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NORTHEASTERN HERALD

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Registered as a Newspaper in Sri Lanka
Vol: 01/29 February 14 - 20, 2003 Price 12.00

Library reconstruction to hide cultural genocide?



The damaged shell of Jaffna library (1995)

Pic. by Buddhika Weerasinghe

By S. Somitharan

A controversy has erupted between Jaffna Mayor Sellan Kanthayan and certain civil society organisations over reopening of the Jaffna library scheduled for today. Informed sources told the *North-eastern Herald* it is allegedly due to differences on whether the building's reconstruction by the government is a subtle way of erasing an act of cultural genocide perpetrated over two decades ago when Sinhala thugs burnt the edifice down. However, those opposed to the reopening charged that they were only against the event because of the physical defects in the building. They said those defects had been glossed over by the mayor in his haste to get on with the reopening. Civil society organisations, in-

cluding student bodies have protested that since the building had shortcomings arising from faulty engineering it should not be reopened till the building is made totally safe for users. Sources said there were plans to hold a black flag protest in the event the mayor tried to open the building against the wishes of the students and other members of civil society. The mayor speaking to the *North-eastern Herald* said that it was pointless keeping the building closed if it could be used. "Whatever that was to be completed with the monies already allocated has been done. Additions will be done from funding from the Ministry of Rehabilitation," he said. Sources said that interested political parties were trying their best to manipulate matters so that they could win kudos for the reconstruction. The reconstruction was originally

undertaken by a private party, which was eventually taken over by the Urban Development Authority (UDA) and thereby came under the government. "The PA was very keen on rebuilding the library so that it could score one over the UNP that was responsible for the building's destruction in 1981. Now the UNF is trying one better and saying it will be able to rebuild the edifice. Its all political posturing," said sources unwilling to be identified. They said when the UNF had come to power in 2001, Minister Jayalath Jayewardene had spearheaded the move to expedite its reopening. He had promised it would be done before *Thai Pongal* and would be reopened by Prime Minister Ranil Wickremesinghe. That however had not materialised and now the Jaffna Municipal Council has taken over playing the lead role.

Jaffna library is a municipal library: hence the importance the Municipal Council is attaching to the reopening. Further, furniture and fittings too have been turned out in the municipal workshop. Civil society bodies and students however claim that over and above the tussle to claim credit for the reopening of the building, southern governments were keen on wiping out an act of cultural genocide by appearing to make restitution. "Once a new building is put up the evidence of the barbarity of what took place will be forgotten," said students. They said that in other countries when an act of disgrace like the burning of a library was perpetrated memorials were erected to remain as symbols of the past, whereas here a subtle and concerted effort was being made to deny proof of the incident. Sources pointed to the Holocaust Museum and other institutions that

kept alive memories of the past despite the shame they caused individuals and communities. Hooligans with close ties with the UNP of that time, who were in Jaffna for the District Development Council elections in 1981, allegedly burnt the Jaffna library. Controversial Industries Minister Cyril Mathew and Lands and Mahaweli Minister Gamini Dissanayake, are widely blamed for not preventing the burning of the library when it was in their power to do so. Meanwhile, sources claimed the library is a public good that was rehabilitated to be of benefit to the Jaffna public. They said the public supported the reopening and it was only a politically-motivated minority who were against. "Nobody will protest unless there is backing for it from outside," the sources said. They did not elaborate on who the 'outsiders' were.

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Northeastern Herald

No. 253/3 - 1/2, Galle Road, Wellawatte, Colombo 6.

Telephone: 074 - 510441

SLTMA condemns attacks on Tamil journalists

The Sri Lanka Tamil Media Alliance has condemned the attack on two Tamil journalists while on duty by the security forces today at Manipay in Jaffna. It has pointed out to the government that the Tamil journalists being attacked by the security forces is on the increase.

Following is the full text of the statement.

"SLTMA wishes to bring to the notice of the government, that the incidents of Tamil journalists being attacked while on duty by the security forces is on the increase even during the time of the peace process.

Two Tamil journalists who went to cover the incident at Manipay today 12.02.2003 were severely assaulted by the security forces that were sent to control the situation there. The cameras of the journalists were also smashed. SLTMA categorically condemns the attack.

Mr.S.Sivabalan the reporter and a photographer of 'Thinakural' and Mr.S.Manoharan reporter of 'Eelanadu' are the two Tamil journalists who were injured by the assault of the security forces after

they identified themselves as journalists. The security forces that manhandled and assaulted them with clubs have snatched the accreditation cards issued to them by the Department of Information. The notebooks of these journalists were torn and thrown away by the forces. Mr.Sivabalan's digital camera has been damaged beyond repair. All this has happened in front of the SLMM officials who were present at the spot and the journalists who were affected have complained immediately to the them.

This and another recent attack on another journalist Mr.Thavachelvam at Nellyyadi in Jaffna have made the Tamil journalists in the country to worry about their safety while on duty.

SLTMA wishes to point out that the security forces sent to control troubles should be clearly instructed to behave with journalists.

While we request the government to take appropriate action against persons concerned in this incident, we urge the Ministry of Defense and the Ministry of Media to take necessary preventive measures to prevent such incidents in the future."

Archive to preserve Trincomalee Tamils' historical records

At a meeting held at the North-East Provincial Council Education Ministry's Management Centre Monday evening, a decision was taken to establish an archive to collect and preserve historical documents and other valuable pieces of literary and other research works that prove that the Trincomalee district has historically been a land of the Tamil people.

Malaimaran said that all historical records, documents and other literary works that prove that the Trincomalee district has been part of the Tamil homeland should be collected and preserved.

"Several Tamil historical

records and documents have been destroyed and several stolen and hidden during the military operations by the State armed forces. The written history of Trincomalee has been distorted to suit the extremist elements among the Sinhalese people.

An archive is urgently needed to preserve historical documents of Tamils as these elements are continuing to be actively engaged in distorting the history of the district," Malaimaran said. Tilak, the LTTE district political head, said, "we have lost several Tamil historical records and documents. It is not too late to preserve the available historical records."

CID harasses Tamil businessman in Trinco

The Criminal Investigation Department (CID) is harassing a Tamil fishing entrepreneur (*mudalali*) from a coastal village near Trincomalee over a multi-day fishing trawler he bought recently and hopes to commission soon.

He said the police and the CID had come to his home and made various inquiries as to where and when he had purchased the trawler and to what use he was going to put it.

He is to make an official complaint to the Human Rights Commission (HRC) and copy it to the Sri Lanka Monitoring Mission (SLMM) informed sources told the *Northeastern Herald*.

The entrepreneur alleges that the move might not only be inspired by misguided security concerns but

could be the consequence of economic rivalry. He is the first Tamil entrepreneur to possess a multi-day trawler in the area. The trade in the Trincomalee seas has been dominated by Sinhala *mudalalis* who own between 50 and 55 trawlers between them. There is a single Muslim entrepreneur who owns a multi-day trawler at Kinniya.

"What is very unfair is that Sinhala fishermen can ply their trade without any problem. Only when a Tamil businessman buys a trawler the CID starts making inquiries," said sources hinting that the investigation could be because Sinhala entrepreneurs do not want their monopoly to be broken.

Sources said what was surprising is that the CID was making inquiries about the vessel even be-

fore it had put out to sea. The trawler lies in anchor in the Inner Harbour awaiting final touches before it can be commissioned.

The Tamil *mudalali* is to complain to the HRC that the police investigation was a violation of his right to livelihood.

Rivalry between Sinhala and Tamil businessmen is well known in Trincomalee. Sinhala businessmen in Trincomalee town too have tried to stifle their Tamil counterparts by monopolising the market and evicting Tamils through intimidation and force. The new market that was constructed by the Urban Council as a way whereby Tamil shop-owners too could benefit was opposed by Sinhala traders, and does not function now.

'Incident won't be repeated' - Jaffna SLA commander

Jaffna area commander of the Sri Lanka Army, Major General Sarath Fonseka assured at the conference summoned by the Sri Lanka Monitoring Mission (SLMM) in Jaffna Wednesday evening that he would take appropriate steps not to repeat incidents that had taken place at Manipay Wednesday morning in which SLA soldiers assaulted eight LTTE women cadres with knives, sources said.

Heated arguments ensued between the SLA and the LTTE officials at the conference conducted at the SLMM office in Jaffna.

The LTTE Jaffna political leaders produced samples of the waist-belts

being used by their women cadres.

Major General Sarath Fonseka said he has no objection in using waist-belts which were produced at the conference, sources said. He was accompanied by senior security officials of the SLA.

LTTE's Jaffna district political head Mr.Ilamparuthi, Mr.Semmanan, acting political head, and political activists Mr.Amuthan and Mr.Nishanthan participated on behalf of the LTTE.

The meeting concluded around 6.45 p.m. after three hours of discussion over the Manipay incidents.

Soon after the SLMM conference was concluded Major General Sarath Fonseka was seen having discus-

sions outside the SLMM office with Brigade commanders who had come to the spot in more than fifteen vehicles, sources said.

EPDP members were also observed among the SLA soldiers who attacked the LTTE women cadres and the civilians, informed sources in Manipay.

The attack does not only demonstrate a ceasefire violation, it is a violation of human rights and a violation of women's right, told Mr. Ilamparuthi while speaking to the Tamil media.

The eight injured women have been sent to LTTE's hospital in Wannu region, sources said.

'Mirusuvil massacre a crime against humanity' says State Counsel

The massacre of eight innocent Tamil civilians, including a five-year-old boy, by the accused soldiers of the Sri Lanka Army, was a crime against humanity, said State Counsel Sarath Jayamanne, in his opening address at the trial-at-bar inquiry into the Mirusuvil massacre case Tuesday afternoon. The three-member bench of the trial-at-bar comprised High Court judges I.M. Imam (Chairman), Sarath Ambepitya and Kumar Ekaratna, legal sources said.

In this case, the Attorney General has indicted five soldiers of the SLA for massacring eight Tamil civilians on 16 December 2000 at Mirusuvil in the Thenmaradchi sector of Jaffna district. The charges were read out to the accused, and all the accused entered a plea of 'not guilty.'

State counsel further said that some soldiers of the SLA had brutally murdered eight displaced civilians from Mirusuvil following a

military operation by the SLA in September 2000. "Attacking innocent civilians by the SLA in retaliation to the action of an armed group cannot be accepted," he said.

In this incident, "the army has failed to adhere military discipline," said the state counsel. "Hence the errant soldiers should be dealt with sternly in this case," he said in concluding his opening remarks. He then led the evidence of the sole eyewitness to the massacre, Ponnuthurai Maheswaran.

Maheswaran said in his evidence that he was a resident of Mirusuvil north. Due to the military operation of the Sri Lanka Army, he and several others were displaced from their own villages and were given accommodation at Karaveddy.

Witness further said by December in 2000, displaced people started going back to their village

to see their houses and do clearing work when normalcy appeared to be returning slowly in the area. On the day of the incident (12 December 2000), the witness said, "I went to Mirusuvil accompanied by one Ravivarman. People had to pass through three checkpoints at Mulli, Kodikamam, and Mirusuvil. Eight more persons accompanied me as we went to the village to see our houses and crops.

They were Ravivarman, Janasakthi, her son Santhan, Vilavaraja, his son Pratheepan (16), son Prasad, Jeyachandra and Theivakulasingham."

Counsel Anil Silva and Counsel Mahinda Lockage appeared for all the five accused soldiers of the Sri Lanka Army. Counsel K.S.Ratnavel and Counsel K.Shanmugalingam watched in the interests of the victims, legal sources said.

Sifting the bogey from the bitter truth?

By Rajpal Abeynayake

How much of the conflict resolution process is fact, and how much of it is bogey? For example, there has been the fear among some of the Southern lobby groups poised against the peace process that Prabhakaran is attempting a takeover of the plantation areas. This is the "Malayanadu" factor which has been articulated, especially by the Kandyan Sri Lankans for a long time.

But is up-country domination a fact a myth of just a plain bogey? Prabhakaran seems to have evinced an extraordinary interest in the affairs of the plantation worker community. It is also known that Thondaman Snr and now Jnr., were both partial towards the policies of the LTTE, and that there was a mutual admiration society between the LTTE and the CWC. These factors certainly galvanised the fears of at least sections of the Sri Lankan political elite.

But, that does not mean that there have been any coercive means on the part of the LTTE to really extend its domination towards the plantation areas. Certainly Prabhakaran sees the inherent usefulness of the plan-

This is therefore perhaps the best time for the Sinhala intelligentsia to devise a more clinical approach to the issues, and revamp their think tanks. There was very little paranoia that characterised the Israeli response to the Palestinians. The Israelis and their methods are by no means to be condoned, but the Israeli's cannot be accused of not knowing their enemy

tation community. This is why he devoted a full twenty minutes or so at his famous presser in Killinochichi last April to a question put to him by a Tamil journalist from the plantation areas. He made all the international journalists from TIME etc., wait patiently until this particular question was got out of the way.

It has been difficult for the Sinhala political elite to sift the bogey from the fact and this has resulted in some measure of inconvenience for those who

want to make a real objective assessment of the situation. When there have been "Malayanadu" bogeys tinting the hue of the discourse for as long as we can remember, it is difficult for those who want to make a rational assessment of the situation among the Sinhalese, to avoid the label 'extremist' or 'chauvinist.'

Therefore, obfuscating the issue obviously has not helped those who want to advance the cause of the truth - the truth being that there are some very real anxieties among the bogeys on

the part of the Sinhala polity. Among the anxieties that were palpably false and which could be put down to paranoia was the one entertained at one time that the LTTE will overrun the Sri Lankan state with the help of the large Tamil population in Tamilnadu. Malayadadu is another one despite Prabhakaran's obvious interest in answering the up-country journalist's question at his presser.

It seems ironic that the Tamilnadu political establishment is now almost totally against the LTTE - not counting the diehards of course. But the Tamilnadu government led by Jayalalaita has been able to put the brakes on support for the LTTE to such an extent that this support now can almost be considered marginal, even insignificant. So, "Tamilnadu" was essentially a bogey.

But, what the Sinhala elite did was to underestimate the ruthlessness of the enemy and the resilience of its armed campaign. If half of the energy that was spent on the rhetoric were spent on in fact identifying the strong suit of the LTTE, some work would have been done in keeping the growth of LTTE under some type of control. Instead the LTTE grew in to the military

leviathan that it is today, almost under the noses of the Sinhala political elite who were all the time crying 'malayanadu malayanadu.'

Today there seems to be a more acute awareness of really where this conflict is going. But that is only because there are talks going on and that the LTTE is being sized up by what it does rather than by what it is supposed to be doing. There is a freer flow of information, and therefore the rumour mills are drying up, and the Sinhala bogeys are not getting their sources of sustenance anymore.

This is therefore perhaps the best time for the Sinhala intelligentsia to devise a more clinical approach to the issues, and revamp their think tanks. There was very little paranoia that characterised the Israeli response to the Palestinians. The Israelis and their methods are by no means to be condoned, but the Israeli's cannot be accused of not knowing their enemy. The Israelis were strategists, and the rhetoric was secondary - but in Sri Lanka the reaction has been to rant against the LTTE until the cows came home while ignoring any real means to come to terms with the other side's firepower.

Blair wants UN 'protected areas' to deport refugees

By Raekha Prasad

Labour's new colonialists have conquered another territory: asylum policy. With immigration surging up the political agenda, Tony Blair wants to establish and fund UN "protection areas" for refugees so that Britain can deport most of the 100,000 asylum seekers that arrive here each year.

Such areas, officials claim, will be temporary shelters erected in countries next to states that generate human traffic. Countries producing refugees will be encouraged to desist - first by using diplomacy, then with aid and finally with force. The thinking is clear: if the prime minister cannot control this country's borders, he will control somebody else's.

Yet history has already shown that such efforts are misguided - as Ruud Lubbers, the head of the UN high commission for refugees, could tell Blair when he meets him today. To suggest that asylum seekers would stay in UN special protection areas for only six months while, as the plan states, "the position in their

home country stabilizes" is to ignore the facts.

For decades, from sub-Saharan Africa to Sri Lanka, more than 6 million of the 10 million refugees in UNHCR care have been trapped in exile, unable to return home or settle in their country of asylum. Sending more people back to poor nations will only add to the burden on developing countries, which already cope with 72% of the world's refugees.

In all but name, Britain is proposing a new network of refugee camps - designated areas where those inside have different rights from those outside. To envisage such a plan is to imagine ghettos created by the world's most peaceful and richest countries in some of the world's poorest and most unstable regions.

Blair's ambition is impressive. His officials openly call for the UN refugee agency, weakened over the years by dwindling contributions from the west, to be "moulded ... more as we wish it to be." To do so, cash will be offered to Lubbers by like-minded nations from Europe. But Australia,

whose 'Pacific' solution is to keep asylum seekers off the country's shores and threaten military action against its Asian neighbours, emerges ominously in the plan as Britain's most wanted partner.

The scheme to undermine the UNHCR and to wage war is coated with the words of benign intent. Leaked Cabinet Office papers have civil servants talking of "not washing our hands" of genuine refugees and not "dumping" asylum seekers on the developing world. Yet once refugees were out of the public's sight and mind, there would be little political or legal pressure to keep sending cash abroad so that potential immigrants could be fed and sheltered.

British politicians might well water down vague promises to take back people whom they had sent away. The developed world's track record on repatriation and resettlement is marked by self-interest and political expediency. Refugees from the world's forgotten wars - the 250,000 who fled Azerbaijan or the 1 million living in camps in Tanzania - will remain unseen and unhelped. Refugee camps

become easy targets for military strikes from neighbours, which consider them fertile ground for rebels, and there would be little impetus for western powers to intervene in these remote, low-level conflicts.

Even where the west has created the problem, there is little sign of the great powers riding to the rescue. The tragedy of 350,000 stateless Palestinians in Lebanon was created with the help of British hands. The result is enmity between people who previously had none, leading to an Israeli invasion and a civil war. As with the new plan, the 12 camps in Lebanon were never intended to be permanent. But four generations of refugees have now been born there, segregated from the people and economy of the host country.

Even when the new interventionism has apparently triumphed, populations remain displaced - afraid to return to the scene of conflict and massacre. Despite efforts to encourage 250,000 Serbs to return to Kosovo, there has been little take-up of the right to return. Two million Afghans have gone home after two decades away,

but 4 million remain abroad, unconvinced that the west will stick around to rebuild a nation it reduced to rubble.

Blair's plan reflects not others' preferences but his own. The rationale is that once Britain has transported its Kurdish asylum seekers to Turkey or sent Algerians to Morocco, its populace will no longer seethe with resentment against newcomers. But other poorer peoples will.

The paradox of an interdependent world - one of Blair's favourite themes - is that the ability to control immigration has decreased as the desire to do so has increased. This fact lies unrecognised by the government. Instead, its proposals for changing the European convention on human rights float the idea that the "notion of an asylum seeker in the UK should die".

New ideas are needed to tackle the inequality and hopelessness that drive people to risk death by crossing borders, but meddling in the affairs of sovereign nations and creating no-man's lands in some of the world's poorest regions is not the answer.

-(The Guardian)

Neither party should rock the 'talks boat'

By *Bertram Bastiampillai*

Ebbs and flows, smooth moves and turbulence, attend peace negotiations in Sri Lanka as they do in talks on Northern Ireland and Palestine. A year after the truce called by both parties ushered in calm, the peace process is yet fraught with alarms and upsets. Yet, the civilians throughout the island have been relatively happier, free of trauma and wait anxiously to witness a cordial and satisfying close to the discussions. Both the State and the Liberation Tigers of Tamil Eelam (LTTE) have, in spite of the worrisome events that marred the talks occasionally, reiterated their commitment and intent to settle differences cordially.

Though such a position promotes buoyancy, it has to be stressed that it takes two to tango. As much as the government security and bureaucracy, the erstwhile rebels too should be serious and wary in properly understanding the memorandum of understanding between the government and LTTE representatives. Those who had been engaged in a ruthless, unscrupulous and savage conflict should, after a truce

and concluding terms of an understanding, abide by the conditions that govern its ambience and transform the atmosphere to be conducive to free and frank (and wherever prudent and possible) transparent talks.

None should rock the boat out of haste, anxiety or eagerness, and parties should shed their belligerence-prone thinking and actions. The intent under-girding the joint truce fortified by agreed terms of understanding and watched over by a 'friendly to peace' facilitator should not be sullied by undercover activities both by the State and the 'rebels' of before. A State, or 'rebels' who claim to represent particular peoples in a plural population, should never be intemperate and by overt or covert ebullience, endanger conflict-weary, peace-seeking civilians.

The government and the former rebels should recognize that ultimately people are sovereign. The government and militant rebels of a time ago need their support indispensably. Moreover, both parties are equally involved in negotiations. If one is to revert to the past and revive hostility, a return to peace talks will not be easy, and it will drive disunity and distrust

between the majority and the Sri Lanka Tamil minority deeper, which will be more difficult to erase. Again, a politically dominant majority that may be less accommodative and more obdurate toward the Tamil minority may rise and chances of peacemaking will become more formidable. At least now, despite its slim majority, the prevailing administration is more amenable to acknowledge the wrongs inflicted on the minority and endeavours to remedy them in conclave - a civilized and cordial approach - whereas earlier, a dominant majority often treated the minority as subordinate.

Negotiations will be imperiled if either party now talking peace in Sri Lanka causes untoward incidents. Furthermore, much embarrassment can be created to the monitors whose surveillance is useful to both the State and the LTTE. Additionally, owing to the rather tenuous state of cohabitation prevalent between the executive president and the prime minister, the president's criticisms of some of the outcomes of the peace talks, and the attitudes displayed towards the LTTE by governmental representatives engaged in the peace process, should make the

former rebels to act more warily and with sensitivity to the vulnerability of the prime minister and his government.

Wisely and with understanding, Minister Professor G.L. Peiris curbed the likelihood of the recent unfortunate occurrence near Delft at sea being turned into a spanner thrown into the machinery at the peace talks in Berlin. He was correct in stating that "there will be ups and downs and problems from time to time" and encouragingly adding, "but that will not result in the breakdown of the process" because both sides realize that no alternative exists to building on peace.

Holding calmly onto a truce for long is indeed difficult, but the end has to be reached cautiously and patiently. As much as soldiers used to fighting cannot wait inactively, there will also be a few rebel elements "rearing to go". One is too well aware how undisciplined a few of the security forces can be with desertions, involvement in brawls, thuggery and robbery. Likewise, there can be lack of discipline and restlessness in a few among the other side. This aberrant behaviour is the residue of protracted conflict.

For long, the 'minorities' in Sri

Lanka have been compelled to consider the so-called national mainstream as being unrepresentative of their cultural and power aspirations. When this happens an ethnic group naturally and invariably looks for adequate autonomy or self-determination. This is a consequence of the majority's indifference and neglect, which needs to be dealt with for durable peace to prevail. Additional problems arise from the concerns of other, smaller, groups like the Muslims and the neglected hill country Tamils. These pose huge problems and have to be issues commanding importance and priority at the peace talks.

Conflict resolution and creation of peace are slow, but the search for positive answers to end the conflict in Sri Lanka is absolutely essential. The failures of ending conflict by the UN operation in Somalia, the carnage in Central Africa, the Kurdish issue in Turkey that defies resolution, are a few examples that emphasize the need for persistence, tenacity and dedication to bring about a resolution to conflict and building peace in Sri Lanka. If we fail owing to our folly all in the island will bear the heavy cost of it.

U.S accused of torturing Taliban

The International Secretariat of the World Organisation Against Torture (OMCT), the world's largest coalition of non-governmental organisations (NGOs) engaged in the fight against torture, would like to express its deep concern about increased questioning of the prohibition of the use of torture in countries that had previously vigorously upheld the absolute nature of this prohibition. This is now enabling the nations allied in the so-called "war against terror" to actively engage in the use of torture, either through their security services or those of states known to have poor human rights records, according to allegations made in the Press.

OMCT and members of its global network wish to express their grave concerns in relation with this worrying trend, which, in the post-September 11th epoch, is leading to widespread violations of international human rights and humanitarian law, notably the Convention Against Torture.

Basil Fernando, the Executive Director of the Asian Human Rights Commission, a member of the OMCT network, stated in a recent press release that, "the argument favouring limited use of torture is contradicted by all of

our experience." He continued, "When torture is no longer absolutely prohibited, law enforcement attitudes change. Over time, the mentality that torture is acceptable comes to infect the entire system, and even persons accused of normal crimes get the same treatment as suspected terrorists... Terrorists do not suffer in such an environment: rather, they thrive in it. As the system of law enforcement collapses, they obtain many practical advantages, and are also prepared for any consequences."

Concerning these issues, Eric Sottas recently stated during an interview that, "it is a trend that has been observed in different countries since September 11th and we have to remain vigilant to ensure that antiterrorist measures are compatible with fundamental freedoms, such as the presumption of innocence and the prohibition of torture."

Eric Sottas added that, "there is no doubt that security is a right and OMCT will never take the position that nothing should be done to fight against violence, our position is that what has to be done must remain within the limits of the rule of law."

Of particular concern are allegations made in an article published by the Washington Post on 26 De-

cember 2002, entitled "U.S. Decries Abuse but Defends Interrogations," which claims that techniques of interrogation that constitute torture are being used on al-Qaeda and Taliban captives in secret CIA interrogation centres, such as in the Bagram Air Base in Afghanistan and on the island of Diego Garcia, a British-owned island in the Indian Ocean that the US leases. These centres, which are off-limits to outsiders and even other US Government Agencies, reportedly enable the CIA and its intelligence service allies to have the leeway to exert physically and psychologically aggressive techniques.

Following their capture, prisoners are reportedly sometimes fitted with hoods and gags, bound to stretchers with duct tape for transportation; and then commonly blindfolded and thrown into walls, bound in painful positions, subjected to loud noises and deprived of sleep in order to break their resistance.

Within these centres, detainees are reportedly "kept standing or kneeling for hours, in black hoods or spray-painted goggles...held in awkward, painful positions and deprived of sleep with a 24-hour bombardment of lights - subject to what are known as "stress and

duress techniques." It is worth noting that the UN Committee against Torture has stated in the past that such methods, in particular when used in combination, constitute torture. Furthermore, painkillers have reportedly been used "selectively" on wounded prisoners. The US officials interviewed by the Washington Post "expressed confidence that the American public would back their view" concerning the necessity of these techniques.

Some 3,000 suspected al-Qaeda members and their supporters have been detained worldwide since Sept. 11, 2001, with about 625 being held at Guantanamo Bay, Cuba, while thousands have been arrested and held with U.S. assistance in countries known for brutal treatment of prisoners, according to these reports.

Further to this, nearly 100 detainees who have not collaborated have reportedly been handed over in "extraordinary renditions" to countries - such as Egypt, Jordan, Morocco, Saudi Arabia and even Syria - that the US State Department as well as International Human Rights Organisations, OMCT included, have previously denounced for their use of torture. It is alleged that while the US publicly denies any knowledge of the

use of torture upon detainees that have been handed over to these countries, it is gathering and making use of the information that these interrogations produce.

Considering the gravity of the content of these reports, OMCT would like to urge the Government of the United States of America to invite the United Nations Special Rapporteur on Torture to visit Bagram Air Base in order to dispel these allegations. Furthermore, OMCT recalls that under article 5 of the United Nations Convention against Torture, to which the United States is Party, it has the obligation to "take such measures as may be necessary to establish its jurisdiction," enabling the taking of legal action in response to acts of torture, not only when such acts are committed in any territory under its jurisdiction but also whenever the alleged offender is a national.

Moreover, OMCT notes that the United Kingdom has issued a standing invitation to all of the Thematic Special Procedures of the United Nations Commission on Human Rights and should therefore grant them access to detention centres under its jurisdiction. (WSWS)

'Pardon Sir, slip is showing

By Professor Karthigesu Sivathamby

Last week, BBC's Sandesaya interviewed a senior Sri Lankan journalist, a person well renowned for his military knowledge and competence in three languages, on the Delft incident where three LTTE cadres blew themselves up with the boat in which they were allegedly transporting armaments. There was an effort to link this boat to a ship suspected of bringing arms to the LTTE and unloading them off the Mullaitivu coast.

Unfortunately, I had tuned in rather late and did not hear what the Sandesaya anchor had to say in his introduction. When I tuned in, the journalist was airing his views. He suggested that there were reports in the local press about the alleged unloading of arms and went on to say the newspaper concerned should not publish such news.

The Sandesaya anchor however observed that it was within the right of the newspaper to publish such an item, to which the journalist replied, "No, you are giving information to the enemy." (*Haturanta oththu denawa*) The anchor immediately responded by questioning the validity of the term 'haturu' (enemy) in that context.

To me, the use of the term came – and I must not hide my feelings – as a shock. Of course, the prompt reminder of the blanket use of the term 'enemy' in military parlance checked the direction of my thoughts somewhat. In military language, anyone against whom the soldier has to fight is called an 'enemy.' It is a general term located within the psyche of any soldier on the front.

The distressing aspect however was that by implication Tamils were also portrayed as enemies. I think it should be accepted that among opinion leaders of a Sinhala-Buddhist ideological persuasion an equation is always drawn between the LTTE and the Tamils, and vice-

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.

My grievance lies elsewhere. Sri Lankan Tamils always considered Sri Lanka – Ilangai or Eelam – as their mother country. The word 'Eelam' does not refer only to the north and east of this country. It refers to the entire island and this term has been used to denote the entirety Sri Lanka since almost the 3rd century B.C as may be seen from literary and epigraphic evidence

versa. They have projected the LTTE as an enemy of Sri Lanka and by implication the Tamils too. Even one year of talks and an agreement to accept a federal solution have not persuaded many of these opinion leaders to accept Tamils as Sri Lankans and not as an enemy of the country and its people.

It is not my purpose to fend off criticism of the LTTE. On the contrary, as a devotee of literature, which deals with the use and meanings of words and the syntax that underscores the nuances in the meanings, I was disappointed that after almost 12 months of negotiation, someone could use the term 'hatura.'

It is well known to anyone familiar with literary criticism that the concept 'stream of consciousness' creates montages, which could disturb the soul of the reader deeply by juxtaposing certain thoughts and images and through a particular association of ideas. I am in such a state of mind. I respond with great regret and pain to the use of the word 'hatura' to describe Tamils living in this country. And I think it is my duty to express through this column with all the moral force at my command that this is my country, my own beloved

country. And I do not like anybody doubting the sincerity of my feelings.

Words have meanings and meanings indicate the feelings and perceptions of the user. Treating the Tamils as enemies has been an unfortunate part of the Mahavamsa tradition. It should not be forgotten that describing Tamils as invaders and as a threat to Buddhism has been, and if I am correct continues to be even today, part of the *privena* tradition. *Privenas*, originally meant to be schools for young Buddhist monks, now teach even children not destined for the priesthood.

Buddhist resurgence of the 1930s and 1940s under Anagarika Dharmapala emphasized contempt for the invading foreigner. I do accept the Anagarika's worldview did not specifically include Tamils living in Sri Lanka, but with the rise of communal politics and the demand for federalism (1949), the mental outlook of an average monk invoked this prejudice against Sri Lankan Tamils and treated them as 'hatura.' Sinhala medium social studies textbooks in the school syllabi have this ideology well entrenched.

If one may be permitted to

brood over this, one could say that it were those political and administrative acts that were aimed at marginalizing Sri Lankan Tamils within this country that prompted them to demand a separate state. Let it not be forgotten that the demand is not come from the Tamil militant youths but from the TULF. The militants accepted it as an *a priori* assumption.

My grievance lies elsewhere. Sri Lankan Tamils always considered Sri Lanka – Ilangai or Eelam – as their mother country. The word 'Eelam' does not refer only to the north and east of this country. It refers to the entire island and this term has been used to denote the entirety Sri Lanka since almost the 3rd century B.C as may be seen from literary and epigraphic evidence. *Pattinappalai* refers to "Eelaththu unavu" (cargoes of food from Eelam) being discharged at the port in Tamil Nadu and one of the earliest Tamil Brahmi inscriptions refers to "Eelaththu kudumpikan" (householder from Eelam).

Medieval texts and inscriptions also speak of Eelam. Scholars derive 'Eelam' from the word 'Hela.' This is a hallowed term for the Tamils indicating their cultural heritage. The *thevaram* hymns that refer to Thiruketheeswaram and Thirukoneswaram, as do the Chola inscriptions, give a graphic description of 'Eelam mandalam.'

What the TULF and more ardently the Tamil militants wanted was 'Tamil Eelam,' i.e. the Tamil parts of the Eelam. It was the contractive sense with which it was used among certain journalists that brought into common usage the term 'Eelam war' (also referred to as the Eelamite war). This is a gross misunderstanding, if not a misconception.

It is important to stress that Sri Lankan Tamil literature, right from its institutionalized beginnings, has recorded with pride this country as the motherland and when such references were made, it was not to North and East alone, but to the island as a whole. Poets referred to the entire country as their mother country. There are beautiful poems by

Pulavarmani Periyathambipillai and Somasunthara Pulavar on Sri Lanka in its entirety, which merit translation into Sinhala. Sri Lankan Tamil literary movements since 1940s stressed these facts and even today, Tamil Marxist writers are known for the stand they took on a 'national' literature.

Privena education, neither highlighted Tamil contribution to Buddhism, nor the cultural interactions between Buddhism and Hinduism. High school social studies readers might follow the Mahavamsa and call the Senas and Guttikas Tamil invaders, but no one can challenge the fact that for Sri Lankan Tamils, Sri Lanka is their motherland. This should not be forgotten. We are both Sri Lankan and Tamil.

This is not the place for an exhaustive account of how the Sri Lankan Tamils have developed a rich variant of overall Tamil culture in which cultural interaction with the Sinhalese forms an important part, but a few examples might be illustrative.

To this day in the villages in Jaffna, an elderly lady would prescribe 'Ulli' and 'uluva kanchi' to ascertain whether a pregnant mother has developed genuine labour pains. 'Ulli' is 'suthu loonu' and 'uluva' is 'ulu haal' in Sinhala. Usage from 'nadathoo' to 'nilamae' and 'iyah' to 'appuchchi' indicate the close interaction between the Tamils and Sinhala culture. Even terms referring to social organization and kinship are derived from a common pool.

I do not wish to argue there should be political acknowledgement of this cultural heritage but what I do object to is the feeling among some that the Sri Lankan Tamils do not belong to this land. That, sirs, should be given up and the earlier this is realized the better it is for this country. Buddhism is based on metta and karuna but for the advocates of Sinhala-Buddhism these terms are either unaccented or unpronounced!

ICC judges election a global justice milestone

The first 18 judges elected to the International Criminal Court (ICC), a highly qualified and diverse bench, represent a major milestone on the road to the court's opening, Human Rights Watch said today. The ICC is the world's first global court to try those responsible for genocide, crimes against humanity and war crimes.

"This week's elections have brought this court a giant step closer to reality," said Richard Dicker, director of Human Rights Watch's international justice program. "By electing so many seasoned criminal judges and

lawyers, the member states of the ICC have signaled their commitment to an effective and fair court. With this bench, the court is likely to get off to a strong start."

The elected judges include 7 women and 11 men from Africa, Asia, the Caribbean, Eastern Europe, Latin America, North America, and Western Europe.

At the first Assembly of States Parties meeting in September 2002, states agreed to a set of minimum voting requirements to ensure fair gender and regional representation while allowing for the election of the highest quality judges.

The balloting got underway at the United Nations on Tuesday morning. Seven judges were elected in the first round. Subsequent rounds occurred on Wednesday, Thursday and Friday. The last judges obtained the required two-thirds majority on Friday evening.

"The voting process took 33 rounds and three days," said Dicker. "We are pleased that the best qualified candidates were elected and the least qualified were at the bottom of the list."

Many other international courts have few women judges. The In-

ternational Court of Justice has had 1 in its many decades of existence. The ad hoc tribunal for Rwanda currently has 3 full-time women judges and the tribunal for the Former Yugoslavia has but one. The International Tribunal for the Law of the Sea currently has no woman judge among its 21-seat bench.

"This week states made history by securing high quality gender representation on the bench. It represents a break with the traditional practice of excluding women from these positions," said Dicker.

The court will sit in The Hague,

the Netherlands. The judges will be inaugurated on March 11.

The Assembly of States Parties (ASP)'s next major task is to elect a highly qualified prosecutor. The election is slated for April 2003. The court will have the power to prosecute genocide, crimes against humanity and war crimes committed after July 1, 2002.

The United States does not support the court. Eighty-eight nations have joined the court including states from each region in the world.

-HRW

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Recording Trincomalee's Tamil heritage

It is heartening to note that the Northeast Provincial Council (NEPC) is doing something vital for the long-term betterment of the Tamils that is in consonance with the needs of the time. With the peace process in place, it is indeed encouraging the bureaucratic leviathan is stirring itself by assessing some of the long-term needs of the community and working towards fulfilling them.

The Department of Education of the NEPC held a meeting where it was decided that an archive should be established, which would help to collect and preserve valuable historical and literary data that record Tamil antiquity. This would in turn assist revising the fallacies in the accounts of the belligerent historians and bigoted monks whose shadows have darkened the pages of Sri Lanka's history.

It appears the Tigers too are taking an interest in the subject since Tilak, the LTTE's district political head was present at the meeting and said many records and historical documents had been lost and efforts should be made to preserve those that remain.

From the time official Sinhala colonisation began in Trincomalee, bureaucrats and the military, supported by some Buddhist monks have tried to transform the demographic pattern of the area by settling Sinhalese. While this went on apace, a systematic moves were made to distort the area's history and to portray it as a land of historical habitation of the Sinhalese.

An example of this distortion is at Kucceveli, a village north of Trincomalee, where rock inscriptions in a script known as Vatteluttu, which is an ancient forebear of the modern Tamil script, is reliable written evidence that the area remained under Tamil control till 8th Century A.D.

Such evidence has been concealed by Sinhala historians whose works have fuelled the popular imagination, though one must hasten to add that these opinions have been challenged by other Sinhala historians, but whose works are ignored by those who articulate half-truths about a 'Sinhala' Trincomalee.

While the history of Trincomalee is thus distorted, the archaeological significance of Kantharaodai and Tamil Buddhism in Jaffna are also glossed over. The latest in a series of shameful episodes at Kantharodai is an army detachment guarding a brand new cement statue of the Buddha with an inscription 'purana raja mahavihare.'

Efforts to deny Tamils their heritage by distorting history are nothing new. But what has been sadly absent is that in the almost one year of peace no systematic moves were made to reverse this alarming if not disgusting trend. It is in this context the meeting at the Department of Education of the NEPC appears to be in the right direction.

But 'talk shops' alone will not be enough. If the negotiations are to last without both parties resorting to war, there will come a time when the history of places like Trincomalee will acquire great political importance. When it does the negotiators as well as the Tamil people should be in possession of the facts about the history of the Tamils in Sri Lanka. The establishment of an archive, and hopefully a museum later will go a long way in achieving this.

On perpetrating a parallel on a different kettle of fish

By D. Siavaram (Taraki)

The United National Front (UNF) government is carrying on with the talks as though a political settlement to the conflict is possible.

We have argued on many occasions in these columns that the fundamental provisions of the 1978 constitution will not permit any solution to the ethnic conflict that goes beyond the 13th Amendment in granting regional autonomy to the Tamil people.

Today we have sufficient reason to believe that the UNF leadership is fully aware of the fact that it is not possible at all to implement a settlement that can meet the 'basic political aspirations' of the Tamil people under the provisions of Sri Lanka's constitution.

If this is the case, how does the UNF see the future of the peace process?

Although we do not know what's in the minds of UNF strategists who are handling the peace talks, we can safely venture to say that in theory and in practice they can, under the specific circumstance we have described here, expect the LTTE to get irreversibly inured to peace; build a strong and large peace constituency among the Tamils which the LTTE would increasingly be disinclined to oppose; expand the 'democratic' space in the northeast by encouraging diverse groups and parties to contest elections there in the future; ultimately make the LTTE 'see' or realise the futility of searching for a federal solution.

There are many parallels in other parts of the world where the condition of extended military stalemate (sometimes lasting over 2-3 generations) have impelled separatist movements to drop secession from the agenda of their peace talks with states; and long periods of negotiations and peace thereafter have induced them to settle within the status quo instead of insisting on a radical restructuring of the state in lieu of secession.

The most current instance of this phenomenon is closer to home.

The Nagas in India's northeast have been waging an armed struggle for an independent sovereign homeland for almost five decades. Nagaland was conquered by the British late in the 19th century and was annexed to India.

The Nagas declared independence a day before the British formally granted India its freedom. Gandhi, however, convinced them to remain within the Indian union temporarily for ten years. He told them they would be free to leave at the end of the period.

But 10 years later Jawaharlal Nehru refused to honour Gandhi's pledge and insisted that Nagaland was an inseparable part of the India. (Some of Gandhi's detractors argue that he shrewdly bought time for India to prepare the ground for effectively opposing Naga independence).

The Nagas, being a war like people, began a ferocious armed struggle to achieve their freedom from Indian rule. The Indian army was sent in to crush the rebellion but it inevitably

Therefore in continuing the talks without acknowledging this reality, the UNF is obviously and inexorably committing itself to the well tested strategy for containing and co-opting a separatist insurgent movement into the status quo, sans any radical restructuring of the state.

got mired in the longest counter insurgency campaign in the annals of modern warfare. The Indian armed forces have lost more soldiers in Nagaland than in Kashmir.

The Naga struggle acquired a cross border and trans national dimension as its militants set up training and supply bases in Burma amid allegations in India that they were getting support from China and Pakistan.

Nevertheless, Indian counter-insurgency experts took the long-term view to eventually wear down the armed Naga separatists.

In 1997, Delhi brought about a ceasefire and started a process to prepare the ground for peace talks with the Naga independence movement.

In 2000, it unveiled a policy of rapprochement with Myanmar's ruling Junta, with a view, among other things, to deny the Nagas their rear base.

Direct talks between Delhi and the Naga independence movement began this year in January when the leaders of the National Socialist Council of Nagaland met Vajpayee.

Delhi believes that the great majority of the people of Nagaland have been sufficiently convinced that war is futile, which in turn would act as a deterrent on Naga independence movement, preventing it from going back to war.

Delhi's main aim, however, is to expand the 'democratic' space in Nagaland so that parties other than the Congress (I) would be able to contest elections for the state assembly there. Currently, the discredited Congress (I) led by S. C Jamir is the sole party in the Nagaland legislature.

Congress (I) has none to oppose in the state assembly because all the militant groups of the Naga independence movement have been boycotting elections while regional parties and all Indian parties couldn't find credible local candidates to contest the polls.

As a crucial aspect of the current peace deal, Delhi has got a commitment from the Nagas not to disrupt or call for a general boycott of any future election in the state.

Counter-insurgency strategists in Delhi believe that this would encourage diverse parties and groups to contest elections to the state assembly and Parliament, thereby expanding the constituency of those in Nagaland who have a direct stake in the Indian Union or, in other words, the status quo.

The longer the Naga independence movement is locked in talks, the lesser would be the chances that the local population would countenance a return to war which, in turn, would create a suitable environment in

Nagaland for expanding the constituency of direct stake holders in the Indian Union through elections and other means.

If the number of these direct stake holders in the status quo and their support networks among the local populace expand sufficiently, then the compulsion in the Naga independence movement to insist on a radical restructuring of the Indian Union in lieu of Naga secession would be reduced to a negligible level, according to counter insurgency experts.

Then of course a long period of peace talks would offer inevitable opportunities for Indian intelligence agencies to widen direct contacts and engineer splits in the movement, buy over leaders, subject the Naga population to peace time psyops, foster ethnic and tribal divisions, induce corruption in the ranks of the militant groups etc.,

In the same manner Indian counter insurgency experts succeeded in containing the two decade long armed struggle by the Mizo people to establish the independent state of Mizoram and in eventually co-opting Mizo secessionists into the Indian Union.

Delhi first brought about a military stalemate in Mizoram, then locked the Mizo independence movement into prolonged peace talks, induced it to drop the demand for a separate state and, later, its demand for a radical restructuring of the Indian state and eventually inveigled the Mizo leadership into accepting a solution within the parameters of the Indian constitution.

Given the specific circumstances in which the peace talks between the LTTE and the United National Front government are taking place, the application of a parallel strategy on the part of the Sri Lankan state and its international backers appears inevitable.

As we have reiterated, it is apparently quite clear to the UNF leadership and its constitutional experts that a federal solution to settle the conflict cannot be granted in any form within the parameters of Sri Lanka's constitution.

Therefore in continuing the talks without acknowledging this reality, the UNF is obviously and inexorably committing itself to the well tested strategy for containing and co-opting a separatist insurgent movement into the status quo, sans any radical restructuring of the state.

The only hitch in all this, however, is that the UNF and its backers seem to often forget that they are dealing with the LTTE, which is a different kettle of fish.

Flexible solutions to conflicts: autonomy of Aaland Islands

By V. T. Thamilmaran

"What is urgently needed in Sri Lanka today is clearly a fundamental democratisation of the apparatus and structure of the State. Cosmetic surgery will not work. Any solution to the national question, if it is to retain any viability at all, must go far beyond halfway-house liberalising reform," Sumantra Bose, State, Nations, Sovereignty, 1994

There is widespread fear that granting autonomy to groups undermines the sovereignty of the state. The traditional sense of state sovereignty – as possessing absolute authority within state's boundaries – has already been eroded by the modern global economy, by the recognition of universal human rights, and by development of international law. Group autonomy may threaten the classic notion of state sovereignty, but that notion is already largely outdated.

The political concept of autonomy, in its broadest, refers to self-rule. It is essential to make a clear distinction between territorial autonomy and personal or cultural autonomy if such self-rule to be effective or to bring about the desired results. According to Prof. Ruth Lapidoth, 'territorial political autonomy is an arrangement aimed at granting to a group that differs from the majority of the population in the state, but that constitutes the majority in a specific region, a means by which it can express its distinct identity.' It also recognises the fact that **peoples are not congruent with states boundaries.**

Autonomy granted to the Aaland Islands under the protection of League of Nations based on territorial autonomy still remains as one of the best solutions to ethnic conflicts. A recent phenomenon of autonomous units claiming right to expand their ambit of their powers to include foreign affairs as well is clearly demonstrated by the membership extended to the Aaland Islands in 1996 to join the European Union.

The Aaland Islands are situated in the Baltic Sea between Sweden and Finland, about 65 miles east of Stockholm. Aaland consists of more than 6,500 islands covering a total area of 6,784 sq. km. It is the only monolingual region in Finland.

When one looks at the Aaland Islands from constitutional and international legal perspectives, there are three elements of great interest: the Islands form an autonomous province of Finland; the province is monolingually Swedish-speaking in a country where over 90 per cent of the population are Finnish-speaking; the Islands are a demilitarised region. Another important feature

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of this unique arrangement is that all three aspects have been guaranteed under international law.

Historical background
Until 1809 Finland and Aaland were part of the Swedish kingdom. After war against Russia, which was won by the Russians, Finland and Aaland were ceded to Russia. Once Aaland was under the control of Russia it was soon transformed into a military outpost. Since it was Russia's western-most military station, it enjoyed a great strategic importance. During the Crimean War in the 1850s a combined naval fleet of Britain and France invaded Aaland and destroyed the big and heavily armed fortress of Russia and forced it to surrender. At the peace negotiation held in Paris in 1856, the Swedish king proposed that the Aaland should become an independent state under the protection of Sweden and in turn Sweden would cooperate with Britain and France in defence matters.

However, according to the decision reached at the peace conference of Paris, Aaland Islands, while demilitarised, remained under the control of Russia till 1917. Neither armed forces nor military materials were allowed to station or deploy on the Islands. But during World War I, Russia re-armed Aaland against the attacks of the Germans and promised to Sweden, Britain and France that immediately after the War it would remove all its men and materials from the Islands.

On December 6, 1917, Finland had proclaimed itself an independent republic. This had made the Aalanders to believe that they would very soon become part of Sweden once again. But the newborn state of Finland thought that the small archipelago was not too small to write-off from its territory. Finland unilaterally prepared an Autonomy Act and the Finnish Parliament adopted it in May 1920.

However, neither the Aalanders nor Sweden agreed to what was stated in the hasty legislation and all discussions ended in failure. Great Britain took the initiative of referring Aaland Islands issue to be decided by the League of Na-

tions. The Council referred the matter to the experts of the International Committee of the Jurists (ICJ) to opine on whether the Aalanders were free to secede from Finland and join the Kingdom of Sweden.

According to Sweden, the principle of self-determination under international law would entail the inhabitants of Aaland Islands an opportunity, by way of plebiscite, to register their wish to unify with Sweden. On the other hand, Finland argued that the Swedish reference to the ICJ dealt with a question that was under for domestic jurisdiction of Finland, and hence nothing to do with the League of Nations.

The jurists identified such situations as well and asserted that when the state concerned openly abused its authority to the detriment of the minority, by oppressing or persecuting its members, or else proved to be utterly powerless in implementing the safeguards protecting the minority, the issue of protection of such group cannot remain within the purview of the domestic jurisdiction of that State

Finally, there were two reports submitted by the ICJ on the legal issues of the dispute. In the first report, it was stated that "the grant or refusal of such a right to portion of its population of determining its own political fate by plebiscite or by some other method, is, exclusively, an attribute of the sovereignty of every state which is definitely constituted." It went on to say that a dispute of this nature, under international law, should be decided according to the domestic jurisdiction of either of the states and any other solution would amount to an infringement of the sovereign rights of a state.

The ICJ clearly upheld the Finnish position that granting or withholding the right of deciding the political destiny of a fraction of its population, by means of a plebiscite, pertained exclusively to the sovereignty of any **definitely constituted state.** Nevertheless, the Committee concluded that the Aaland dispute fell within the jurisdiction of the League of Nations. In deciding so, the ICJ noted that the reason for their conclusion was not due to the fact the right to self-determination outweighed the issues of state sovereignty, but because Finland, only recently liberated from Russian control, in their opinion had not yet acquired the character of a **definitely constituted state.** In short, the ICJ was of the opinion that the right to self-determination would apply to the case of Aaland since the Finland was purportedly still in flux.

Following this decision, the Council of the League of Nations appointed a Commission of Rapporteurs to recommend a programme of action for Aaland. The report issued in April 1921 recommended that the Aaland Islands remain under the sovereignty of Finland but that the country be obliged to increase the guarantees already granted under the 1920 Act.

Legal implications of the ICJ reports

There are many reasons to treat

tection of minorities had both a common ground and a common object. This could be nothing but assuring to a national group the maintenance and free development of its social, ethnical and religious characteristics. **However, whenever 'geographical, economic or other similar considerations' prevented resort to self-determination, a 'solution in the nature of a compromise' lay in the protection of minorities.**

Another point, which attracts more attention, was their view that while protection of minorities was the only rational and sensible solution for providing safeguards to ethnic or religious groups without disrupting the territorial integrity of states, **there might however be cases where minority protection could not be regarded as sufficient.**

The jurists identified such situations as well and asserted that when the state concerned openly abused its authority to the detriment of the minority, by oppressing or persecuting its members, or else proved to be utterly powerless in implementing the safeguards protecting the minority, the issue of protection of such group cannot remain within the purview of the domestic jurisdiction of that State.

Furthermore, the Commission of Rapporteurs referred to such exceptional situations mentioned above and took the bolder view that when confronted with such situations, one ought to make an exception and admit the right of 'separation' of the minority from the State.

This is what the Rapporteurs said in their Report: "(T)he separation of a minority from the State of which it forms a part and its incorporation in another State can only be considered as an altogether **exceptional solution, a last resort when the State lacks either the will or the power to enact and apply just and effective guarantees.**"

However, the State of Finland, in the opinion of the Rapporteurs, did not persecute or oppress the Aalanders and was ready to grant satisfactory guarantees and faithfully observe those guarantees. They were convinced of the commitment on the part of Finland and accordingly decided that Aaland Islands had not right to secession.

In conclusion, it is stated that thinking of flexible solutions to ethnic conflicts and talking and learning of various models of autonomy is one thing, but assessing the track record of the will and the power of the State concerned is altogether different. Let's hope the Scandinavians are very well aware of this 'dilemma of engagement'.

(Details of the constitutional arrangements of the Aaland Islands issue will be treated next week)

the views of the jurists as vital in shaping later developments in issues related to rights of minorities and self-determination. The jurists paid much attention to discussing the relationship between self-determination and the protection of minorities. On this matter of relationship, the jurists took the view that the protection of minorities was a sort of fallback position or solution in case peoples could not be granted the right to attain independent statehood or to choose between two existing states due to extra-legal reasons.

They held that the principle of self-determination and that of pro-

Labour moves to "market based higher education"

By Simon Wheelan

Launching Labour's White Paper, Education Secretary Charles Clarke said the government's aim is to create a "fundamentally market based higher education system". In keeping with this objective, the government's White Paper on Higher Education will ensure that a student's ability to take up university study and even their choice of course and college will be determined by their ability to pay.

The government intends to deregulate higher education and allow universities to set their own level of tuition fees. This will bring about a sharp reduction in the number of students from working class families, further stratifying university education.

The government's decision enabling tuition fees to be raised above their current £1,000 per annum exposes its claim to be concerned with ensuring 50 percent of school leavers have university degrees by 2010. This had led to complaints in ruling circles that Blair's claim to be in favour of higher education for everyone could raise social expectations and undermine the privileged position of their own offspring. Big business too has made plain that it considers Blair's pledge as unhelpful.

Under the new proposals, an extensive system of financial obstacles is to be created that will prove insurmountable to many prospective students. This will ensure that the tight grip historically ex-

erted on the "top" educational establishments by the rich and more privileged sections of the middle classes will become even more vice like.

All universities will be able to charge fees of up to £3,000 per year, with payment deferred until graduation. After a three-year course, on top of some £9,000 in fees, many students owe between £10-40,000 incurred during their time at university. Students will be required to begin to repay the full amount owing upon graduation, at a rate of nine percent of all earnings over £15,000.

In 2006, a planned review will in all likelihood result in the £3,000 maximum being dropped in favour of letting market forces dictate fee levels. Imperial College, London, has already floated the prospective figure of £11,000 per year for undergraduate students.

It was all the elite universities like Imperial could do to stop themselves cheering out loud when the contents of the White Paper were released. These establishments have been champing at the bit throughout the 1990s to be able to set their own fees and maintain their international status. Charging higher fees to undergraduates will enable them to pay for prestigious lecturers, allowing them to compete more forcefully with American and Western European universities. These foreign students will be charged the earth for the being taught by internationally renowned academics attracted by inflated salaries.

One such academic Professor Anthony Giddens from the London School of Economics, sought to jus-

tify the measures on national radio. Giddens, who was credited with developing Prime Minister Tony Blair's so-called "Third Way", through which Labour finally severed its historic connection with its old reformist programme, claimed that deferring tuition fees was necessary to attract more working class students into higher education. Likewise, the pro-Blair *Observer* newspaper argued that deferred fees would encourage "equality of opportunity" and bring about increased social mobility.

Giddens and the *Observer* are only parroting the government's line. In his speech to the House of Commons, Clarke asserted that by deferring payment of fees until after graduation, rather than insisting on them upfront, the government had done poorer students a favour. The measure would also enable some 30 percent of poorer students to qualify for a grant of £1,000 per year, payable to all those from families with annual incomes beneath £10,000 Clarke continued.

Such claims are cynical and self-serving. The £10,000 benchmark effectively applies only to those whose families are unemployed, and, as the government is well aware, children raised in such conditions of desperate poverty are unlikely to complete secondary education successfully, let alone go on to university. Even amongst those able to defy the odds, £1,000 would hardly pay their board and lodgings for more than three months.

Over the last 30 years, the market has become the ultimate arbiter of such basic necessities as housing, health and education, enormously

exacerbating social inequalities in Britain. The same will be true of university tuition fees. Even today, less than 20 percent of those from what would be traditionally defined as a working class background have a university education. Despite the rapid expansion of higher education from the late 1980s, the number of working class students entering university has stagnated. The number of mature students from working class backgrounds has fallen: the introduction of top-up fees accelerating the process.

The prospect of shouldering tens of thousands of pounds of debt even before starting a career is guaranteed to deter many working class students from entering university. Already, many students drop out because of their debts and the pressures of having to work long hours in low wage jobs to make ends meet. In London, the drop out rate for working class students rises as high as 40 percent.

Students mainly account for the large increase in university numbers from middle class families—a fact that the government is using quite cynically to justify its assault on higher education.

By introducing higher fees, the government intends to cut back still further on education provision paid from central funds. Funding per student has already fallen by 37 percent since the 1980s, while top rates of taxation have fallen from 60 percent to 40 percent.

The financial benefits of a university education have been cited in order to justify charging higher tuition fees and to portray opposition to this move as being motivated by selfish-

ness on the part of people who should pay for their "privileged" status. The government has cited £400,000 over a lifetime's earnings as the "value-added" component of a university education, without any evidence to back up this figure.

However, even this figure would only represent £10,000 per year over a forty year working life. More importantly, graduates are not a homogenous group who will all earn comparable salaries. Not only is student unemployment at its highest in ten years, but the benefits of a degree are rapidly declining due to greatly increased graduate numbers and the increasingly routine nature of jobs in finance, insurance and other service sector employment.

According to Incomes Data Services, all sectors except the public services have cut recruitment. Some, like manufacturing, have cut it by at least 10 percent. This has depressed some graduate starting salaries to beneath £10,000. At the other extreme starting salaries for those from the top universities, many going into the City of London, begin at a cool £50,000.

More fundamentally, the aim of this type of populist attack on middle class students is to rubbish the concept of access to higher education being a universal right. Labour has repeatedly used the hypothetical example of the street-sweeper paying for the education of the doctor's child through their paypacket. Their real concern is to reduce the tax burden on big business and shift it to working people. (WSWS)

UNSC scared to face human toll in an Iraq war

Is the Security Council scared to face up to the human toll of conflict in Iraq? Irene Khan, Secretary General of Amnesty International, asked today.

"The humanitarian and human rights consequences of war must be given high priority by the Security Council. When war is contemplated against a country whose people have been suffering from severe violations by their government and more than a decade of sanctions, the need for such an assessment is even more important," said Khan.

Amnesty International wrote last week to the President of the Security Council to express concern that the likely impact on civilians of possible military action against Iraq has not received the attention it deserves and should be debated in an open session attended by all members of the United Nations. The organization today welcomed a move by South Africa to request such an open debate and added: "It is imperative that the President of the

Security Council grant this request. A full, informed and open debate by the Security Council on the human rights and humanitarian consequences of any military action is urgently needed."

"Such human rights and humanitarian consequences must be carefully considered and balanced against the threat that Iraq is said to constitute to peace and security, if the Council is to properly fulfil its responsibilities under the Charter."

Amnesty International is deeply concerned that the current human rights and humanitarian situation in Iraq may rapidly deteriorate in case of military action. In particular, there is a risk of renewed human rights abuses by the Iraqi authorities, armed opposition groups, other parties involved in the military operations, and reprisals on ethnic or other grounds. There is therefore a clear need for close scrutiny of, and expert advice on, the human rights situation in Iraq.

"Regrettably, human rights concerns in this context have not been

examined by the Security Council."

"Human rights monitors in Iraq would make a significant contribution to the protection of human rights not only in the current circumstances but also in any future scenario," Khan said.

"Their mandate should cover human rights abuses in Iraqi territory by any party, and their reports should provide the United Nations system with authoritative information on the human rights situation and advice on remedial action."

Amnesty International understands that an assessment of the humanitarian risks of conflict in Iraq has already been carried out by the United Nations. "United Nations Secretary-General Kofi Annan plans to discuss the human impact of conflict in Iraq in an informal briefing of the Security Council, but this issue is far too serious to be held behind closed doors. A formal, open and transparent debate is needed," Khan said.

Amnesty International has today mobilised its global membership to lobby the Security Council for a full

United Nations debate. Amnesty International has also called on the Security Council to ask the Secretary-General for an urgent public briefing on the impact of military action on civilians in Iraq and other countries.

In particular Amnesty International called on the Security Council to examine:

(1) The likely effects of military action on the overall human rights and humanitarian situation of the Iraqi population already exposed to severe violations by their government and the effects of economic sanctions, especially in the event of serious disruption of the food distribution system and damage to essential infrastructure.

(2) The risk that military action would lead to a massive displacement crisis similar to that of 1991, with the need to ensure open borders and international solidarity in order to provide effective protection and assistance to refugees and internally displaced persons.

(3) The risk of grave violations of international humanitarian law, including direct attacks on civilians, the use of 'human shields', indiscriminate attacks and attacks on civilian objects. The impact of any possible use of chemical, biological and nuclear weapons, all of which are inherently indiscriminate, also needs to be assessed.

(4) Ways to ensure the immediate deployment of human rights monitors in line with resolution 57/232 passed by the General Assembly as recently as December 2002.

Amnesty International has welcomed and supported the initiatives taken by the Security Council in recent years stressing the importance of maximizing the protection of civilians in armed conflict situations and ensuring accountability for abuses, as reflected in resolutions 1265 (1999), 1296 (2000) and 1460 (2003).

"I call on the Council to apply the standards it has articulated to the situation in Iraq now," Khan concluded. (Amnesty International)

HR charter should not be to put Tigers on chopping block

By J. S. Tissainayagam

The proceedings of the last round of talks between the Sri Lanka government and the LTTE are not available yet for an accurate analysis of what went on in Berlin. However, human rights activists have been very forceful about what they believe should have formed the substance of the negotiations there.

It appears from what they say that at least a part of the initiative for a discussion on human rights at Berlin comes from civil society actors, though such a move found resonance in other quarters too, such as in the international community.

Early last year too, soon after the Ceasefire Agreement was signed, there was a concerted move by civil society to strengthen the human rights regime operating in the northeast. However, what was reprehensible in those moves was the almost exclusive focus by civil society human rights activists on the transgressions of the LTTE – child soldiers, forced recruitment and extortion.

They were however blithely unconcerned about the naked violations carried out by the Sri Lankan state, the most prominent of which at that time was the refusal to dismantle the apparatus of terror created by the PTA and emergency regulations. This was however followed by other violations by the state, including the military's reluctance to leave public buildings and places of worship and today nonchalant refusal to budge from the high security zones (HSZ) or return private property.

There seems to be a slight shift of tack by human rights activists today. Though this might not find a positive acknowledgement in all quarters of civil society, activists believe that any agreement between the government and Tigers to enforce human rights norms in Sri Lanka should not be to put the LTTE on the chopping block.

A fundamental in any programme of conflict resolution involving two parties is that concessions and undertakings should be on a reciprocal basis. One of the assumptions of the implementation of the Ceasefire Agreement too was that. Though both parties have and continue to violate the Agreement, one of the main reasons for it to hold is because the Agreement enjoined both parties to undertake certain measures.

Perhaps a fair and reasonable way of setting about installing human rights norms would be to have both sides agreeing to a set of standards. In El Salvador for instance the beginning of the peace process was to have the

This input they say should be to look at all aspects of the process from a rights perspective. Even the humanitarian work of SIHRN may be viewed from a rights perspective such as providing ideal conditions for IDPs to return by adhering to the guidelines issued by UNHCR for refugees. Or to look into how human rights could be strengthened in the political process to ensure pluralism, rule of law and good governance

rebels and the state agree to implement human rights law. But this would however mean that both parties to the Sri Lankan conflict should be willing to do so, and what is more, their willingness would be predicated on how far the peace process has genuinely gone forward.

Civil society activists expressed reservations on the propaganda unleashed by sections of the media on child soldiers that was also supported by groups within the political establishment, the international community and some NGOs. Though the media focus was on child recruitment since it is embarrassing for the Tigers, the statement issued by the Norwegian Embassy at the wake of the talks points to other issues of vital importance to children in the northeast such as improving nutritional levels, education and health facilities also being taken up for discussion.

Similarly, it was believed the talks were going to demand assurances by the LTTE to allow freedom of expression and political pluralism, which basically translates into allowing the EPDP to function without any political constraint and for newspapers and human rights journals critical of the Tigers to be freely accessible in all parts of the northeast.

However, human rights activists believe using this as a stick to beat only the LTTE, while the south continues imposing grave limitations on pluralism is a practice that should be halted in the event a human rights charter is drawn up. The most significant violation of the norms of pluralism in the south is blatant election malpractice that has sullied the results of numerous plebiscites over the past 25 years.

Further, activists emphasise that any suggestion that human rights standards should be enforced only in the northeast is untenable because it will automatically give rise to double standards that would go to undermine the peace process.

What will be of importance for an effective and credible human

rights regime to come into operation will be monitoring. Even during the early days of the ceasefire, when in the run-up to talks civil society groups were hell bent on pointing the finger on LTTE abuses, part of their criticism was directed at the SLMM because it was not going behind the LTTE's transgressions with fervour. The eventual conclusion was that the SLMM was an organisation that could investigate military violations; human rights violations had to be pursued and punished by a group of specialists.

Civil society groups seem to favour the establishment of a sub-committee on human rights (SHR) like the sub-committees that have been established on immediate humanitarian and rehabilitation needs (SIHRN) and the sub-committee on political affairs. The ideal SHR would be functioning within the peace secretariat and integral

There will be light at the end of the tunnel however if the international community and civil society agree to a modicum of fairness in drawing up and implementing the human rights blueprint for the simple reason that it will be one more way of not upsetting the negotiations and ensuring the LTTE remains locked in talks. But that move will have its own problems.

to the peace process by having an input in the functions of the other sub-committees as well.

This input they say should be to look at all aspects of the process from a rights perspective. Even the humanitarian work of SIHRN may be viewed from a rights perspective such as providing ideal conditions for IDPs to return by adhering to the guidelines issued by UNHCR for refugees. Or to look into how human rights could be strengthened in the political process to ensure pluralism, rule of law and good governance.

Civil society activists believe that an institutionalised process cannot function in a vacuum and has to cooperate closely with existing local structures, which would also mean strengthening them. It is also crucial for monitoring. Civil society workers feel those on monitoring bodies would have to be independent, objective and fearless. And this essentially requires a foreign component working with the locals on these bodies.

The Berlin talks agreed that former secretary general of Amnesty International, Ian Martin, will draw up a charter or 'roadmap' of human rights issues to be implemented in relation to the peace process that will incorporate: substantive human rights commitments to be executed throughout the negotiation process, effective mechanisms for the monitoring of human rights, training of LTTE cadres and GOSL officials in human rights and humanitarian law, and training of police and prison officers.

Though civil society activists speaking to the *Northeastern Herald* expressed the utmost conviction that these would have to be the lines on which any blueprint with a sincere commitment towards peace should be drafted, there are a number of issues regarding the roadmap, the players and the institutions involved in the process that need a second look.

1. Emphasis on pluralism, freedom of expression, teaching human rights to the police and the demand to suspend recruitment of child soldiers seem to suggest

raped? Therefore any blueprint should be careful to ensure that PTA and other laws that contravene international human rights standards are repealed.

2. NGOs, especially international ones, enjoy low credibility among perceptive sections of the Tamils and institutions that do not depend on western donors for funds. Even INGOs working in development have earned the ire of the LTTE and other local organisations functioning in the northeast because they (INGOs) refuse to discuss their programme of work, push their own priorities that do not appear important to the inhabitants of these areas and are even seen as a covert fifth column endangering the security of the northeast.

With the LTTE agreeing to work with UNICEF, UNHCR and other INGOs, perhaps there is a lowering of such suspicion. However, it is hard to believe that NGOs and other organisations in civil society that are expected to take the lead role in implementing and monitoring the human rights will be taken seriously by civic organisation in the northeast – especially in the LTTE dominated areas.

3. Ian Martin was the author of a biased, one-sided report for the Working Group of NGO Forum on Sri Lanka early last year, which was basically a litany of Tiger violations in the northeast and hardly a whisper about the south. Perhaps Martin has since changed his views, but if he has not it might be best to keep him at an arm's length.

With the drawing up and implementation of the human rights blueprint fraught with such uncertainty, there seems very little to be desired though the intentions of those who are genuinely committed to human rights cannot be doubted.

What is also worrying is why the LTTE has been so accommodating. If it is because the organisation is unwilling to adhere to whatever standards set up by Martin and Co. because the basic instruments of oppression in the south such as the PTA are not going to be removed, it will be disastrous. The human security of the Tamils then will suffer a double blow – one from the north and one from the south.

There will be light at the end of the tunnel however if the international community and civil society agree to a modicum of fairness in drawing up and implementing the human rights blueprint for the simple reason that it will be one more way of not upsetting the negotiations and ensuring the LTTE remains locked in talks. But that move will have its own problems.

there is a move to look at issues from a post-conflict perspective.

To the Tamil civilians, strengthening of human rights would necessarily mean giving assurances that in the tragic event of war recurring (LTTE's chief negotiator Dr. Anton Balasingham has stated it as a possibility in the event the PA is re-elected) they will not be targeted by the state once again. What is the point of ensuring the rule of law that allows the EPDP to do political work in the northeast, if the resumption of war will find hundreds of Tamils incarcerated, tortured and killed and the women

Some home truths about high security zones

By Adrian Wijemanne

High security zones which have become such a vexed subject of contention between the GOSL and the LTTE lately have received only a passing mention in the Agreement on a Ceasefire of 23rd February 2002 (loosely called the Memorandum of Understanding). Article 2.2 of The Agreement provides for places of religious worship falling within high security zones to be returned to civilian control by 25th March 2002. That is the only mention of high security zones. Article 2.11 refers to "security forces' camps on the coast" but high security zones are mentioned only in Article 2.2 in the very limited way mentioned above.

However, it is now known that in the thickly populated Jaffna peninsula the 30,000 or so troops of the GOSL stationed there are located in "high security zones" comprising considerable extents of private residential and agricultural property from which their owners and occupiers have been evicted. The present imbroglio is about having some of these lands released from military occupation and returned to their former use. The GOSL's military commanders in Jaffna seem to be reluctant to release any land and, instead, have asked the LTTE to disarm or re-deploy its forces in the near vicinity as a precondition for any release of these lands.

The army commander's letter to the LTTE on this subject contains the word "terrorist" which does not appear anywhere in the Agreement between the GOSL and the LTTE. Perhaps with a view to defusing some of the tension built up already the GOSL has engaged a retired Indian military officer, Lt. Gen. Satish Nambiar to look into the matter and recommend a compromise. He has met with GOSL officers in Jaffna and civilian organisations in Jaffna who have an interest in a solution but the LTTE has had no meeting with him so far. He has made it clear that there are both political and practical aspects to the problem and that his remit is only to the practical aspects and not to the political.

The practical aspects of the problem

From some commentaries in the English language press in Colombo it is possible to deduce that there is a triumphalistic feeling about the presence of such a large GOSL military force in the Jaffna peninsula. It is said that however

In short, the "security" in the phrase "high security zones" is the security of the GOSL forces in the virtual state of siege in which they now are. The understandable apprehensions of the GOSL forces can be dispelled only if the surrounding population becomes well disposed towards them

hard it tried the LTTE was unable to expel these GOSL forces from its heartland. On the other hand the forces in question find themselves surrounded by a hostile population in a thickly inhabited area. Until the Agreement was concluded the food, fuel and supplies needed by these forces were transported by sea and air; now though a land route is open it passes through a considerable mileage of LTTE held land. It is a very precarious situation for any military force to be in and in the event of a resumption of hostilities its plight could be dire indeed.

So its desire to see the LTTE disarmed or, at least, relocated so that its long-range artillery could not reach the high security zones is understandable. In short, the "security" in the phrase "high security zones" is the security of the GOSL forces in the virtual state of siege in which they now are. The understandable apprehensions of the GOSL forces can be dispelled only if the surrounding population becomes well disposed towards them. Not only is this an impossibility so long as they are excluded from their homes and agricultural lands but on the contrary the very peace that has been established by the Agreement promotes an ever growing pressure for the return of the lands in question which when frustrated by refusal raises the level and intensity of hostility. The situation may be likened to a powder keg, which far from being defused is, instead, being primed for an explosion.

The other side to the practical aspects of the problem is the unenviable, indeed intolerable, situation of the people whose properties have been forcibly requisitioned by the GOSL forces. Many of them languish in indescribable

conditions in squalid refugee camps supplied with meagre hard rations by NGO's both foreign and local. Nor have they been told of what compensation will be paid to them for the deprivation they have suffered and continue to suffer. This has been their plight for the last seven years and the government which is responsible for their welfare has not evinced the slightest interest, let alone sense of urgency, in restoring their homes and lands to them. On the contrary, the government admits virtually that it is unable to deal with the problem, which is why Satish Nambiar had to be called in. Any

There can be no more sure and certain way of demonstrating to him and his people the impossibility of living together in peace and dignity in a single state than insistence on the maintenance of high security zones amongst his people not only in the Jaffna peninsula but also elsewhere in the northeast of the island

compromise recommended by Satish Nambiar could well be acceptable neither to the GOSL forces nor to the evicted landowners throwing back on to the government the hard decision of what should be done. Which brings us directly to the political aspects of the problem, which Satish Nambiar

has said, quite rightly, is not a matter for him.

The political aspects of the problem

There are very fundamental issues that lie at the very heart of the problem. Thirty thousand Sinhala troops find themselves besieged in the Jaffna peninsula as the direct result of the policies of a succession of Sinhala governments, which had only one answer to the secessionist demands of the Tamil people, namely, the military answer. It was relied on long before the LTTE came into being. Indeed, it was that policy that brought the LTTE into being and fashioned it into the powerful entity it now is. This is not a phenomenon peculiar to Sri Lanka.

In many other countries military force has been relied on to deal with political issues unpalatable to the government in power. Some of them are governments, which should have known better on the basis of their own history. Today, British troops patrol the towns and villages of Northern Ireland and its challenger, the IRA, grows in strength and influence all the time, unvanquished and unvanquishable. The Federal Republic of Yugoslavia depended on military force to suppress the nationalistic urges of its several nations, which strove for a looser bond. Just this week it vanished finally from the international

the urgent, dangerous possibilities they pose can only be dealt with by a fundamental change of policy abandoning the military route for an attempt to win the hearts and minds of the Tamil people.

We must begin to understand that the people of the Tamil nation inhabiting the northeast of the island have a perfect right to rule themselves in a state of their own. They do not deny that right to us. They acknowledge that we have a perfect right to rule ourselves in a state of our own where we live. It is our refusal to recognize that right in them that has led to 18 years of war and our ignominious defeat at the hands of the LTTE. In the sonorous rhetoric of the Vaddukoddai Resolution, exactly 200 years after the American Declaration of Independence, the Tamil nation opted for complete independence in 1976. An year later, at a general election conducted by the Sri Lankan government, they voted overwhelmingly for the aspirations of that Resolution. In 18 years of relentless war and heroic sacrifice against the Indian Army and the GOSL army they have won the right to self rule in their homeland.

It is we, not they, who desire that the Tamil nation should dwell in the same state as ourselves. At our unremitting urging for a single state their leader Mr. Pirapaharan, has now expressed his willingness to accede to our request on the basis of complete internal self-rule within a single state. He has made it quite unambiguously clear that if that proves unattainable the alternative will be complete, separate independence. There can be no more sure and certain way of demonstrating to him and his people the impossibility of living together in peace and dignity in a single state than insistence on the maintenance of high security zones amongst his people not only in the Jaffna peninsula but also elsewhere in the northeast of the island.

The time has come for the tectonic plates that have underlain our failed policies to undergo a seismic change. The military option has to be abandoned root and branch for a rational accommodation with our heroic neighbours on the basis of equality and good-neighbourliness. Then, and only then, can they and we sit down together to fashion a new state, which will satisfy the rights and aspirations of our two nations.

-(Thamil Sangam)

State's attempt to wipe out the Tamil community in Amparai

By K. M. Tharmalingam

The decision taken by the government in June 1990 to give full freedom of action to the security forces to hunt down the LTTE resulted in the disappearance and deaths of innumerable Tamils in the Amparai District.

From the recorded statements made by affected persons it is evident that those upon whom the power of search and arrest (without warrant) was delegated, were those who committed large scale violation of human rights. And, either out of their ignorance of or indifference to human rights law, the law of war and the norms of civilized life, they engaged in murder, arson and robbery and caused the disappearances of several hundreds of men, women and children. Those who managed to reach home after detention admitted that they suffered torture and inhuman and degrading treatment from their captors, who were members of the armed forces.

Testimony of witness Marcandu Shanmugam (50 years in 1990): "I live at Pandiruppu, Kalmunai. 'The kola kottiya' (meaning the security forces in mufti) abducted nearly 500 men from my village during a series of raids in June-July 1990.

"On 27 June, 1990 at 7.00 a.m. when people were getting ready to go to work and the children to school, the younger of my two sons, Manoranjan, (16), was preparing to go to school too.

"Soldiers walked into my home, looked at everyone and ordered my younger son to join them. I, together with the other members of the family, pleaded with them to spare my son. Our appeals were of no avail. My son was abducted and I did not see him again.

"The soldiers also took away three young men from the house of my neighbour Mr. Shanmuganathan, - a medical laboratory technician, attached to the Batticaloa Teaching Hospital. Of the three, one was his only son, the other was his sister's son from Jaffna, and another his cousin, also from Jaffna. I followed them. They were put in a bus and the soldiers told me that I need not have to worry as the boys would be released within three days from the Karativu army camp.

"Our attempts to communicate with the children, or, with the officer-in-charge of the camp were unsuccessful. We could not enter the camp. Since the children did not return, we decided to make another attempt to meet the OIC and if possible to get the children through the payment of a bribe to the soldiers. The mothers and spouses of the arrested persons decided to go to Karativu army camp on the 11 July.

"Fourteen days after the abduc-

"With instinctive caution, I stepped inside. The soldier hiding behind the door hurled a sword aimed at my neck. I ducked but the sword struck my neck. I fell instantly, face downwards and pretended to be dead. Blood gushed out of my injury and the soldier took it for granted that he had killed me.

tion, on 11 July, around 10.15 a.m., I left home with about one hundred people including my neighbour Shanmuganathan and his wife Pushparanee. They carried gold jewellery and cash to be exchanged for the release of the boys. As there were no buses, we walked to Kalmunai and reached the Kalmunai junction near Wesley College around 10.30 a.m. Just then, a contingent of about 50 soldiers from the Sri Lanka Army arrived there in vehicles. They enquired from us as to who we were and what was our mission.

"We explained to the commander of the contingent who we were and the purpose of our visit. The soldiers examined our national identity cards and (the commander) spoke to someone over his walkie-talkie. Thereafter, the men were separated from the women. As the soldiers were engaged with us, another group of men and women from the Muslim community arrived there. The men were dressed in sarongs and women had their heads covered. The commander of the contingent enquired from them whether they were Tamils. When they answered that they were Muslims going to the market, they were asked to wait separately.

"The Tamil women were asked to squat on the edge of the road facing Murugan Stores which remained closed. The men were asked to form into groups of six and wait. The Muslims were later asked to proceed.

"The soldiers communicated again over their walkie-talkies and asked the women to walk in one direction to be transported to Karativu army camp. The men were asked to walk towards Police Station Road and remain behind the premises of the Colombo Stores. The soldiers led us into the backyard of Colombo Stores and asked us to enter six by six giving enough time to record information. I was the 18th person, the last in the third group. As I approached the building into which 17 others had entered, I saw a soldier hiding behind the door that led inside. When my turn came, a soldier standing near the door directed me to enter the building. I stepped cautiously into

the building through the entrance where the soldier was hiding.

"With instinctive caution, I stepped inside. The soldier hiding behind the door hurled a sword aimed at my neck. I ducked but the sword struck my neck. I fell instantly, face downwards and pretended to be dead. Blood gushed out of my injury and the soldier took it for granted that he had killed me.

"I was in terrible pain and I found persons who entered the building before me dead with their necks slashed. Men who came after me suffered the same fate and those who did not die with one cut were beaten to death. When all were done to death, the soldiers brought fuel in plastic cans, poured it over the dead bodies and lit a fire. Smoke engulfed the building and the soldiers could not stay. My left leg got burnt and I waited until all the noise was over.

"When all soldiers left, I crawled out of the building into the premises of a Catholic Church from where I entered the Bank of Ceylon premises which was also deserted. I managed to reach Fatima College, from where I obtained assistance to reach Kallar. I stayed at Kallar for several months, getting treatment for the injuries from the sword and the fire. Men and women - a little less than one hundred - who went with me to Kalmunai in the hope of securing the release of their dear ones had all disappeared with bundles of cash and jewellery they carried with them to obtain the release of the arrested persons. Whether the women suffered death, or, what happened to them remains an unsolved mystery and I heard stray dogs starved of food were seen carrying partly-burnt organs of the human body, mostly parts of limbs."

Of the many thousands who disappeared, another reported case is that of a 53-year-old schoolteacher Kumaraswamy Kanapathipillai, an accomplished writer, who wrote poetry under the pseudonym 'Pandooriyan.'

Pandooriyan had two sons studying at the Maruthamunai Al-Manar Vidyalaya, in the GCE (A/L) form. They were arrested in a search operation and the father was taken

away on 3 July 1990 around 10.30 p.m. rudely awoken from his sleep, after his priceless possession of books were consigned to the fire. Father and sons did not return home - they disappeared. Pandiyooran's wife suffered a nervous breakdown.

The reported arrest and disappearance of Kanapathipillai Arunachalam, (46), together with his three sons, Arunachalam Prabhakaran, (23), Arunachalam Sudhakaran, (20), and Arunachalam Paskaran, (16) - the last two being students - from their home on the 21 June 1990, and the plunder of a large stock of goods held in Arunachalam's wholesale depot at No. 66, RKM School Road, Kalmunai, makes it crystal clear the soldiers who went to Kalmunai not only took orders from their commanders, but also had a vested interest to liquidate Tamils engaged in trade, business, industry and education.

Arunachalam's disappearance together with his children was the result of ill will and envy over his success as a wholesaler dealer. Although the arrests were reported to the brigadier at Kondawattuwan army camp, the police, Member of Parliament A. R. Mansoor and to Chandrika Kumaratunga in 1994 when she took steps after assuming office as President to set up commissions of inquiry on disappearances, nothing happened.

Narayanapillai Nagarajah was a leading educationist at Kalmunai. He was the principal of a school. His two sons, Thiruchenthooran and Thiruchandiran who were students at Carmel Fatima, an important school in the area, were abducted by the armed forces. The younger one - Thiruchandiran - was abducted around noon on 21 June 1990 from home, while the elder was abducted when on his way to the temple. Their mother died of grief over the disappearance of the two children.

Several persons were picked up from their homes, some while at lunch and many while preparing to eat. Some were taken into custody while on their way to schools or places of work. And, among those arrested were public servants - teachers, clerks, a postmaster, grama niladharis, private medical practitioners, technicians, fisher-

men, farmers, dairymen, washermen and school children. Most of the disappearances in Amparai went unreported.

In one incident, 23 farmers harvesting paddy at Neethai in Akkaraipattu on 23 August 1990 disappeared. Two other farmers, Kanapathipillai Thavarajah alias Sundaramoorthy (28) and Thamootherampillai Thangarajah (34) were taken into custody at Sagamam on 16 May 1991. Both disappeared.

Persons while travelling - in buses, on motorcycles and bicycles - suffered arrest and disappeared. On one instance M. Kathiravelupillai, a grama niladhari who was to retire in December 1990 on reaching his 60th year, disappeared with his aged wife, his nieces and nephews and grandchildren as young as two years. They were travelling to Colombo in a CTB bus, on the 26 November 1990. The security forces manning the Malwattai - Walathapitty checkpoint arrested them. The driver of the bus who reported the arrest of the passengers too disappeared at the Amparai bus-stand later.

Hundreds of fisherman who were fishing in the lagoons disappeared, as did shepherds who went to tend their cattle in the pastures.

Sorrikalmunai in the Sammanthurai electorate is an entirely Christian village of about 3000 Catholics. Rev. Fr. Selvarajah was a tower of strength to the communities around the several villages in the area. Not only non-Christian Tamils even Muslims benefited from his devoted service. In July 1990, Rev. Fr. Selvarajah disappeared while travelling on a motorcycle.

When the people realized that the citizens could no longer enjoy the right of personal security and freedom from arbitrary arrests and disappearances, they took refuge in the church. The armed forces with home guards even raided the church at midnight and carried away hundreds of men. Even women were not spared but returned with torn clothes as a result of molestation.

There is a heart-rending story of A. Kanapathipillai of Tiruvalluwar Road, Pandiruppu, who had three sons, Yogarajah (28), Kiruparatnam (26) and Jeyakumar (23). They were all handloom weavers working for a Muslim entrepreneur. They were arrested while going for work on 27 June 1990 and disappeared. Both Kanapathipillai and his wife died of grief.

Veeramunai was a Tamil village that suffered from inhuman and brutal attacks when hundreds of men, women and children disappeared. One hundred and fifty-seven persons were reported lost.

Cont. on page 12



State's attempt...

Pottuvil was another Tamil village where hundreds were hunted down. In Lahugala Farm a traditional Tamil village where 30 Tamil families resided, the armed forces aided by Sinhala youth took into custody 16 males including government servants on 16 June 1990; they never returned. A complaint was made to the police, but nothing ever came of it.

These human rights violations took place as the army advanced towards Thirukovil through Pandiruppu, Kalmunai, Karativu, Malwattai, Chavalakade, Veeramunai and Sorrikalmunai causing the Tamils civilians to flee these villages. They arrived at Akkaraipattu with stories of army atrocities against an unarmed population who were unconnected to any form of violence. They also said the militants had packed and gone from camps in places like Thirukovil long before the army began its march.

Hearing this, Tamils in Akkaraipattu decided to reach places of safety. Some went into the jungles, while others went to Kolavil, Panamkadu, and the middle-class in the employment of government went to Alayadivembu where the Thirunavukkarasu Vidyalayam was made a refugee camp. So were the schools at Kolavil and Panamkadu. The families living

around the Roman Catholic church called the Church of Our Lady of Good Health opted to occupy the church under the care of Rev. Fr. Noel, whom even the non-Christians held in great reverence.

Relationships between the Tamils and the Muslims in Akkaraipattu had always been very cordial until the Tamil National Army (TNA) constituting primarily of EPRLF cadres who were trained by the IPKF began to operate in the area. The relationship became strained and the SLA opted to live among the Muslims. Their plan was to use the Muslims against the Tamils. They succeeded.

The Tamils in the refugee camps were easy targets and on 24 June 1990 an army detachment entered the refugees camp established in the Catholic church in Akkaraipattu and arrested all the males including children below 18 years, who were students. Parish Priest Rev. Fr. Noel spoke to the commander of the detachment about the students under his care who were arrested, but was severely reprimanded for interfering in military duty.

The soldiers went as far as warning him of the consequences he would face if he dared

to speak on behalf of anyone taken into custody. Among those students taken away by the army from the church was a very young boy Kanthakumar Kanesharatnam, (17), studying in the GCE (A/L) forms described by teachers as a pleasant and bright student. Thirteen students were picked up from the church and none were found again. The parents later became mentally deranged when all their efforts to trace the children proved futile.

On the morning of 25 June around 6.00 a.m. the army moved into Alayadivembu Vidyalayam refugee camp where the middle-class families were living. The army took into custody several prominent individuals including Narayanan Sathyanathan, a popular high school teacher of chemistry and physics, Velupillai Theivanayagam, a *grama niladhari* in the Division, K. Perinparajah, the post master and S. Perinparajah, an accountant from the firm A&I Limited. Forty-three persons were marched to the army camp in the Muslim quarter of Akkaraipattu. They were later seen being taken in a bus bound to the Kondawattuan army headquarters, Amparai. Thereafter, 23 more persons were picked up from Kolavil, and 26 from homes in Akkaraipattu. They were never heard of again.

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The families from Chenaikudiruppu decided to escape army arrest and went to one of the refugee camps at Kallar. Thirty-five persons were rounded up and taken away from that camp and none returned. The 35 included students.

Thus the army moved from one village to another killing and systematically destroying property. Tamils found on the highways, in their homes, in the temples, in the bazaar or refugee camps were picked up and led through the streets to the army camp. Persons taken into custody were detained there in the most humiliating conditions. Their relatives and friends were not permitted to visit the arrested.

Many of these places of detention were unauthorized and the military and the police had no right to hold detainees there. However, with the draconian Prevention of Terrorism Act (PTA) in operation and the military enjoying immunity from reprimand there were no steps taken to check the activities of the military or the police (STF) in 1990.

While discussing disappearances in the Amparai District, one cannot ignore the several disappearances that occurred during 1984-1990 period. The first disappearance in the district occurred at

a place called Thandiyadi in 1985 when the assistant priest of the Pillaiyar kovil was taken into custody by the STF based in the Batticaloa District. Six persons were taken by the STF, and none of them ever returned. Two other important persons taken included a technician called Theivanayagam who had gone to see his wife who had delivered a baby. The other was an industrialist S. Sangarapillai. They preceded numerous others who disappeared in Thandiyadi.

Seventeen years ago the arrest of young men at Naatpattimunai was a sensational occurrence. What is more, international opinion as well as leading lawyers in the country fought to save the public spirited Rev. Fr. Paul Nallanayagam who reported the abduction and killing of innocent youths.

It is an inescapable conclusion from the above that despite international human rights law providing governments legally binding obligations towards its subjects, the Government of Sri Lanka through its security forces attempted to destroy the Tamil community in Amparai District. In other words, the Sri Lankan state took steps to wipe out its own citizens on the basis of their ethnicity. (*Beyond the Wall*)