining. They had found a mine in the area close to the navy's security bund. The navy representative reported that 42 such mines had already been removed from the security bund area after the relocation of the camp.

LTTE representatives who were also present at the conference said they had removed their ordnances, which were buried there. However, another team of foreign demining experts in Trincomalee are surveying the area for residual mines, a UNHCR representative said.

While displaced Thiriyai villagers see a ray of hope in resettling on their lands, several displaced families from other villages - Kumburupiddy, Amarivayal and Thennamaravadi - in the Kuchchaveli DS division are still inmates of damaged buildings at Kumburupiddy Tamil Government



Kumburupiddy Tamil government school, its students and teachers

School and in temporary huts on state lands, expecting the attention from the authorities.

They complain of living in fear because wild elephants roam the area, on occasions charging pedestrians at night. These displaced people live in abject poverty depending on the dole provided by the state and what they earn is through casual labour. Their children are deprived of schooling.

Thennamaravadi village is 72 km north of Trincomalee town on the border of Mullaitivu district in the northern province. It's a traditional Tamil villages in the Trincomalee district, mentioned in historical records. About 200 Tamil families lived in the village till 1 December 1987. They fled to the jungle nearby following soldiers running amok in the village

and killing several villagers.

Thereafter they trekked through jungles and arrived in Mullaitivu where some of them have created a settlement named as Ponnagar. After the Ceasefire Agreement came into force, most of the displaced Thennamaravadi village have returned to Trincomalee to resettle in their homes.

Authorities are at present concentrating on recommencing paddy cultivation in Thiriyai before resettlement proper begins. Their view is that Thiriyai is the centre and strategic point for any large-scale resettlement to take place in adjoining villages. Hence the success of resettling the displaced in Thiriyai is expected to pave way for the smooth resettlement in other villages.

# Speaking out the unspoken: revisiting the tracks of the Great Divide

By Professor Karthigesu Sivathamby

The logic of South Asian politics has reasserted itself in all its customary intensity. On 16<sup>th</sup> September, the three major ethnic groups of Sri Lanka are meeting in Thailand to work out a plan for the devolution of power that would ensure coexistence.

Can Sri Lanka escape the tragedy of India / Pakistan and Pakistan / Bangladesh? Of course India became wiser and quite soon under the guidance of India's Foreign Secretary K. M. Panikkar devised a system of linguistic states, which in spite of many tensions, is keeping India intact. Unfortunately, neither Pakistan nor Sri Lanka realise the value of accommodating with grace the 'smaller brother.' Sri Lanka faces this uphill task now.

At this time when an earnest attempt is being made to resolve the Sri Lanka problem, which has ravaged the country for almost 26 years, it will be useful for curative and preventive purposes to view 'clinically' what went wrong, where. This article attempts to present the Tamil point of view on how the alienation took place and the Great Divide became a reality.

Sri Lanka's entry into electoral democracy was through the gates of communalism. In the 19<sup>th</sup> century, the British colonial government made the Legislative Council more representative by appointing unofficial members from the various communities in Sri Lanka - Kandyan Sinhalese, Low Country Sinhalese and Sri Lankan Tamils. When it came to the Muslims (Moors), this community accused Sir Ponnambalam Ramanathan of trying to block Muslim representation by claiming the Moors were really Tamils. Tensions had already started.

In the beginning, the movement for Buddhist identity and cultural revival, as much as it was in Saivism, was not anti-Christian. And as the 20<sup>th</sup> century opens with Anagarikka Dharmapala coming into the picture, the cry was against 'foreigners.' Buddhist writings of this period reveal a strong anti-Muslim trend. In a way, the Sinhala-Muslim riots of 1915 though overplayed by the British government, lay within the logic of history.

Ramanathan, the great Tamil, chose to speak for the Sinhalese and it is said he made a special trip to London to plead their cause. The late Badi-ud-din Mahmud, the minister of education in the UF government of 1970-1977 told this writer, "The Muslims shall never create a chance for another 1915 and never forget what the Tamils did to their linguistic brethren."

At that time there was not much vitriolic writing against Sri

**This column wishes to highlight those omissions and inadequacies, which have led to neglect and an alienation of Tamils in Sri Lanka. The writer is not for creating further divisions, but earnestly hopes to heal those already there.**

Lankan Tamils though there was the undesirable trend in historiography to treat Tamil intrusions into pre-Western Sri Lanka as foreign invasions. John M. Seneviratne in his 'Story of the Sinhalese' is quite clear in dubbing the South Indian Tamil intrusions as 'invasions.' The emerging Buddhist consciousness and the general attitude of the Sangha was to uphold the 'Mahawansa' tradition of treating the non-Buddhist intrusions as something against the country and its people. The basic Mahavihara ideology of the 'Mahawansa' was not taken into count and terms like the 'Demalas' read in Geiger's translation of the 'Mahawansa,' had a completely different meaning in the 1920s and 1930s. It took almost 30 years for historians like R.A.L.H. Goonawardene and W. I. Suraweera to take a more historicist view of the 'Mahawansa' narrative.

An intellectual decision was taken almost unanimously to distance Tamil and Tamilnadu history from Sinhala and Buddhist, and present the Tamils, at least in historical researches, as a damaging force. The interactive and the syncretistic were almost always overlooked. More basically, the interaction of the culture of the Tamils with that of the average, village-level Sinhalese was also ignored. The Theravada layer of Sinhala culture was highlighted, almost ignoring the 'thovil' and 'gammaduwa' traditions (which constitute a rich legacy for the ritualistic dramatic traditions of the Sinhalese) coming to terms with those same acts of syncretism.

It is understandable that the Buddhist upsurge was not taken to highlight the pre-Buddhistic and non-Buddhistic elements. But it also chose not to highlight the Tamil-Buddhist interaction that was very much evident in the history of Sri Lankan Buddhism. Efforts were also made not to emphasise the post-Polonnaruwa cultural intermingling, which was seen in the Dambadeniya and Kotte periods. (Scholars like Professor Liyanagamage have drawn attention to some of these interactions). All these led, inevitably, to treating Tamils as being against the Sinhalese and Buddhism.

On the part of the Tamils, (at least the articulate Tamils of the day) Sinhala culture was nothing but a mosaic of what had travelled down from India - especially South India. They made the mistake of not realising that those Indian influences in Sri Lanka had blended into such a form that there was something specifically Sri Lankan about it. But in the Buddhist / Sinhala view, the innovativeness of the adaptation was a Sinhala achievement. One could even say the much-respected Ananda Coomaraswamy himself made this mistake.

It was in such a situation and with the coming of communal representation that the Sinhala - Tamil divide began to take substantive form. With Ramanathan out of the picture, his brother Sir Ponnambalam Arunachalam could not convince Sir Claude Corea and Sir Marcus Fernando that the Tamils in the Western Province deserved representation. And it might be recalled the word Tamileelam is now traced to the last days of Arunachalam when he formed the first Tamil party.

History since the 1930s and the working of the Donoughmore Constitution are well known for building silent barriers between the Sinhalese and the Tamils. The great nationalist effort of the Jaffna Youth Congress to boycott the 1931 elections under the Donoughmore system was taken as an act of communalism. Seelan Kadirgamar has argued very convincingly in his edition of the Handy Perimpanayagam papers how the whole matter was misunderstood. It should be accepted that the foundations for a racial, if not ethnic divide was firmly laid during this period.

The coming of the Donoughmore Constitution and the decision to go for territorial representation led only to an extension and expansion of communal politics. The failure of the Ceylon National Congress (CNC) in real 'national' terms should be seen in this context. And the Sinhala Maha Sabha was an important political group and no less a person than S. W. R. D. Bandaranaike was associated with it.

It was in this situation of mutual distrust and backstabbing that Sri Lanka took two very effective steps towards future democratisation - steps, which enabled the participation of the entire population of Sri Lanka. The first was the decision to develop education in Sinhala and Tamil. In fact there was a proposal that Sinhala and Tamil be made national languages in the State Council. Second, and more important, was C. W. W. Kannangara's proposal of a system of free education. Education, which was the only passport for the upward mobility in colonial Sri Lanka, was now open to all - irrespective of class differentiation and distance from Colombo.

This brought about a great revolution. Coupled with the shift to 'swabasha' as the medium of instruction, free education was a radiant socio-political fire that swept across the country. But though Sri Lanka did the correct thing educationally and democratically, the manner by which it was implemented went against it. In deciding to make Tamil and Sinhala the media of instruction, it did not care, or pause think, on the need for coordination between the two lan-

guages. Sinhalese did not have to learn Tamil and Tamils did not have to learn Sinhalese. There was no coordination for the establishment of a Sri Lankan linkage.

This led slowly and surely to the erection of impenetrable walls between the two communities. Given the contemporary mood of the Sinhalese, what began going into Sinhala textbooks on the history and culture of the country were really material accusing the second largest community in the country of playing a negative role in the development of Sinhala and Buddhism. The year 1956 marks an important turning point. What the average Sinhalese did not feel as having imbibed in 1948 at independence, he or she felt they had found in 1956. Power, S. W. R. D. Bandaranaike said was now in the hands of 'panchama balavegaya' - the 'sangha,' 'guru,' 'kamkaru,' 'veda' and 'govi.' The historiography of the Sangha made the Tamils look villains.

We are now in the late 1950s and 1960s. The die was cast and divisions along ethnic lines could not be postponed further.

It is at this point that one should take count of the Sinhala media - especially the influential press. Growing out of the anti-Christian and anti-alien tradition it did not differentiate either between race and religion, or country and race. It argued very strongly for the Sinhalese of the entire country and the reification of what is referred to as Sinhala-Buddhism. In the eyes of the influential Sinhala press, any attempt on the part of the minorities to assert their presence was taken as anti-national.

It is true that in 1949 and the early 1950s the political forces that led Tamil opinion were insisting on Tamil with a Dravidian flavour, bringing into Sri Lanka the overtones of the Dravidian parts of South India. It should be agreed this element was substantively present in the rhetoric. But it was enough to frighten the already frightened Sinhalese community, which was becoming a victim of its own minority complex forgetting the fact it was a majority.

At a time like this it was expected the major left parties of the day could have played a decisive role. And to a certain extent they did. The CPSL was for regional autonomy and it were they who organised the first meeting opposing Sinhala Only at the Colombo town hall. Dr. Colvin R. De Silva made the famous remark "two languages one nation, one language two nations." But the vagaries of Soviet politics and the absence of a sound Marxist understanding of the Sri Lankan situation, led to the major left parties to take a pro-Sinhala position in five - six years' time.

The only political force that could have cemented the Sinhala - Tamil rift was now becoming openly anti-regional autonomy and by the mid-1960s the leftist slogan of "Dudleyge badey, masala wadey," brought out the hatred of the hith-

erto uncorrupted Sinhala comrade to view the Tamils as political enemies.

The coup de gras comes in 1972, when the Marxist Constitutional Affairs Minister Dr. Colvin R. De Silva presented the Republican Constitution, taking away Section 29 of the 1948 Constitution, which was the only safeguard for minority rights. What Prime Minister D. S. Senanayake had to accept from the Whitehall, De Silva unceremoniously threw out of the window. Following this, the old and feeble Federal Party leader S. J. V. Chelvanayakam, made a two-sentence declaration in the House. Many of the members of the House did not know what he said till the Hansard arrived. And the wolf the Sinhala media had been crying had at last arrived. Chelvanayakam declared that his party now stood for separation.

The new Constitution and the actions of the United Front government alienated the Tamil youth too. By the late 1970s, Tamil militant groups vehemently attacking the traditional Marxists but using Marxist slogans of liberation etc. had come to stay. In such a loaded situation, 1983 was not far away. With 1983 there was no denial of the ethnic war coming into the open. This was a reflected very strongly in the lexicon used. The Sinhalese, Tamils and Muslims were no longer 'communities' living in one country, but became 'ethnic groups' with defined, almost racial characteristics.

The passage from community to ethnicity is the price the Sri Lankan polity has had to pay for intransigence in dealing with Tamil demands for justice. Further, when there is a reference to ethnicity, cultural separatism is implied and the demand for political separatism is only a matter of time. Since 1983 Tamil resistance has become resistance against oppression - both military and administrative.

It is this run of events we have to look back upon and if possible correct. Till 2002 it was argued that when the UNP was in power the SLFP opposed all what the UNP said and did, and vice versa. But from the Tamil point of view there is no better opportunity to resolve the ethnic conflict than at the present moment, where there is a SLFP (PA) president and a UNF (UNP) premier.

If the Sinhalese cannot come to an agreement between themselves now as to how they are going to accommodate the other sections of the Sri Lankan population, it is hardly likely they would do so in the future. But ironically (or is it tragically?) the Sri Lankan state has two governments within it. And let it not be forgotten the Tigers too have their own government. "Lead kindly light lead thou me on, I am far away from home."

# NORTHEASTERN HERALD

4/1-1/3 Schofield Place, Colombo 3.

Telephone: 074 - 510441  
Email: neherald@yahoo.com

## The consequences of provocation

Sections of the Sri Lankan public have expressed fear the LTTE might provoke a violent incident or undertake some other type of action so as to obtain military and moral advantage over its counterpart when the government of Sri Lanka and the Tigers sit across the table before negotiations in Thailand on 16<sup>th</sup> September.

We are not certain whether such a thing might actually come to pass initiated by the rebels for the express intention of dictating terms to the government from a position of strength at the talks as these national security pundits seem to argue.

There are however the military advantages the Sri Lankan security forces were able to garner using all sorts of security-related legislation such as the PTA and Emergency Regulations, as well as plain force, which they seem loath to give up despite the first round of talks to be held next week to end the war.

We refer here to the persistent refusal of the SLA to leave the premises of Hartley College and Vadamarachchi Methodist Girl's School in Pt. Pedro despite the Ceasefire Agreement clearly stating government forces have to move out of places of worship, schools and public buildings at staggered deadlines.

The continuing military presence in the premises of Hartley and Methodist Girl's School provoked an ugly incident last week where students and the public went on the rampage before the Pt. Pedro brigade headquarters, pulling down sentry points and roadblocks and setting fire to some of them. It resulted in the army firing teargas and live bullets into the air to disperse the mob and later assault some of the fleeing multitude.

This newspaper does not condone the violence of either side, be it the civil disobedience campaign gone awry or the military retaliating by clubbing and cuffing some of the retreating public. But what has not come out squarely in southern Sri Lanka is why such incidents of almost reckless bravado by the public take place.

The military and the government are paying scant regard to the fact these two schools occupied by the military has caused great deprivation to the students of those institutions. It violates their right to the freedom of movement, of assembly and their right to an unimpeded education. What is more, these violations take place despite a solemn Ceasefire Agreement stipulating a deadline for their withdrawal. Not only did the public have to suffer during times of conflict but is also at the receiving end during times of peace.

This is not all. The army is building a new camp at Mirisuvil hospital in Chavakachcheri, taking over private homes in the process. The question is under which law such acquisitions are being made. Emergency regulations, made under the PSO have lapsed since late last year and the PTA does not allow taking over of private property for military purposes.

Similarly, though the fishing ban was officially lifted in June this year, new restrictions under the PTA do not allow fishermen the freedom to ply their trade. Military camps being set up cheek by jowl of each other along the coast forbid fishing within stipulated distances of these installations. In effect these camps continue to be grave impediments to fishermen.

Meanwhile, resettlement in the high security zone controlled by the military in Jaffna is yet forbidden.

It is important to note therefore that the establishment cannot unleash the bogey of the LTTE provoking incidents for obtaining an advantage at the forthcoming talks and expect to hoodwink the public into believing that the government itself has crystal-clean record. There have been continuing acts of provocation craftily concealed from (and by the media) that impinge adversely on the lives of Tamils in the northeast.

We only hope what civilian agencies representing the Tamils have failed in resolving, is taken up as matter of utmost urgency at the forthcoming talks between the government and the LTTE, which is scheduled to discuss rehabilitation. If a solution is not found soon, the resentment of the Tamil public against the government's wanton defiance of the Ceasefire Agreement might become a setback for consolidating the peace in the northeast.

## What does America want of the Tamils in Sri Lanka?

By V. I. S. Jeyapalan

Finally, formal peace talks are going to begin in Thailand. We have to thank Norway for this. The

Norwegians have made honest and relentless efforts without any hidden agendas based on vested interests. But yet, we have to overcome many stumbling blocks before we can grapple with the core issues.

The main impediment that I attempt to outline here has to be considered by the parties to the conflict and the international community that is keen on supporting talks.

The most important and immediate problem facing the peace process in Sri Lanka is the increasing involvement of the US and the confusing signals given by it to various parties to the conflict in the country and to India and China. As I have argued in my earlier article, he who controls Sri Lanka, especially its northeastern region, will have strategic leverage in the emerging theatre of the new Cold War in the Bay of Bengal and the Arabian Sea.

Naturally, in this context any over-enthusiastic involvement on the part of the US in Sri Lanka during direct peace negotiations raise concerns in Beijing and New Delhi. China has been traditionally strongly networked with the Sinhala Buddhist establishment in Sri Lanka. Hence, it has definite apprehensions about this network becoming increasingly Americanised. On the other hand, India's concerns about increasing US involvement in this part of the region are quite obvious. (This has to be understood in the light of the growing military presence of the US in the Arabian Sea following the Gulf and Afghan Wars).

Therefore the better way for the US to support the peace process in Sri Lanka is to keep and low but positive profile in Sri Lanka.

In this connection I would like to describe a heated conversation between a Sinhala nationalist and a Tamil nationalist after a peace related conference in Colombo recently.

The Sinhala nationalist tried to convince his Tamil colleague that the peace process was only a time buying device and would be used by the US to buy time to improve the fighting quality of the Sri Lankan armed forces and equip it in order to eventually destroy the LTTE. He made a strong case that there would be an Afghanistan-like US involvement in Sri Lanka, if the peace talks break down.

He argued that the anti peace forces in Colombo are pegging their political fortunes onto this eventuality. In support of his argument he quoted statements made by US Ambassador to Sri Lanka in Colombo and in Jaffna last year. According to the Sinhala nationalist, the US envoy's speeches were a clear warning to the Tigers, demanding their submission.

He said the US Deputy Secretary of State Richard Armitage's visit to Jaffna and his discussions with the Sri Lanka army there were clear signals of growing US military involvement on the side of the Sinhalese to destroy the Tigers. "The only option available to the LTTE in this situation is to seek India's backing. But J. R. Jayawardene cunningly cut off all the avenues of trust between

India and the Tamils," he said.

The Sinhala nationalist further argued the Tamils were living in a fool's paradise trying to interpret all political developments in the world in their favour. He said that the Tamils had not learnt the lesson from the Palestinian-Israeli talks.

At this stage the Tamil nationalist asked him to clarify the matter further. The Sinhala nationalist's interpretation of the Palestinian Israeli situation was as follows: "Norway initiated and facilitated negotiations between the Palestinians and the Israelis in the late eighties in a similar manner and spirit. But it did so without checking increasing American involvement in that peace process. The US got increasingly involved in the negotiations with the ulterior motive of strengthening Israel's hand over the Palestinians."

The Tamil nationalist interjected at this juncture observing, "But as a consequence of its policy on

Palestine, US finds itself isolated and unpopular among the Arab nations and in most parts of the third world. Therefore, the US will be careful about getting involved in a similar manner in this region which is becoming as important to America as the Middle East." The Tamil nationalist went on to convince his colleague, quoting extensively from recent statements by Ashley Wills and the US State Department, that

America is supporting an interim government in the Northeast and successful negotiations for a "confederated settlement."

Furthermore he insisted that Richard Armitage's visit to Jaffna was also meant to convey the message that the US is not against the Tamils and that it is ready to support a federal alternative. "You said the same thing when the Israelis opened the interests section in Colombo. You went into a similar euphoria when there were reports that the Israelis were training the Sri Lanka army and you said the Americans would help you through the Israelis to defeat the Tigers. But it later transpired in the book by the MOSSAD agent that the Israelis also gave training to the Tigers," he said.

The discussion ended here, as the Sinhala nationalist had nothing to say.

Norway initially handled Palestinian-Israeli peace process in the correct manner. But later US's behind the scenes involvement in the process came to the fore and aggravated the conflict because America took the side of Israel while playing mediator. This retarded and eventually destabilised the peace process when it had reached a stage where the Palestinian and Israeli leaders were able to share the Nobel Peace prize.

After the US became overtly involved in taking 'forward' the Oslo Accord (signed by the Israelis and Palestinians in 1993) its role and stature as mediator was undermined by its partisan attitude. It openly backs or tacitly approves the brazen Israeli genocide in the Palestinian homeland while demanding that Arafat should fulfill his obligations under the Oslo Accord.

This has earned the US general opprobrium of Muslims all over the world - a Gulliver surrounded by Is-

lamic Lilliputians. And America has got itself into a second Vietnam, endangering its sole super power status, providing an opportunity to Russia or China (which ever can overcome its Muslim problem) to win over the Muslim world and its resources.

I hope America does not repeat the same mistake in Sri Lanka, though this is a different geo-political context.

America cannot be a well wisher of the peace process in Sri Lanka and at the same time adopt a partisan role in the conflict by giving training to the Sri Lanka army and encouraging groups campaigning against the negotiations with statements which seem designed to demoralise the Tamils.

The unabashedly partisan statements made by Wills last year, which was tantamount to dictating a solution to our problem are nothing new to Sri Lankan Tamils.

In the late eighties when India was involved in getting the Tamil liberation movement and the Sri Lankan government to the negotiating table, the Indian High Commissioner in Colombo at the time, J. N. Dixit took a similar viceroy-like approach to dictate his agenda to the Tamils. His attitude was eventually detrimental to India's long-term interests and embroiled the world's fourth largest army in a futile war.

I hope the US would follow President Jimmy Carter's correct approach to its involvement in Sri Lanka and its peace process. Carter's policy on Central America at the time brought peace not only to Nicaragua but helped dampen the hotbed of anti-US Lilliputians in the region.

At the UN General Assembly in March 1977, Carter announced to the world that henceforth the United States would put the promotion and protection of human rights in the forefront of its foreign policy.

Although his words were not matched by the deeds of the US military and intelligence services in many parts of the world (human rights abuses peaked in Argentina and Nicaragua and reached unprecedented levels in Guatemala and El Salvador during the Carter years) the spirit of his vision for America's role in world affairs remains valid. His was the only American president that was popular among third world nations.

America cannot behave like the proverbial bull that tramples the man fallen from the tree when it is addressing the problem of aggrieved peoples of this world such as the Tamils of Sri Lanka. It has to moderate the pursuit of its strategic interests with the humane vision enunciated by Jimmy Carter 25 years ago.

On the first anniversary of 9/11 America is searching for answers as to why it is disliked so much in the third world. It can find the answer within itself, by studying its own history - in Carter's human rights first approach.

# Chandrika using IAC to defeat the UNF

By J. S. Tissainyagam

The setting of dates for the first round of talks between the government of Sri Lanka and the LTTE has given a degree of tangibility to the quest for a negotiated settlement of Sri Lanka's ethnic war.

The process that began when the two parties to the conflict agreed to declare separate ceasefires in December last year, has now consolidated and despite the limited agenda for negotiations in the first round, there is a definite feeling of optimism.

The prospect of talks has also casts its shadow on the course of national politics as the UNF and the PA grapple with the LTTE. The Tigers determined political developments in the south while at war with the Sri Lankan state, but are today determining politics in the south even more, as they explore avenues for peace.

It emerged late last week that President Chandrika Kumaratunga and her PA were going to oppose the passage of the 19<sup>th</sup> Amendment to the Constitution. Though initially agreeing to submit amendments to the Amendment, Kumaratunga and her party decided they would oppose the bill, demonstrating in the process the battle lines were very clearly drawn.

Though the 19<sup>th</sup> Amendment deals primarily with curtailing the president's powers to dissolve parliament arbitrarily, the so-called 'conscience vote' was expected to have far reaching implications for the peace process as a whole because if made law, it would allow cross-party voting in defiance of the party whip.

As it stands today, voting against the party may lead to unseating of an MP. The conscience vote was expected make the task of constitutional reform and other requirements arising out of government-LTTE negotiations easier to legislate on in the event the two main southern parties continued to be at loggerheads but individual MPs in the opposition were willing to vote with the government.

While Kumaratunga was at least willing to consider alterations to the 19<sup>th</sup> Amendment before rejecting it completely, her stance vis-à-vis the de-proscription of the LTTE has been one of hostility from the beginning. So much so, Sarath Amunugama, spokesman for the PA said the party had favoured lifting of the ban only when

*Kumaratunga realises that while the UNF has put all its eggs in the peace process basket, to the average Sri Lankan voter, it is not only an end to the risk to life and limb posed by the exploding bombs or the flower of Sinhala youth returning in body bags alone that define peace. It is also the tangible economic benefits that peace yields. In other words, it is the peace dividend. Without economic prosperity marching hand in hand with physical security, peace has little prospect for sustainability.*

talks showed progress.

The PA's refusal to recognise the de-proscription was followed by the president writing to the government demanding explanations for the modalities of the LTTE's sea-bourn transportation, which was facilitated when the government and LTTE negotiated a deal through the Norwegian third party.

Kumaratunga's opposition to accommodating LTTE wishes will also be of immense importance for the establishment and functioning of the interim administration council (IAC). The implication of setting up this body was debated some months ago, but with the IAC reportedly not coming up for discussion during the first round of talks, the matter has receded somewhat from the public domain at present, no doubt to re-emerge when the time is ripe.

The legal and statutory constraints for setting up the IAC have been dealt with in considerable detail in the Northeastern Herald earlier. But what has to be also examined is the economic environment in the northeast and the impact such a body will have on investment, trade, tourism and so on.

The LTTE has stated categorically the IAC, over which it is expected to retain near monopolistic control, will coordinate and facilitate economic development in the northeast. It has implied the IAC will have a vital role to play in identifying projects and as a conduit for channelling funding for the implementation of development programmes in the region.

Though there were plenty of promises of development aid by foreign donors, the flow of funding to the northeast seems to be spluttering. The situation prompted Norway's deputy for-

eign minister, Vidar Helgesen, speaking in Ottawa, to urge donors to be more liberal with their contributions.

He said, "We believe it (funding) would underpin and strengthen the peace process if tangible benefits are brought to people both in the north and the south of Sri Lanka. This will be an important part of the first round of talks

"The destruction is enormous, particularly in the north... So our appeal would be to the international community... to not await a final outcome of the talks to actually start increasing humanitarian and reconstruction assistance," he said.

It is from the standpoint of the LTTE's insistence the IAC will play a vital role in the development process in the northeast and the plea by the Norwegian facilitators for increased international assistance that we have to judge the stance of the president and the nationalist sections of the Sinhalese towards IAC.

Kumaratunga realises that while the UNF has put all its eggs in the peace process basket, to the average Sri Lankan voter, it is not only an end to the risk to life and limb posed by the exploding bombs or the flower of Sinhala youth returning in body bags alone that define peace. It is also the tangible economic benefits that peace yields. In other words, it is the peace dividend. Without economic prosperity marching hand in hand with physical security, peace has little prospect for sustainability.

Her ally the JVP is treading an identical path. It realises unless there is a disgruntled underclass of economically marginalized Sinhalese, it will not have the sup-

port it requires to remain in power. It uses Sinhala nationalism to create a situation where economic growth declines under the burden of war so that larger and larger segments of the population become economically marginalized and ready to topple the government.

Meanwhile, the UN and the World Bank have promised US \$ 65 million for Sri Lanka, a major portion of it going for the rehabilitation and reconstruction of the northeast.

If a major part of this money is to go to the reconstruction and rehabilitation of the northeast, it follows this funding is going to initiate economic opportunities not only in the northeast, but very significantly in the south. That was why it was important the A9 had to be easily motorable; that is why trade fairs had to be held in Jaffna. After all from where is the cement, asbestos, steel and bathroom fittings going to come? They will come from the south.

This has given rise to disenchantment among the entrepreneurs of the northeast who complain the thrust of the government's development efforts only lead to companies based in southern Sri Lanka expanding their sales in the northeast rather than industry, manufacture and agriculture located in the northeast being given a much-needed fillip. They also complain that retail trade after the Ceasefire Agreement has led to an alarming outflow of funds - especially from the Jaffna peninsula.

The grievances of the Jaffna entrepreneur only confirm that reconstruction and rehabilitation in the northeast will, willy-nilly, benefit the south. In other words, the new relationship between the

northeast and south in political matters with negotiations beginning will be reflected in the world of reconstruction, rehabilitation and development too.

This is the primary reason for the president and Wimal Weerawansa to oppose the IAC. It goes beyond the mere mobilisation of Sinhala nationalist forces that could be utilised as a counter to the UNF's conflict resolution strategies.

The southern opposition to the Tigers knows only too well the LTTE's insistence on the IAC. It knows Tigers do not trust the donors - especially the INGOs - whose record in the 'un-cleared areas' has been anything but an exposition of honesty or hard work.

These sections of the south also know that with the war effort at least temporarily suspended, the LTTE needs to provide two things to the people of the northeast. It has to mobilise human resources productively and one avenue is through the reconstruction of the damaged physical environment and resettlement of displaced persons. Similarly, it has to show it can 'deliver the peace.' As much as in the south, it has spread the peace dividend, seeing to it however that it does not breed complacency among the people it represents.

And for this an institution such as the IAC remaining under LTTE control is vital. That is why the LTTE is firm about the interim administration and its role both in administering the northeast and spearheading development efforts.

Knowing how vital the IAC is for the Tigers and realising that economic mobilisation in the northeast will be of crucial importance to enhance earning for the private and government sectors in the south as well, Kumaratunga has decided to strike. She and Weerawansa know only too well that if allowed to continue the rehabilitation and reconstruction efforts in the northeast will be an important factor in driving forward southern prosperity, thereby ensuring the longevity of the Wickremesinghe government.

It will be well for the south to realise the game the president is playing. Kumaratunga feels acting as a stumbling block to prosperity in the south so that it sows the seeds of discord and disaffection among the populace and thereby erodes the support for the government will be the most effective weapon in the long term to oust the UNF.

# Genocide, The Genocide Convention and Lanka

September 9 marked the 12<sup>th</sup> anniversary of the massacre of Satturukondan in the Batticaloa district. One hundred and eighty-four persons, mostly women and children were murdered in cold blood by the security forces and a home guard. Needless to say, the perpetrators are yet to be punished. International law defines such acts as genocide and a crime against humanity. Below is an article on genocide and the position of Sri Lanka as a signatory to the Convention on Genocide.

By Francis Xavier

The duty of the state is to safeguard the rights of its people. The interests of the people are its concern. Among the rights of human beings, the right to life is the most supreme or primordial right.

It is legally and logically accepted that the primary and paramount duty of all the states is to guarantee this right – the right to life of all people whether citizens or aliens.

It could be asserted that the right to life of an individual imposes a corresponding duty on every other person to respect it. The duty of the state to guarantee and legally protect the right to life of all is enshrined in almost all constitutions and penal laws. This legal norm is accepted in all domestic law as well as in international law.

There is a growing tendency to abolish the death penalty. According to the latest information from Amnesty International, about 80 countries have abolished the death penalty and few apply the such punishment on a very limited basis.

Modern legal norms and concepts accept the view that all members of the population of a country whether citizen or foreigner, is entitled by law to certain rights. Sri Lanka has accepted this principle in the present constitution under Chapter III under the heading 'Fundamental Rights.' Sri Lanka is also a signatory to the Genocide Convention.

Penal law also guarantees this right except with a few exceptions like in self-defence. Even in times of emergency, armed conflict, insurgency or civil war, the right to life cannot be derogated, as Sri Lanka is a party to the International Convention on Civil and Political Rights (ICCPR).

In international human rights law the concept of the right to life has gained supreme importance. This is an inoperative norm where no derogation is allowed. This concept is contained in Article III of the Universal Declaration of Human Rights and Article VI of the ICCPR. In Article VI, the International Bill of Human Rights states:

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crime in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant of final judgment rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorise any State, party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crime committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Any State, party to the present Covenant shall invoke nothing in this article to delay or to prevent the abolition of capital punishment. The European Convention of

possible emphasis and importance to the concept of the right to life. During the debates and discussions there was much controversy and heated debate over the use of the word 'arbitrary' in the Article VI of the Covenant, but finally this word was used in order to give the utmost level of protection to human life.

In 1982, the UN Commission on Human Rights adopted that all peoples and individuals have inherent right to life and safeguarding this right was an essential condition.

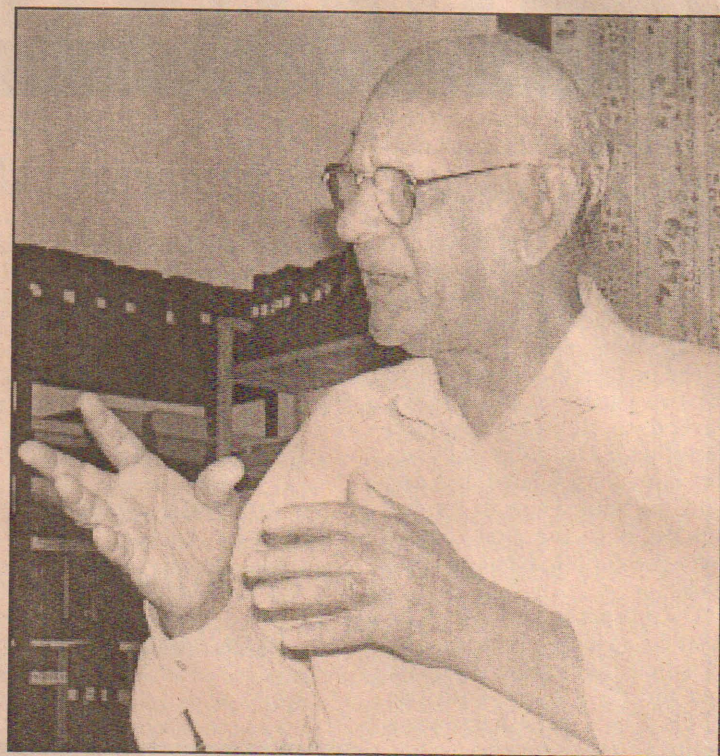
Crimes against humanity, genocide, disappearance, death resulting from torture, mass killings and massacres and unwarranted killings of civilian populations are all crimes against the right to life of human beings. These are generally termed arbitrary killings.

It is universally accepted there is no other issue or concern more urgent than exploring methods and taking concerted action to prevent people from arbitrary killing and unwarranted deprivation of life. The organs of the United Nations dealing with human rights have taken upon themselves as primary function the safeguarding this right.

The root for this anxiety and alarm goes back to the untold human suffering, and annihilation of sizable number of the human beings in the two world wars, the subsequent arms race between powerful nations and stockpiling of the nuclear weapons by them.

The desire to punish war criminals of the Second World War and the need to stabilise and strengthen organisations to establish peace arose from the irreparable damage and destruction to human life during this war.

Leading members of the United Nations during the closing stage of the Second World War were inclined to punish those who were



Francis Xavier

those who committed violence against civilian populations in those countries. The statements made by them give force to this view.

The great powers – Russia, USA, UK and France – came to an agreement on August 8 1945, for the prosecution and punishment of the major war criminals of the European Axis Powers. In pursuant of this agreement and modifications made by the Protocol of Moscow on October 10, 1945, an International War Tribunal was established. This is what came to be known as the Nuremberg Tribunal. It had jurisdiction to try four types of crimes. These are contained in Article 6, of the Nuremberg Charter.

1. Conspiracy in connection with crime against peace, war crimes, crimes against humanity
2. Crimes against peace
3. War crimes

The Charter of the Nuremberg Tribunal (Article – 6C) defined crimes against humanity as follows:

“Murder, extermination, enslavement, deportation and other inhuman acts committed against any civilian population, before or during the war or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the tribunal, whether or not in violation of the domestic law of the country where perpetrated.”

The inclusion of this charge was basically to punish the Germans for crimes committed against German nationals and aliens who were resident in Germany. Sixteen accused out of the

24 were found guilty under this definition. It is important to note that only at Nuremberg were crimes against humanity recognised for the first time. The word genocide appeared in the indictment of the war criminals. Subsequently in Poland, also in 1946, the prosecutor in the Supreme National Tribunal charged some persons for genocide.

Humanity should be indebted to the noted Polish scholar and jurist Raphael Limkin his untiring effort to make the Genocide Convention a reality. Almost all those who were involved in establishing this convention accept that it is because of this one-man crusade this convention was piloted successfully through all its stages and won the approval in the United Nations General Assembly in December 1948.

The crime of Genocide is as old as history. But the word Genocide was coined by Raphael Limkin from the Greek word 'Geno' meaning race or tribe and Latin word 'Cide' meaning killing. Genocide is directed against group as an entity with action (killing) directed against individuals as members of that entity.

According to Limkin, Genocide is the most glaring illustration of the crime against humanity. International law through the Genocide Convention makes provision to punish this crime over and above domestic jurisdiction. Genocide is a deliberate destruction of a racial, cultural, tribal ethnic or political group.

(Beyond The Wall; Journal of the Home for Human Rights, Sri Lanka)

*Even in times of emergency, armed conflict, insurgency or civil war, the right to life cannot be derogated, as Sri Lanka is a party to the International Convention on Civil and Political Rights (ICCPR).*

Human Rights, the American Convention of Human Rights and African Charter of Human Rights also guarantee this right. The word 'inherent' and the word 'arbitrary' were used with the specific purpose to give the highest

instrumental in conceiving, conspiring and conducting war and crimes against humanity. Members of the nine European countries, which were invaded by Hitler met in London 1942 and declared that they should punish



# The govt. -LTTE negotiation for peace on the Island

By Adrian Wijemanne

The public discourse on the Sinhala side about the forthcoming meeting in Bangkok seems to be clouded by a lack of a clear understanding of its nature. The cause of peace will be furthered if, even at this late stage, there is clarity as to what is impending.

The common object of the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) is to end the war between them and establish a secure peace on the island. This object is to be attained by negotiation between the two parties, which precludes any form of dictation by one party to the other. They have met as equals on the field of battle and now they meet as equals at the peace negotiation.

The negotiation is about peace for all the peoples of the island. It is not about a constitutional reform of the existing state because no constitution can secure peace between peoples who have differing conceptions of their rights and the exercise of those rights. Sri Lanka's own experience is the best proof of this. There have been three constitutions and many amendments of them none of which has averted one of the longest wars in Asia.

Peace needs not a constitution but a treaty between the two parties to the negotiation, which will bind each party to its agreed obligations.

So, at the end of the negotiation there will continue to be two parties as there were at their beginning, not just one party, which has swallowed the other. Each party will have obligations, the observance of which will provide peace for their respective peoples.

The performance of treaty obligations necessitates the existence within each party of the powers necessary to fulfil its obligations (and) powers which are independent of the other and which are not derived from the other. It is only between parties possessed of such powers that a binding peace treaty can be concluded.

It is very important that these implications of what negotiation means are clearly understood by the Sinhala people and their leaders who have spoken so far in the vaguest terms of a constitutional exercise in which they will be playing a dominant role. Nothing could be further from reality.

On the Sinhala side the constant refrain has been the securing of peace within the single all-island state. There is a nationwide, multi-partisan consensus on this. Peace has been inextricably linked to the single all-island state. It is assumed unquestioningly that peace is possible only within the single all-island state, our own bitter experience notwithstanding.

For the last 18 years the single all-island state has been the arena in which peace has proved to be impossible of attainment and in which

*There has been no serious consideration of peace de-linked from the single all-island state nor is there even now. We are locked into peace on one basis and one basis only, namely, the single all-island state in which peace has proved unattainable over a long period of time*

war has prevailed. Even prior to that the single all-island state was the arena for recurring physical violence against the Tamil people and their elected leaders with a view to browbeating them into abandoning their political demands, which were unpalatable to us. There has been no serious consideration of peace de-linked from the single all-island state nor is there even now. We are locked into peace on one basis and one basis only, namely, the single all-island state in which peace has proved unattainable over a long period of time.

If peace is de-linked from the single all-island state there arises the prospect of peace within a two-state island. To reject that possibility means that peace is not what we want and to make clear that what we want is the single all-island state despite the proven impossibility of

securing peace within it. Peace requires a re-examination of the nexus between peace and the single all-island state, which has been for so long an article of faith among the Sinhala people. Persistence in it will jeopardise a successful outcome at the forthcoming negotiation.

On the side of the LTTE the emphasis has been consistently on the national rights of the Tamil nation in the separate area of its domicile on the island and on the autonomous exercise of those rights. There is now an overwhelming Tamil consensus on this behind the LTTE. The statement of those rights was enshrined in the Vaddukoddai Resolution of 1976 and was massively endorsed at the general election of 1977 thus conferring democratic legitimacy on it.

The Sinhala response to this as-

sertion was first a feeble attempt to deny the existence of a Tamil nation, then an attempt to outlaw it as fatal to the continuance of the single all-island state and, finally, to reject it as injurious to the Sinhala nation thus implying the wholly untenable idea that we possess the right to be the sole arbiter of the rights of another nation.

The issue of Tamil national rights has bedevilled all three previous discussions with the LTTE. Now, however, the time for discussion is past and, instead, we are embarked upon a negotiation for peace between equal parties in which the issue is no longer the existence of Tamil national rights but how to reconcile their realisation with peace on the island for both nations.

The negotiation will be greatly helped by a clear, rational conception of what can be changed and what cannot be changed. The island is a physical entity, which cannot be changed even by the agreement of both sides. On that unchangeable platform, however, kingdoms have arisen and fallen, imperial conquests have waxed and waned, and monarchy has been replaced by a republic.

The state is the work of man, which is dispensable in the attempt to secure the supreme aim, to which man can aspire, namely, PEACE. If that simple truth is grasped clearly and not let go, then and only then can we hope for salvation from the talks in Bangkok.

## 'India should offer Kashmir autonomy package' US think-tank fears attempt on Musharraf's life

By MAK Lodhi

The Center for Strategic and International Studies (CSIS), a US government feedback think-tank, is of the view if India is serious to deal with the Kashmir problem squarely, it would have to offer an extremely generous package of autonomy and loosen its hold over held Srinagar.

This is how Teresita Schaffer, Director, South Asia Program, CSIS, summed up her views in a briefing to Pakistani editors and senior correspondents now visiting the US on the latter's arrangements about Pak-US relations, Indo-Pak relations and the Kashmir dispute.

Schaffer retired as ambassador after serving at a number of important positions in the foreign service of the United States and her places of postings include Tel Aviv, Islamabad, New Delhi and Dhaka. She is also author of a

book and studies on Sri Lanka and Kashmir.

She said Pakistan had put Kashmir issue on the back-burner from 1970-89 but during all this time of about two decades India could not resolve the dispute nor redress the plight of Kashmiri people.

Looking at the dispute from an international podium, she said the biggest change has to come from Pakistan in giving a new orientation to the issue but domestically, the onus lies on India to move forward.

"There is no pressure on India to give up Kashmir," she said, "but India is being asked to start talks." Comparing Kashmir problem with other international issues, she said there have been settlements made in other parts of the world, South Africa being one, Cyprus and Ireland are on the way. On Kashmir also, the process has to be started, national and regional leadership should start to change the views



President Pervez Musharraf

and minds of people.

If the perceptions about Kashmir didn't change, she feared the situation in Kashmir is going to go from bad to worse and Kashmir would become three to four times more violent. She said there is a

lurking fear that attempt on the life of President Pervez Musharraf might also be made.

About Pakistan's internal position, Schaffer said the US is not likely to take a strong position regarding elections in Pakistan but Pakistan must build its democratic institutions and they have to be in place for an enduring Pakistan-US relations. She said the present posture of the US government resemble a war-like position, but it would not be so after normalisation of situation in Afghanistan.

She said she is more concerned about Pakistan's internal security situation than its relationship with the US. She was of the view that President Pervez Musharraf's popularity that he enjoyed two years ago has eroded. She appreciated that Musharraf

dealt well with sectarian violence but he "is not ready to abandon support to Kashmiri militants". "I am not sure he is very strong on the issue," she said, adding that "Pakistan's support has clearly not been terminated and its political and intelligence infrastructure remains."

Schaffer maintains that "in the absence of any Indian move to start talks on Kashmir, a permanent end to Pakistan's support for militancy may be more than the Pakistan government is willing or able to do."

About Pakistan's involvement in terrorist activities in India, she said she didn't think that Pakistan was involved in attacks on Indian parliament but she believed that the people who perpetrated the attacks did enjoy Pakistan's hospitality. "What is justified to ask Pakistan is that its hospitality should not be misused."

## Northeast adopting a free market economy

# The pitfalls ahead

By Jude L. Fernando

In his book 'Development as Freedom', Nobel Laureate Amartya Sen argues that freedom is not only the primary end of development, but also its means. Development in its broadest sense "means removal of various types of unfreedoms." According to Sen, political freedoms and economic freedoms are interconnected and reinforce each other. Denial of political freedoms and civil liberties restricts economic life, because without adequate opportunities, individuals cannot shape their own destinies. Conditions under which one exercises political freedom and economic freedom vary and are not necessarily the same. Those who believe in political equality do not necessarily believe in economic equality. Or, they may not have the resources and commitment necessary to achieve it.

Historically, there is no evidence of a country's achieving a healthy relationship between democracy and economic development. Democracy and development for one, has always meant respectively slavery and underdevelopment for another!! Often the democratic freedoms guaranteed (formal equalities) in the political domain are undermined by the inequalities internal to the economic domain.

Be that as it may. My concern here is the consequences for political freedom in the North and East that might result if the region decides to blindly adopt 'free market' economic policies, as has happened in the rest of the country. Already the World Bank, ADB, IMF and the NGOs are consolidating their hold over economic development in the region. Historically, these institutions have exploited domestic crises in poor countries to create an institutional environment that furthers the interests of transnational corporations. For these institutions the world is simply a market place consisting of consumers and an environment to be exploited for the benefit of a few. If their influence is not checked by conscious planning and strong political will, political freedom will become meaningless and the future will hold far more devastating economic crises.

For nearly 20 years talk about minority rights by the mainstream political parties was simply an opportunistic means by which to compete for state power, while the North and East were subjected to military occupation. Various scandals involving military and defense finances have created doubts among the Sinhalese as to whether the government was even sincerely committed to a military solution.

Under these circumstances it

was inevitable that, for both Tamils and Sinhalese, economic development became predicated on an end to the war —albeit from somewhat different ideological standpoints and experiences. The point that needs to be underscored is that, for all practical purposes, territorial ethno-nationalism was institutionalized as a primary determinant of political and economic freedom.

The end of war does not automatically bring economic prosperity. This is becoming very clear for those in the South, and will be an even greater challenge for the North and East. The political settlement of the ethnic crisis is evolving at a moment in world history when the economic policies of practically every country are being subjected to the dictates of the world economy. Even Dr. Anton Balasingham has stated that the LTTE is committed to an open economy, while not elaborating on exactly what that will mean. I guess he is well aware of the fact that no government or international donor agency will tolerate, or provide any assistance to, any group unwilling to accept the free market economy. Although the LTTE might argue that their commitment to an open economy is instrumental and strategic, the consequences will simultaneously undermine both the political freedom and economic well being of the region.

The "free market economy", in today's context, entails organizing the economy and society to function according to the interests of transnational capital, regardless of distributive and environmental consequences. This involves less government and more private sector intervention, as social development is subordinated to the dictates of the global market under the supervision of the World Bank, IMF and the developed countries. While these institutions try to convince us that the free market economic system is rational and benevolent, daily news reports and a large body of research —including some by World Bank economists themselves— expose the adverse realities, and reveal the official line to be so much Orwellian econometric doublespeak.

The world has never experienced a free market as described by the World Bank. It is a convenient myth. Political and military power have always determined how markets function and who benefits from them—even more so now than before.

Today there is overwhelming evidence that the economic policies of these institutions have damaged the economic well being and the environment of poor countries. Many authors have shown that development under such guises as 'development with a human face', 'bottom up' and 'participatory' development and sustainable development, has done nothing but pen-

*Under these circumstances it was inevitable that, for both Tamils and Sinhalese, economic development became predicated on an end to the war —albeit from somewhat different ideological standpoints and experiences. The point that needs to be underscored is that, for all practical purposes, territorial ethno-nationalism was institutionalized as a primary determinant of political and economic freedom*

trate, integrate, manage, discipline and control countries and populations according to the interests of transnational capital. "Development" is nothing but a form of neo-colonialism.

In this regard, the North and East will be far more vulnerable to the privatization of social development than the South. The need for privatization will be justified in relation to the alleged inefficiency of state-owned enterprises. Privatization is necessity to maximize profit for a few private individuals but is masqueraded as a solution for the inefficiency of the state. For example, the fundamental reason for the privatization of the transportation sector in the South is to increase the demand for automobiles, which comprise a high growth industry for the developed countries. Has this improved the transportation system? Absolutely not. Rather, it has increased travel time, accidents and pollution. In an event of an increase in world petroleum prices the country would be in worse shape than if it had an effective public transportation system. (Ironically, these factors can even impede the development of capitalism.)

What we forget is the fact that progress in the private sector in Sri Lanka today is predicated on the massive public sector investments that have been made since independence. It was the Sri Lankan State's investments in the social welfare sector that have contributed towards the high standards of basic development indicators in all communities. Today, open market economic policies have drastically limited the ability of the state to carry out such programs. What the World Bank and IMF do under the guise of decentralization and participatory development, with the assistance of NGOs, is to transfer

the state's responsibility in social development to the private sector and the negative costs of development to the victims of free market economy.

Good governance is defined as disciplining the society to behave according to the interests of the market. A "vibrant civil society" and the "need to develop social capital" means that one makes sure that the struggles for re-distributive justice won't undermine the interests of global capitalism and that one creates conditions for local society to bear the negative consequences of the world economy.

We know from history that infrastructure for exploitation is always developed within the rhetoric of humanism, democracy, civility, and distributive justice.

No doubt capital will flow to North and East, particularly for the development of infrastructure. But this flow will be conditional on a political will to carry out reforms according to the dictates of the market. The cumulative result will be that local prices will be determined by the fluctuations of world market prices. Artificial shortages - what economists call "scarcity" as if it is a natural condition - will be created and institutionalized in order to maximize the profits of private investors.

The World Bank and many local economists would argue that, for example, importing onions, potatoes, and chili from India would reduce their local prices. This may happen for a short period of time. In the long run, however, Sri Lanka will have no control over the prices of these commodities and by then its ability to produce them locally will be destroyed. The demand for removal of import restrictions is nothing but an attempt to restrict the total supply in order to maintain the profits of a few companies. The con-

version of self-sufficient, small-scale economic structures to corporate export-oriented monocultures will lead to a domestic subsistence crisis. Droughts will rapidly create famine and chronic hunger, widespread disease and death. The responsibility of such crises will then have to borne by the local population and local administration.

The introduction of new biotechnologies will transform the development trajectory by enabling the enclosure and commercialization of the local wilderness, of the gene structure, the building blocks of life itself. The forceful intrusion of invention and patenting of new life forms, from cells to animals to humans, will have a profound impact on agriculture, ecology, and human rights in the region. Moral accountability and distributive justice will be filtered through the price system, "with the premise that one's obligations are acquitted by the agreed price for goods and services rendered."

What we have in Sri Lanka is absolute free market economy, meaning that anybody with political power can do anything to maximize profit regardless of its consequences to the overall economic well being of the country and the environment. Multinational corporations are exploiting the lack of economic planning with the assistance of commission-minded local administrators and politicians, to take control over our domestic agricultural and industrial sectors. They, in turn, make their profit as quickly as possible and abandon local agriculture and industry when they are no longer lucrative. Moreover, they do not even repay the loans they obtained from the banking system. The state is stripped off any autonomy to determine the destiny of its economy and culture, and there exists no global institution to respond to the mess created by them.

If the same economic agenda is permitted in the North and East, then political freedom there will simply mean managing the region according to the interests of the IMF, World Bank and NGOs. I think, however, the possibility of evolving a new administrative system in the North and East provides a unique political opportunity to develop an alternative policy framework. This will require a highly imaginative normative framework for economic development that gives priority to re-distributive justice and sustainability of the environment and possesses the political will to realize them. Perhaps, in the end, North and East can set an example for others seeking liberation from global capitalism.

# The forgotten wetlands of the Batticaloa district

Dr. Meena Dharmaratnam  
(Eastern University)

The salt marshes of Sathurukondan, 7 km. north of Batticaloa, were excavated recently to fill low-lying land for building houses in another part of this eastern town.

Tractor loads of clay from this area were mined in an organised manner. This destruction was stopped by the timely intervention of members of Green Leaf, an environmental organisation in Batticaloa, and by the Commissioner of Local Government.

This mining was the result of the lack of knowledge of the various aspects of our environment even among the local educated middle classes in the region. Why should we conserve the seemingly unproductive lands such as the salt marsh in and around the Batticaloa town? Wetlands are one of the richest types of ecosystems in the world, which are as useful as the rainforests and coral reefs. Waterfowls, or birds, which are adapted to wading in water in search of food are well known to us among the wide variety of life forms in the wetlands. The tian of wetlands of the world.

Wetlands are defined as 'areas of marsh, fen, peatland or water, whether natural or temporary, with water that is static, flowing, fresh, brackish or salt, including areas of marine water, the depth of water which at low tide does not exceed six meters.'

Both natural and man-made wetlands occur throughout Sri Lanka, and comprise about 15 percent of the island's land area.

Rivers, streams, riverine flood plains, small isolated freshwater bodies, freshwater springs, seasonal ponds and fresh water marshes comprise natural inland wetlands. Coastal wetlands include estuaries and lagoons with associated mangrove swamps, saline marshes, mudflats and coastal sea grass beds.



A plover over a strip of mangroves in the Batticaloa lagoon by the A15 road Pic. by Buddhika Weerasinghe

Man-made wetlands include rice paddies, irrigation tanks, large reservoirs, canals and aquaculture ponds.

In the 1980s a project on Asian wetland inventory was initiated based on the RAMSAR convention. The Directory of Asian Wetlands was published as a result of this project. Forty-one sites in Sri Lanka are listed in the directory. Sri Lanka ratified the Wetlands Convention, also known as the RAMSAR convention, in 1971.

By this Sri Lanka is bound to protect its wetlands. Bundala,

**The prawn farms that are being set up in Batticaloa with no a proper effluent management plan is very harmful too. They will cause an environmental problem like the Puttalam lagoon**

where migratory birds come annually to spend the winter of the northern hemisphere is the only Ramsar site in Sri Lanka. Other wetland sites have been identified and are in the process of being evaluated.

In 1991, the Natural Resources Management Division of the Central Environmental Authority began the Wetland Conservation Project. The Netherlands Government provided the technical and financial assistance, whilst a National Wetland Steering Committee was also involved in the project.

The aim of the project was to update a database on the wetlands, prioritisation of wetlands for conservation and management, preparation of site reports for 23 wetland sites identified and preparation of conservation management plans for selected wetland

areas. Site reports for 10 of these areas have been completed.

Obviously reports on wetland sites in the northeast were not prepared, as research teams did not visit the war zone.

Here, we should underscore the fact that the Batticaloa lagoon, and the surrounding areas of mangroves, marshes and rice paddies, is one of important sites identified in the Asian Directory of Wetlands.

Mangroves are found on either side of the Batticaloa lagoon. Other important sites include Kathiraveli, Vakara, Panichankerni, Valaichenai, Karaitivu, Komari and Pottuvil. Attempts to compile a site report of mangroves and wetlands for Batticaloa lagoon were not successful.

Subsequent attempts to 'study' the lagoon were dropped due to a petty power struggle between the

administrative system and academics.

Batticaloa lagoon and its surrounding mangroves, marshes and rice paddies extend from Eravur in Batticaloa district to

Thuraineelavani in the Ampara district. Although little known, the wetlands of Batticaloa lagoon are a habitat to a variety of bird life. Many varieties of bird come to winter in the vegetation in and near the lagoons of the east coast.

More than 60 bird species have been recorded in the wetlands of Sathurukondan. The area was classified as a bird sanctuary in the past.

Birds such as snipes, plovers, a variety of sandpipers and garganey teals are some of the winter visitors that have been observed to winter in the wetlands of Sathurukondan.

Cont. on page 12



The romance of the Batticaloa lagoon

## The forgotten wetlands...

*Cont. from page 11*

These birds are usually found in the salt marshes and mudflats around the mangroves.

Although the war has caused immense destruction of the environment in the east, there have been few instances where it has indirectly prevented it.

The rich resources of the wetlands in northeast were inaccessible to commercial interests for unbridled exploitation because of the war and the related risk in making major investments in conflict-prone zones in the backwaters of the region. Hence, environmentally hazardous commercial ventures as prawn farming were not encouraged.

The lessons learnt from the Puttalam lagoon are an eye opener for the fate of lagoons subjected to large-scale prawn farms.

The only large-scale farm started in Kokkadicholai in the west of the lagoon was abandoned due to a massacre in the farm in the 80's. Mangroves were destroyed in Kokkadicholai for the construction of prawn farms – these plants still stand as stumps.

The prawn farms, most of which do not have legal permission to be established have started mushrooming slowly by the Batticaloa lagoon.

But the more extensive expansion of prawn farms in the Valaichenai lagoon must be checked urgently. The Valaichenai lagoon and its flora and fauna have already suffered heavily from the effluents of the paper factory.

The prawn farms that are being set up in Batticaloa with no a proper effluent management plan is very harmful too. They will cause an environmental problem like the Puttalam lagoon.

Mangroves have also been destroyed for military purposes. The Special Task Force cut down the rich wetland vegetation on either side of the A15 road from Batticaloa in Pillaiyarady and Sathurukkondan in recent years.

The stumps of the destroyed mangroves may take years to grow back to normal size. Thick mangroves in many other parts of the lagoon coast, in places such as Kallar, Palugamam, Kiran Bridge etc., were also destroyed by the Indian and Sri Lankan militaries for security reasons.

It should also be pointed out that the trees as well as mangroves suffered severely during the cyclone of 1978. Mangroves in and around Puttur, Koddaimunai etc in and around Batticaloa town were uprooted during this natural devastation.

The ethnic conflict started soon after the cyclone devastation. Hence the forest department had little time to initiate replanting programmes where mangroves had been destroyed by the natural disaster.

Mangroves were cut wantonly for firewood, as there were no forest department controls during the period of conflict. Bakeries and limekilns were largely responsible for the destruction of mangroves for firewood.



*The mangroves of Sathurukkondan, Batticaloa District Pix. by Buddhika Weerasinghe*

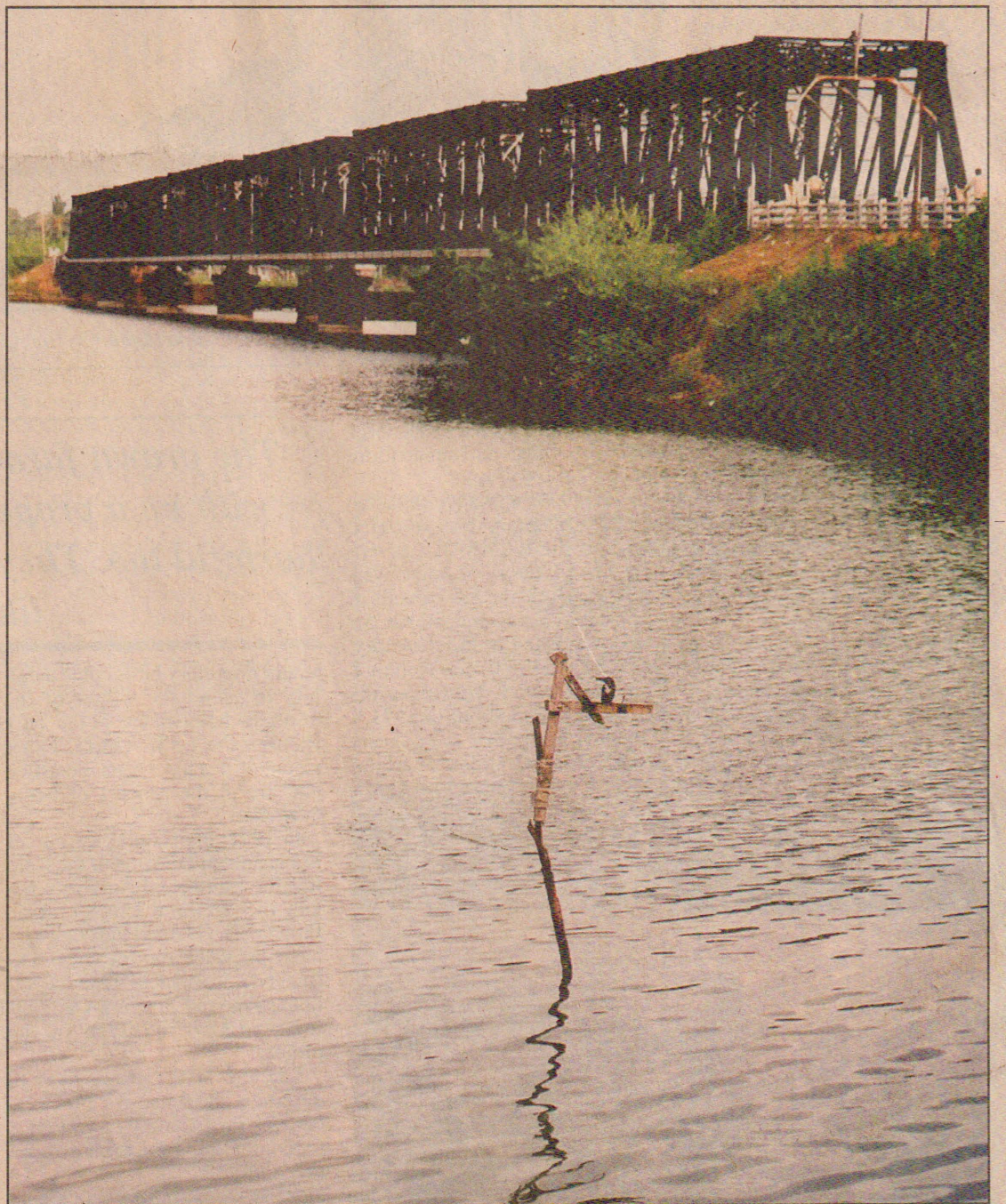
Mangrove replanting is a feasible project. Many such projects have been successfully carried out in countries like India and Africa. Mangrove plants enriching the lagoon coast near the Batticaloa bus stand is evidence for the feasibility of such programmes. Research organisations, universities and the forest department should take the initiative for extensive mangrove replanting programmes.

In the past, the numerous lagoons, inlets and bays along the east coast were fringed by rich mangrove vegetation. R. L. Brohier remarks that "the east coast nevertheless offers a more striking development as one may see at Batticaloa. How very few persons realize what delightful water excursions these still river stretches on the east coast offer. The shores are embowered with the richest vegetation or fringed by mangroves. Only filtered light penetrates into this maze of curiously arched and spreading roots hanging over a dark morass of smelly mud."

The politically neglected wetlands and mangrove resources of the east coast need urgent attention if the rich vegetation described by historians are not turned into prawn farms, which can eventually turn these into deserts.

It is a pity to note that even the fish fauna of the lagoon has not been properly recorded.

Compact sites such as Sathurukkondan should be declared as protected areas. There is a serious threat that we may lose the resources of the lagoon and its surroundings even before we know their full potential and benefits to society.



*A kingfisher on a pole in the Batticaloa lagoon by Kallady bridge*