

Does the LTTE want army
out of Jaffna?

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NORTHEASTERN HERALD

From the parade ground
to the killing fields

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Fissures in SLMC threaten peace talks

By Our Staff Correspondent

The peace process may run into stormy waters amid demands by a powerful section of the Sri Lanka Muslim Congress (SLMC) in the east that the party should pull out of the United National Front government's peace efforts, informed sources said. A group of nine SLMC MPs urged Rauf Hakeem this week in memorandum that the party should demand a separate interim administration for the Muslims in the northeast province.

The demands of the group of SLMC MPs elected from the northeast are part of a creeping revolt against the party leadership, the sources said. Sources close to the group of SLMC MPs said the party

was originally formed by M.H.M Ashraff to bring Muslims of the northeast to the fore in Muslim politics, led traditionally by rich Muslim elites from the south.

"The Muslims in Sri Lanka got a truly Islamic leadership from the grass roots, replacing the westernised politicians from the south only after the Sri Lanka Muslim Congress was established by our late leader. There should be a balance in representation in the leadership of the party. The powerful posts are held by people from the south whereas the majority of the Muslim Congress MPs are from the northeast," a source close to the group of nine said.

They said there are moves to bring together all the founding members and leaders of the SLMC in the east who left the fold over the years. The

party has descended into the hands of outsiders who do not and cannot understand the principles and the spirit on which the party was originally established by M.H.M Ashraff.

"Hakeem's main confidante in the east today is Basheer Segu Dawood who is a national list MP. He was an active member of the EROS when the SLMC was formed. He was an EROS parliamentarian in 1989. How can he uphold the founding spirit and principles of the SLMC?" one of them questioned.

SLMC leader Hakeem is the only southern Muslim politician to be elected to Parliament. The party's powerful general secretary, M. Hafrath, a national list MP is also from the south.

Hakeem loyalists in the east, however, dismissed the issue as spe-

cious. They said the stand of the nine MPs from the northeast on the peace process shouldn't be construed as a revolt against the party leader and that it is only a reflection of Muslim concerns about the LTTE's interim administration.

A. L. Athaullah, SLMC MP for Ampara district, has emerged in recent months as the leading voice of the group of MPs from the northeast that is questioning Hakeem's stand on the peace process.

Tamil National Alliance leaders said that they are observing the recent developments in the SLMC with grave concern.

"The group of nine SLMC MPs are demanding that a referendum should be held in the east to determine whether the merged province should be one or de-merge. They say it should be held before the

government reaches an agreement with the LTTE on setting up of the interim administration for the northeast province.

"This is totally unacceptable. Because it has been agreed in principle from the time the Indo Lanka Accord was signed that a referendum in the east can be held only after the artificially engineered imbalances in the demographic complexion of the province are corrected by addressing fundamental problems such as IDP resettlement. While we accept that all the rights of the Muslim people should be granted in any settlement of the conflict, we are compelled to see the stand of the nine SLMC MPs as a calculated attempt to derail peace talks," a senior leader of the TNA said.



Women carrying milk pots in a procession through the Batticaloa town for a special pooja at the Kottukulam Mariamamn temple. pic by Buddhika Weerasinghe

Security forces urged to leave public buildings in Mannar

Sri Lankan security forces occupy 170 public and private buildings and properties in the Mannar district, Sri Lanka Monitoring Mission sources said. Following requests made by the SLMM and several civil society groups the Police, army and Navy have vacated ten properties in Mannar town in accordance with the terms of the Memorandum of Understanding between the government and the Liberation Tigers signed in February. The Police vacated some private homes it was occupying in Murunkan.

The Police, army and navy currently occupy about 160 public buildings, private properties and homes in Talaimannar, Pesalai, Erukalam piddi, Puthukudiyiruppu, Murunkan - Kattaiyadampan, Murunkan,

Uyiliankulam, Vanakalai and Mannar town.

The private properties include coconut plantations, the produce of which the owners have not been able to collect because of the presence of Sri Lankan security forces, SLMM sources in Mannar said.

Pressure from the public to persuade the security forces leave their properties is mounting steadily consequent to the MOU, according to the sources.

The army occupies the whole of the Thirukketheeswaram village. Soldiers are encamped in the houses of people who serve the Thirukketheeswaram temple. The officials of the holy site said that the temple cannot function properly because the people who serve and assist in the Poojas are still

displaced despite the promise of the MOU.

The Police continue to occupy the Kattaiadampan school building (near Murunkan town) despite the August 2 deadline stipulated in the ceasefire agreement, a Mannar SLMM source said.

The security forces are also encamped in the Murunkan post office, irrigation department office buildings and quarters in the Semmanthivu and in private lands and homes in Uyilankulam according to him.

In Mannar town, the Police occupy the buildings of the Sri Lanka Telecom, part of the District Secretariat compound, including the quarters of senior and middle level officials of the Kachcheri, the fish

market in the suburb of Pallimunai, the Mannar Co-operative Council building complex and several private properties. The SLMM has received several requests from the public urging the return of these to their rightful owners, the sources said. The residents of the village, Periyaneelanchenai in Mannar are unable to resettle in their homes because the security forces still occupy the whole area. The Sri Lanka Navy continues to be encamped in the premises of the Ceylon Electricity Board in Sunny Village near Mannar town.

Meanwhile, displaced Muslims returning to resettle in Talaimannar say that Tamil families whose homes and properties in the area were taken over by the Sri Lanka Navy are living in their (the Muslims') homes. "It is unfair by us to

expect these families to vacate our homes and properties now. The Navy has to realise our predicament and hand back to the Tamil families their homes and properties which it is occupying now", a Muslim community leader who visited Talaimannar last week said.

The Navy and Police are encamped in the Talaimannar pier, the railway and customs department buildings.

"We are trying to negotiate an early withdrawal of the Sri Lankan security forces from public and private buildings in Mannar under the terms and spirit of the accord and as a good will gesture to the people here", an official of the Mannar SLMM said.

Madhu festival draws record crowds

More than four hundred thousand devotees from all parts of the island thronged to the Madhu festival this year, which concluded Thursday.

"The number of devotees was unprecedented. After a gap of nineteen years the devotees of the Madhu Maatha have poured out their suppressed

devotion. The hundreds of thousand faithful who flocked to the shrine have shown their love for peace. Everyone who gathered here have shown that they are against war. The Madhu shrine and its precincts should be declared a zone of peace under the guardianship of the Catholic Church," Rt. Rev. Rayappu Joseph, the Bishop of Mannar said.

The faithful came in more than 6000 vehicles. On Wednesday alone, 95 thousand pilgrims came from several parts of the island, sources said. About 6000 went to the shrine from the other parts of the Mannar district the same day.

Hundreds of constables and officers of the Tamil Eelam Police force were deployed to keep order in the

general area of Madhu, sources said. The Sri Lanka Police was last deployed to regulate the crowds at the Madhu festival in 1983.

No crimes were reported until Wednesday evening, according to Mannar Catholic Church sources. The Tamil Eelam Police prohibited the consumption of alcohol in the precincts of the Madhu shrine. The TE Police seized over five thousand bottles of liquor from persons entering the precincts of the Church, sources said. In many cases the alcohol was mixed in large Cocoa Cola bottles, according to them.

The Sri Lanka Telecom set up four temporary connections for the benefit of the pilgrims in the festival area. The Madhu Post Office too was given a temporary connection, SL Telecom officials in Mannar said.

Pilgrims from the south and other parts of the northeast travelled to the shrine in the southwestern corner of the LTTE controlled Vanni region through the Madhu Road, which branches off from the Mannar-Vavuniya Road. Devotees from the other parts of the district reached the shrine through the SLA's Uyilankulam entry point.

TCHR appeals to UN to help Sri Lankan peace process

The Tamil Centre for Human Rights (TCHR) has appealed to the chairperson and members of the United Nations Sub-Commission for the Promotion and Protection of Human Rights to urge the Sri Lanka government to protect the economic, social and cultural rights of the Tamil people.

In a note dated August 5, the Paris-base TCHR has said that it behoves the sub-commission to take action to promote peace in Sri Lanka by supporting the Norwegian initiative, which had foundered due to "too many cooks spoiling the broth."

The statement said that despite early optimism, the plethora of voices such as those of the President, the prime minister, the military commanders and political parties from the north and south, which were speaking in different and contradictory voices, were

muddying the peace process.

The statement lists the various shortcomings on the part of the government in honouring the Ceasefire Agreement such as not vacating temples, schools, hospitals and public buildings that was causing immense hardship to the Tamil people and was an obstacle in building confidence in the peace process.

The statement goes on to say that the Sri Lanka Navy was harassing fishermen and paramilitary units such as the STF was an impediment to people of the east pursuing a normal life.

"In one of the most horrific violations, villagers in the Eastern Province, have been asked to prepare their own coffins by the Sri Lankan army, who stated categorically that the ceasefire will not hold and the war will begin again, so the villagers should prepare for their imminent death," the statement complains

about the conduct of the STF.

The statement says that the Sri Lanka military, which was used to conditions of 'war for peace' pursued under the former government, was an obstacle to developing an atmosphere conducive for peace-building.

The TCHR notes that the Ceasefire Agreement had brought about peace in the southern parts of Sri Lanka, but ironically, not to the northeastern province.

"We urge the members of the Sub-Commission to note with serious concern the plight of the Tamil civilians in the North East of the island and to take note of the serious violations of the MoU, which are violations of their Economic, Social and Cultural Rights..." the statement said.

The sessions of the UN Sub-Committee for the Promotion and Protection of Human Rights are now on in Geneva, Switzerland.

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National consciousness and a soldier's story

By Rajpal Abeynayake

National consciousness" is a dense fog says Eric Hobsbawm. In his provocative but caustically incisive way, Hobsbawm muses "...suppose for instance we take the readiness to die as an index of patriotism." He then asks whether Hitler's soldiers fought better than the Hessians of the 18th century who were mercenaries, or the Gurkhas who were not motivated by British or Nepalese patriotism? The answer is no, they really did not. The Gurkhas were as good or better than Hitler's soldiers.

Some say that the Sri Lankan soldier who is now enjoying what is perhaps a recess in the North East is on the threshold of yet another war. I underline that this is what some say — and by no means is there any certainty about whether there will be war or peace in this country. But many people I have spoken to, who have traveled in the war zones since the ceasefire began, talk of the resentments and the ambiguities of the Sri Lankan soldiers.

Sinhalese soldiers greeted this writer in Omanthai, both men and women, who wanted to know how 'they' (on the other side) were doing. Several of them wanted to know whether Prabhakaran looked in good health (I was returning after the Killinochchi press conference) and most said the "LTTE cadres must be happy now?" There didn't seem to be any resentment among these people. They looked cheerful, and they seemed to be upbeat at least to enjoy the 'recess' offered by the ceasefire, or the MoU as it has

been more often called.

However all soldiers traveling with me were quite rudely asked to get out of the bus returning to Colombo from Vavuniya. They were checking whether the men had proper leave papers, and one soldier said "you really must ask our superiors why they do this to us."

Other than the now celebrated 'Pura Handa Kalauwara' there still haven't been many serious explorations into the psyche of the Sri Lankan soldier. But, on the one hand, I for one noticed that there are two distinct ways in which Sri Lankan soldiers are spoken about in the South.

When the fortunes of the Sri Lankan forces are on the decline, Colombo's frustration quotient climbs. Sri Lankan soldiers are described as being typically mercenary, and as being totally unmotivated. But with this peace lull, the frustration quotient has dipped steeply, and there is now a new sense that these soldiers, whatever their faults may have been, may indeed have been wronged by what the ceasefire has thrown up.

So, depending on whether there is war or peace, the Sri Lankan soldier is either the rascally mercenary who survives from military debacle to military debacle, or he is a discontented rabble-rouser who is addicted to war.

The truth, as usual, lies somewhere in-between.

In wartime, it is almost a parlour game to attack the Sri Lankan soldier, and call him names. The most common of this is the moniker 'mercenary.' In this version, the average Sri Lankan soldier is vilified as a yokel who needs some easy money. Invariably there is the

Therefore the vilified 'mercenary' Sri Lankan soldier is suddenly seen as a patriot in his own right. How he can be mercenary in times of war and patriot in times of peace is baffling — but certainly it is an indication of the fact that those who want to portray the war with a particular slant depict the soldier in many ways.

comparison with the LTTE cadre, who is supposed to be sophisticated as opposed to being callow, and who is suffused with a sense of destiny and purpose.

But as Hobsbawm says, the ability to fight for a cause does not necessarily come from 'patriotism' or from being wedded to a 'cause.' As he says, the Gurkhas were not motivated by British or Nepalese patriotism.

Hobsbawm writes elsewhere that 'proto nationalism' (people's identification with a nation state i.e. their identification with a 'national community' in place of a real community, which was a thing of the past) is not essential for national loyalty and patriotism, once a state has been founded. Once a 'state' is formed the 'nation' follows.

However dense may be the fog that surrounds questions of national consciousness of men and women, it is therefore clear that loyalty and patriotism are not necessarily engendered by a fierce al-

legiance to a cause.

However, questions have been raised which go beyond just postulating on the loyalty per se of the Sri Lankan soldier. For instance, in 'Pura Handa Kaluware,' the Sri Lankan soldier is portrayed as being loyal, but also as being disillusioned in his loyalty and in his patriotism.

The film depicts the soldier's gradual process of realisation that sometimes, his patriotism has suckered him to a bunch of avaricious money making men who run the war. Apart from trashing the loyalties of the foot soldier, this game of depicting those who conduct the war or control it as being corrupt and inept seems to be much closer to the truth than the other game of questioning the patriotism or the loyalty — or the ability to fight — of the Sri Lankan soldier.

In times of peace as in times of war, this perceived gulf between the men who run the war and the men who fight the war has been

alluded to in different degrees. At the moment, there is a distinct tendency among those who see the ceasefire as being disadvantageous to the Sri Lankans, of seeing the peace moves as an elitist conspiracy about which the Sri Lankan soldier knows — even though he does not know what to do about it.

Therefore the vilified 'mercenary' Sri Lankan soldier is suddenly seen as a patriot in his own right. How he can be mercenary in times of war and patriot in times of peace is baffling — but certainly it is an indication of the fact that those who want to portray the war with a particular slant depict the soldier in many ways.

The real Sri Lankan soldier appears not to be concerned about any of these depictions and to an extent therein lies his true heroism. More than anything else the Sri Lankan soldier has been a stoic. He/she has soldiered on, sometimes quite bravely, sometimes rather haphazardly, but rarely have the Sri Lankan forces really let down those who want them to fight.

But those who want them to fight may have sometimes let down the Sri Lankan forces. Sometimes the men in the trenches were told by various others that they had been let down by those who want them to fight. Yet, the soldiers never mutinied. They were not easily impressionable. We never know what goes through the minds of these men and women each time there is a ceasefire and each time war begins. But, certainly, Hobsbawm would have done an interesting case study of them.

New PTA regulations on fishing violate ceasefire agreement, says Sivapalan

By K. Sivapalan.

The first regulation passed under the Prevention of Terrorism Act for the year 2002 was the Prevention of Terrorism ((Restricted Area) Regulations 01 of 2002. This regulation was issued on 23rd May 2002, the date on which all restrictions on night and day fishing were to be removed, and no doubt runs contrary to the letter and spirit of the Ceasefire Agreement (CFA) between the Government and the LTTE.

According to the Ceasefire Agreement Article 2.11, a gradual easing of the fishing restrictions was to be implemented except for fishing within an area of one nautical mile on either side of the coast and two nautical miles seawards from all security camps on the coast. Under Article 2.12 it has been agreed

The message is "Do not depend on assurances," especially if they are from politicians and members of the armed forces

that search operations and arrest under the PTA shall not take place and arrest shall be conducted under due process of law in accordance with the criminal procedure code.

In the light of the above, the proclamation of the regulation under the PTA would seem to be in violation of the CFA. According to this regulation, a competent authority is appointed under Article 2 and is vested with arbitrary powers under Article 3 (iv). A certificate issued under the hand of the competent authority to the effect that an act prohibited by paragraph (i) that takes place

within the "restricted area" shall be admissible and shall be prima facie evidence of the facts stated therein.

Article 3 (i) states that no person shall enter the areas in the North and East of Sri Lanka, to be known 'as the restricted areas' specified in the Schedule to these regulations in any boat or vessel or in any other manner or remain within or ply any boat or vessel within any such area for any purpose whatsoever except with the written authority of the Competent Authority.

"The restricted areas shall comprise the areas along the coast lines of the administrative

districts of Trincomalee, Mullaithivu, Jaffna, Kilinochchi, Mannar and the adjacent territorial sea as identified by the co-ordinates given in the schedule to the regulations. It also includes the internal waters of all harbours, base and estuaries along the coast thereof."

It is said that in Trincomalee harbour at base five nautical miles and in to the sea ten nautical miles, which means 50sq nautical miles will be considered as restricted area apart from the coastal restriction. Therefore it would be impossible for the fishermen of Trincomalee, Kinniya, Muttur, Sampoor etc. to pursue their livelihood of fishing in the vast sea area near their home without the permission of the Competent Authority. This should be seen as a violation of their fundamental rights.

Article 5 even shuts out any

indemnity or other payment being made under any policy of insurance in respect of any death in accordance with the norms of human rights as there is every possibility of some boat with innocent fishermen straying into the so called restricted areas due to bad weather and rough sea conditions.

Although the navy and other senior government officials have assured that they will not implement this regulation very strictly, on the very day after a conference held in Colombo between the government and representatives of a fishermen association from Jaffna where several concessions were promised, the Jaffna fishermen were denied these rights at Point Pedro. The message is "Do not depend on assurances," especially if they are from politicians and members of the armed forces.

From the parade ground to the killing fields

By Romesh Tissainayagam

The last of Sri Lanka's Sandhurst-trained army officers retired on 6th April 2002. The retirement of Major General Neil Dias brought to an end an era during which the prestigious Sandhurst Royal Military Academy at Aldershot, England, taught the profession of arms to young officer cadets of the Sri Lanka Army.

The regular Sri Lanka (or Ceylon) Army was raised on 10th October 1949 in accordance with the Army Act that provided for a regular force, a volunteer force and the regular/volunteer reserve.

The defence pact entered into with Britain when Ceylon obtained independence from colonial rule, provided for training and joint exercises of the two countries' defence forces, along with other nations that formed the Commonwealth.

As a result of the defence pact, scholarships were awarded annually to Ceylonese officer cadets of the army, navy and air force to undergo basic military training in the UK. The officer cadets of the army were to be trained at the Sandhurst Royal Military Academy, which took pride of having produced some of the finest generals in the British army.

The naval cadets were sent to Dartmouth Naval Academy, which not only produced the fleet commanders of the of the Royal Navy, but could also boast of almost all members of the British royal family – the House of Windsor – having undergone naval training at the facility before joining what was then known as the then Imperial fleet. Similarly, Ceylonese air force personnel were given scholarships for flying training at the Air Force Academy at Cranwell.

It is however interesting to note that though the first batch of cadets sent to Sandhurst were selected in June 1949 and underwent a two-year training stint in the UK, the credit for setting up the preliminary infrastructure for raising the army must go to the pioneer officers, none of whom were Sandhurst trained. They were Second World War veterans, who had been part of the Ceylon Defence Force units such as the Ceylon Light Infantry (CLI), the Ceylon Garrison Artillery (CGA), Ceylon Service Corps and the Medical Corps. They were officers who had seen active military service with British forces both on the Western front against the dreaded Nazis and the Japanese in the Eastern theatre – especially on the Arakan front in Burma and Malaya.

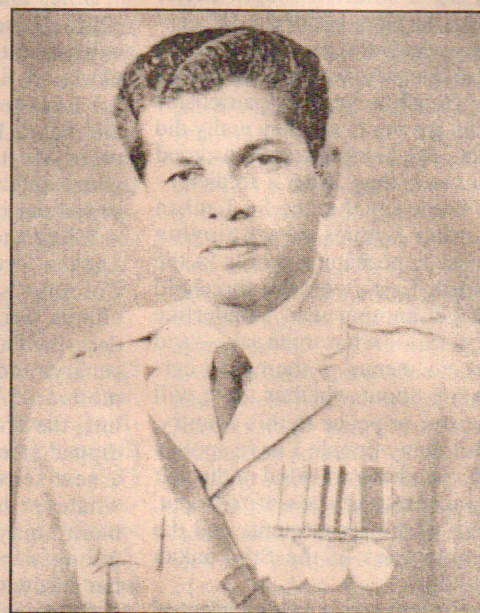
It is to the eternal credit of the



General Dennis Perera



General Denzil Kobbekaduwa



Brigadier E. T. De Z Abeysekera

pioneer officers that they realised the necessity of picking and grooming the best young blood, as officers who would eventually take over the reigns of the army and expand it into a fully-fledged fighting force once the pioneers faded away. Majors general Anton Muttukumaru, Gerard Wijekoon, Russel Heyn; brigadiers Roy Jayatilleke, E. T. De Zoysa Abeysekere, Maurice Jayaweera; colonels Derrick de Saram, Maurice de Mel and Lyn Wickremasuriya were few of the pioneer officers of the army.

When the first batch of officer cadets were picked in June 1949 a strict selection process was adopted to choose the best possible men for the job. Many of the candidates who applied for cadetship in army were boys from the exclusive private and public schools in Colombo and Kandy.

Brigadier Abeysekera, a pioneer officer of the army and former chief of staff who had been posted to the training depot at Diyatalawa as its first 'demo platoon' commander back in December 1949, had this to say when interviewed by the writer a couple of years ago about the selection criteria for officers to Sandhurst.

"We were always conscious of the fact we had to select the best available material and send them to the UK. When I say 'the best' I do not simply mean the boys who could withstand the preliminary officer quality tests we carried out at our local training depot at Diyatalawa. It had to be lads who would be in a position to adjust and accustom themselves to all the social graces that brother officers from the UK and other colonial and Commonwealth countries were familiar with."

These social graces included horse riding, steeple chasing, fox and pheasant hunting and fine din-

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ing – in short everything that made an officer and a gentleman.

"We did not want to sideline the applicants from the provinces deliberately, but with the strict selection criteria, there were only a few chaps who could meet the requirements," Abeysekera explained.

With the strict selection criteria adopted, it is little surprise that the first 10 cadets selected to Sandhurst were from the leading colleges in the country. Many of them were outstanding sportsmen and sergeants of their school cadet platoons.

The 10 selected for cadetship were: Dennis Perera, Tissa 'Bull' Weeratunga, Justus Rodrigo, Laurie Fernando, Noel Gunewardene, Ratnarajah David, Tony Anghie, Nimal Jayakody, V. Ramanathan and Dalton Anderson.

The first batch of Ceylonese officer cadets passed out from Sandhurst in August 1951 at the King's Parade held at the famous parade grounds at

Aldershot. The king of England presented the commissions and swords of honour.

The newly passed out officers were on return posted to the leading two units of the army – the CLI and the 1st Anti-aircraft Regiment of the CGA. However, Dennis Perera and Laurie Fernando became the first batch of officers to be drafted into the 1st Squadron of Field Engineers and 1st Signals Regiment respectively that were being set up. Meanwhile, Nimal Jayakody and V. Ramanathan were pioneer officers of the 3rd Field Regiment of Artillery, which was inaugurated a few years later.

As the years went by, many others were selected and trained at Sandhurst. All in all Sandhurst has trained 119 officers of the Sri Lanka Army. Intake number eight, which was selected in December 1949, included General Cyril Ranatunga who will be remembered as one of the best field commanders of the Sri Lanka

Army, being the officer responsible for planning and executing Operation Liberation in July 1987. Ranatunga was also the troop commander of the Sri Lanka Armoured Corps, which is even today widely regarded as the army's most prestigious unit.

There were many other cadets selected and trained at Sandhurst who not only rose high in their military careers, but also became well-known figures in the elegant drawing rooms of Colombo's elite. One such officer was Brigadier Eustace Fonseka of Intake nine, selected in 1950. He was an excellent rugby player, entertainer and theatre personality. Fonseka rose to the rank of brigadier and held the post of director operations and chief of staff before retiring from service in 1981.

Retired officers of not only the army, but also the navy and air force remember Fonseka with his favourite box guitar keeping many a mess night lively with songs of yesteryear and popular evergreens. So do the planters who were members of the up-country clubs, where Fonseka displayed his many and varied musical and thespian talents. Fonseka's batch included Brigadier Mano Madawela, the well-known painter who has held many exhibitions both in Sri Lanka and overseas. Madawela retired from the army in 1986.

Brigadiers Percy Wijekoon and Lyle and Fergus Balthazaar were officer cadets who were outstanding schoolboy sportsmen and recruited into the army in the early days. They later represented Sandhurst at sports and were awarded colours. In fact Lyle Balthazaar who eventually retired as chief of staff held the Sri Lanka record for the discus until it was broken in the 1970s. There was

Cont. on page 5

Heavy drinking 'in the genes'

Scientists in the United States have found further evidence that genes may contribute to alcoholism. They say people with a family history of heavy drinking quickly develop a tolerance to alcohol. This means they have to drink more to feel the same effects.

An underlying genetic susceptibility is the most likely explanation, say researchers at the Indiana University School of Medicine. In a laboratory experiment,

116 social drinkers were given intravenous infusions of alcohol or a placebo at least a week apart. The 58 with a family history of alcoholism reported feeling more intoxicated than those without a family history. They also adapted to the alcohol more quickly.

"This suggests that the development of tolerance may maintain or increase drinking in people with a family history of alcoholism," says the study's lead author, Sandra

Morzorati. "In other words, they imbibe more to maintain the same effects."

Dr Morzorati says the study is based on the premise that increased risk for alcoholism is related to genetic factors. The results, she says, provide additional support for that premise. She told BBC News Online: "The people who have a family history of alcoholism have an inherited predisposition to alcoholism."

The research may contribute to our

understanding of the vulnerability of certain individuals, says Richard Phillips, Assistant Director (Policy and Services) of Alcohol Concern in the UK. But even assuming genetic factors play a part, it seems highly likely that other factors will be just as or more important, he adds.

"There is a reasonable amount of evidence to suggest that there is some genetic influence over the risk of developing alcohol problems," he told BBC News Online.

"The idea that some individuals are 'doomed' to become heavy drinkers is a powerful story, supported by the image of the 'hopeless alcoholic,' though not justified by the current evidence base."

The research is published in the August issue of 'Alcoholism: Clinical and Experimental Research.' Dr Morzorati says she plans to carry out studies on twins "to pursue this genetic association further."

From the parade ... *Cont. from page 4*

also Colonel Wilnot Thambirajah, a boxing Lion from Trinity College, Kandy, who went on to win his colours for the same sport at Sandhurst. So did colonels Kandiah and Kingsley Jayewardene, both who represented Royal College, Colombo and Ceylon University at boxing. Similarly, Major Eric Joseph of Intake 14 was a Ceylon public schools sprinter, who went on to represent the Academy in the same events.

By imparting within their units military etiquette and ethics they had learnt at Sandhurst, officers on their return from the Academy helped to perpetuate in Sri Lanka similar traditions and values as that of the British army.

No account of the Sri Lanka Army's Sandhurst trained officers would be complete without mention of late Lieutenant General Denzil Kobbekaduwa and Major General Janaka Perera. Young Kobbekaduwa, another rugby Lion from Trinity who represented the country as a dashing scrum half, joined the army in 1960. He was posted to the Armoured Corps and rose to become one of the finest field commanders in the Sri Lanka Army. His exploits include the retaking of Elephant Pass in 1991 during Operation Balavegeya. He was also one of the brigade commanders during Operation Liberation. As Division Two commander, Kobbekaduwa was responsible for a number of military operations to neutralise the LTTE's advances in the north.

Janaka Perera was however of a completely different mould. A charismatic leader, whose greatest asset was that he was prepared to lead from the front, Perera brought about one of the most comprehensive defeats of the LTTE, when as area commander he was able to completely annihilate the rebels' assault on Weli Oya camp. It is on record that the Tigers lost more than 400 cadres, whereas the army suffered only three killed and nine injured.

But he will be remembered best as the officer who countered the LTTE blitzkrieg into the Jaffna peninsula after the fall of Elephant Pass camp in April 2000. He, along with generals Sarath Fonseka and Nihal Marambe, halted the LTTE advance at Chavakachcheri by regrouping army units, which till then were retreating in confusion.

One of the most significant fea-

tures of the early years of the army was that unlike at present, schools from Jaffna such as St. John's College, Jaffna College and St. Patrick's College, supplied the army with products, who, on the completion of their training at Sandhurst served the army with great distinction.

Brigadiers Ratnarajah David and V. Ramanathan were members of the first batch to train at Sandhurst. Major General George Thevanayagam who represented St. John's College

However, even by the early 1960s, the status of the army's officer cadre as an elite preserve began to wane as the defence pact with Britain came to an end and expenditure with regard to training cadets at Sandhurst became prohibitive.

The Sri Lanka Army began to explore other avenues of training its officers. India with Dhera Dunn and Pakistan with Kakul Academy were the obvious choices. After detailed evaluations it was realised that the ac-

One of the most significant features of the early years of the army was that unlike at present, schools from Jaffna such as St. John's College, Jaffna College and St. Patrick's College, supplied the army with products, who, on the completion of their training at Sandhurst served the army with great distinction.

at cricket joined the army in 1951 (Intake 11). Thevanayagam rose to the rank of brigadier and was commander of the volunteer force and chief of staff before being promoted major general on retirement. Similarly, Major Bala Francis and Colonel G. Gajendran, excellent cricketer and hockey player respectively, who entered Sandhurst, went on to represent the army in sports and rose high in their profession. Gajendran was also a senior office bearer of the Colombo Cricket Club (CCC).

One should also take note that not only did sports flourish in the northern schools 40 years ago, but so did school cadet platoons. The Jaffna schools were regular participants at the annual training camp and the Herman Loos Inter-Platoon Championships held at Diyatalawa. It is therefore no surprise the majority of cadet sergeants from at least one school in Jaffna - St. John's College - in the 1950s joined the army after completing their education. One of them is Major General Yogendra Balaretnarajah, another Sandhurst-trained officer who passed out first in order of merit at the Academy, joined the army in 1959 and retired as chief of staff in 1992.

tual training courses at these academies in the subcontinent were adequate substitutes to Sandhurst. The first batch of officers was sent to Kakul in 1963. Among them was former army commander, Major General Srilal Weerasooriya.

The last batch of officers to be trained at Sandhurst was in 1966 on Intake 42 - the four officers being Devinda Kalupahane, Janaka Perera, Udena Gunawardene and Neil Dias. Dias was, as mentioned above, the last serving officer trained at Sandhurst to retire from service. Although officers from the Sri Lanka Army still go to Sandhurst on courses, they are sent either one or two at a time and for short periods spanning just two to three months on completing their basic training at Diyatalawa.

With the switching of training centres from the UK to India and Pakistan, and Sri Lanka setting up its own training centre at Diyatalawa in 1957, which attained the status of an Academy in 1966, the quality of officers enlisting in the army who satisfied the standards of 'an officer and a gentleman' also began to decline. There was more than one reason for this. One was that it was no longer essential to pick and choose candidates from the

elite schools or from the 'better' family backgrounds for cadetship, since the emphasis was not on social graces and etiquette so vital at Sandhurst.

It should however be stressed that the academies at Kakul and Dhera Dunn were certainly not inferior in quality as institutions, nor was the output inferior to those trained at Sandhurst in combat capability and leadership. Yet it was such that their counterparts from academies in the subcontinent could not match the prestige associated with Sandhurst-trained officers.

Another factor that contributed for the decline in the officer cadet standards was the prospect of training either in India or Pakistan, or for that matter Diyatalawa, was not as attractive to school-leavers as training at Sandhurst. With the expansion of the private and plantation sectors especially with the Europeans leaving the island, lucrative job opportunities thus far denied to locals began to emerge in these sectors and school-boy sportsmen started opting for jobs in the private sector, instead of the army.

Thirdly, the switch from the English to 'swabasha' also played a significant role in the decline of standards of officer cadets enrolling in the army. With the Official Language policy being enforced from the early 1960s all officers and men had to pass proficiency examinations in Sinhala. Many of the young officers of those days had been largely educated in the English medium both at school and university levels. They found it extremely hard to switch to 'swabasha.'

This led to many officers of the army - especially from the minority communities - leaving the service and the country in search of greener pastures. Boys from the provincial and central schools filled their places in the defence establishment.

Finally, the aborted coup of 1962 also contributed towards the plummeting standards in the army's officer corps. When the causes of the coup were analysed it was found that most of the conspirators were from the more exclusive schools, westernised backgrounds and influential families. It was they who had the necessary clout and connection with the political establishment and the intricate knowledge of the political climate in the country necessary to attempt ousting the government of that time. Therefore the military began to display reluctance in recruiting officers from such backgrounds.

The military academies in the subcontinent and more importantly, Sri

Lanka's own academy at Diyatalawa, took over the training of cadets and strived hard to maintain the lofty standards that were set at Sandhurst. This was to a small degree achieved by stationing officers trained at Sandhurst as qualified training instructors to put the new entrants through their paces.

Social and family background apart, men passing out from Dhera Dunn, Kakul and Diyatalawa, proved to be adequate substitutes in their classical roles as officers in active combat. It is an undisputed fact that that some of the most efficient field commanders who have emerged during the 20 years of the Eelam war were either trained at Dhera Dunn, Kakul or Diyatalawa. Amongst them is Brigadier Vijaya Wimalaratne, Jaffna brigade commander who died in action and majors general Sarath Fonseka, Shantha Kottegoda and Sisira Wijesuriya.

Diyatalawa-trained officers such as generals Gamini Hettiarachchi, Percy Fernando and Colonel Sunil Pieris hold the credit for providing the nucleus for the elite Special Forces and the Commando regiments. Similarly, Nihal Marambe and the army's highest decorated officer Major N. A. Chandrasena were trained at the local academy at Diyatalawa. These officers not only displayed outstanding abilities as field commanders and charismatic leaders, but also earned the reputation of being men who lead by example rather than stay back at rear headquarters and command their formations by remote control. A well-known defence weekly had once stated the army's greatest asset was its mid-level officers who had set a shining example repeatedly in the field.

Though the latter day officers did not have the privilege of Sandhurst training and lacked the finer points in social graces, it seems it has had absolutely no bearing on their professional competence. Time and again we hear of their excellent leadership qualities, with nearly all of them either cited or receiving individual gallantry awards. We can safely assume therefore, that not only Dhera Dunn and Kakul, but also Diyatalawa, have turned out to be more than adequate substitutes as officer cadet training centres, which continue to supply the army with men of the highest calibre despite their modest facilities.

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People's rights should be basis for peace talks

Critics of the memorandum of understanding (MOU) on a permanent ceasefire between the Liberation Tigers and the United National Front government say it has to be altered. Their opinions and arguments have dominated the debate on the MOU in the south.

Their main grouse is that the MOU grants too many concessions to the LTTE in return for very little. They portray the lifting of the economic embargo on the Vanni and the easing of the restrictions on fishing in the northeast as great favours granted to the Tigers. And the UNF was naively generous in bestowing on them such concessions.

These critics, led by the JVP and the PA leadership, are bent on convincing the Sinhala masses that the MOU is a betrayal, that it is perfidiously crafted to hand over the northeast on a platter to the LTTE.

Few are the voices in the independent media in the south that have been sympathetic to the UNF government's efforts to build on the MOU and put the peace process on a firm footing.

Quite clearly, the critics of the MOU want the machinery of oppression to continue intact in the northeast, to prey mercilessly and cruelly on Tamils as it has done for more than quarter of a century.

The right to life, the right to adequate nourishment, to basic healthcare and education, the right to ply one's trade, the right to worship, franchise and the right to free expression were consistently denied to the Tamil people by the Prevention of Terrorism Act, the economic embargo on the Vanni and other parts of the northeast, the ban on fishing and cultivation and a host of other oppressive measures.

These are rights that not only every citizen of Sri Lanka but any human being on earth is fundamentally and inviolably entitled to. If the critics of the MOU happen to glance through Sri Lanka's constitution they may grudgingly come to know that the Sri Lankan state's sovereignty is premised on and flows from ensuring these rights to every person considered a citizen of this country. This is why negotiations to end the conflict can be meaningful only if the Sri Lankan government and the LTTE avail themselves of the peace process to protect and promote the rights of their peoples.

Sri Lanka's sovereignty took a big beating on the day it transpired that these rights had to be secured for a section of its people through the instrument of a ceasefire agreement brought about by the sheer force of arms.

Yet the critics of the MOU stubbornly persist with their exhortations. If they strongly feel that the measures spelt out in the agreement to restore normalcy in the northeast are actually concessions granted in excess to the LTTE it means they want them scrapped.

But the Sinhala people are smarter. They understand only too well that this would eventually mean war.

'Seventy percent of Trinco war widows are between 18 and 40'

Text and pic by our Trincomalee Correspondent

Ratneswary, a young mother of three lives in a hut at Salli, a coastal fishing hamlet. One evening she waits for her husband to return from sea with day's catch. She needs money to buy rice to cook the evening meal. A neighbour rushes in and says, "Ratneswary, your husband has been killed in gunboat attack." The next minute her role as the head of the family begins. To make ends meet she starts earning a paltry income by supplying meals to fishermen working in the 'wadiyas'.

Muttuvel Annama, mother of four children goes one morning with her husband to their paddy field at Eechantivu, a small village south of the Trincomalee district. Her husband Velupillai dies in army fire. She returns home as the head of the family. She is soon forced to work in paddy fields as labourer to feed her little children.

Athiammankerni is a tiny village in the Seruvila area. Ratnasingham lives with this wife Vallipillai and five children. He is an agricultural labourer. One day he goes to work. Army personnel arrest him on suspicion. They take him to their camp. Every day his wife visits the camp and inquires about her husband's safety. The stock reply is, "He will be released after inquiry." Months have gone. He was never released. Frustrated, his wife decides to assume the role of breadwinner. She sets up a small tea kiosk in her hut.

The war has created large numbers of female-headed households in the northeast province. Since the eruption of violence in 1983, the killing of civilians in the province has increased at an alarming rate year after year due to indiscriminate artillery shelling, helicopter strafing, aerial bombardment, naval gunboat attacks at sea and forced disappearances following arrest.

The wife inevitably becomes the leader of the family with the sudden death of her husband. She has to face financial difficulties, emotional and mental stress, family insecurity and loss of social status.

Many families have lost their breadwinners and become destitute. They cannot simply bear the demands the unexpected new challenge makes on them. Large numbers of widows are poor and they need financial resources and guidance to resume normal life after the loss of the breadwinner.

International and local non-governmental organizations (NGOs) enter the scene at this stage to assist war widows who have been forced to take the breadwinner's role for the survival of their families. Several NGOs are involved in identifying the needs of the war widows in the northeast province. Needs and common problems of the victims have to be identified prior to launching rehabilitation programmes.

Nearly 70 percent of widows belong to the age group of 18-40. The rest are accounted for as middle age widows. Seventy percent of the wid-



Widows seen waiting to negotiate financial assistance from an NGO in Trincomalee to start income-generating projects

Nearly 70 percent of widows belong to the age group of 18-40. The rest are accounted for as middle age widows. Seventy percent of the widows do not have any income at all as their husbands were engaged in occupations like fishing, farming, wage labour, toddy tapping and small-scale boutiques, which they cannot continue

ows do not have any income at all as their husbands were engaged in occupations like fishing, farming, wage labour, toddy tapping and small-scale boutiques, which they cannot continue.

Requests from victims are very important to identify small-scale rehabilitation projects that will fit their requirements. Widows are requested to indicate their choice for an income generating small-scale project they feel is suitable and productive. A good number seems unable to make the right request due to lack of awareness. A field investigation could play an important role in this regard.

In the Trincomalee district the number of female-headed households stands 8757 as at 31st December 2001. Of this amount 4046 are Tamil families and 2922 Muslims and 1789 Sinhalese families, says a report prepared by the Trincomalee district secretariat. The breakdown on divisional basis is given below:

In the Trincomalee district, there are a number of NGOs helping female-headed families. The majority of the widows prefer small-scale income generating projects such as businesses, animal husbandry, cottage industry and fishing. Sewing is the common skill among many widows.

Common requests from widows to NGOs include assistance for household expenses or help to meet the cost of children's education. Since the majority of widows do not

have permanent shelter, there are also requests for a roof over their heads.

Trincomalee Women Welfare Centre, Trincomalee District Development Organization and Trincomalee District Refugees Association are some of the NGOs engaged in helping these unfortunate women. These NGOs provide loans to the war widows to start income generating activities. Majority of them repay their loans in time. Some default.

Since the ceasefire agreement came into force, social activists believe experiments should be undertaken to design new approaches to rehabilitate female-headed families. "Merely providing small loans to start income generating activities will not uplift the female-headed families in the long run. The assistance of this type has not made any significant impact on the lives of war widows who play the role of breadwinners," said K. Lakshmanan, president of the Trincomalee District Development Association.

The Trincomalee district secretariat has now taken steps to hold awareness programmes among war widows with the assistance of the World Food Programme (WFP) to assess their needs and design assistance programmes that better suit their individual requirements.

Jaffna disappearances and skeletons in the government's cupboard

By J. S. Tissainayagam

The tenacity of purpose with which the Missing Persons Guardian Association of the North (MPGA) undertakes its lobby would move the stoutest heart to grief. Its campaign however, has always hit the shoals as it battles bureaucracy, crass political opportunism and rugged rearguard action by the Sri Lankan State, which has tried to ensure that its scandalous image as a persistent and gross violator of human rights is hidden from the glare of publicity.

On Monday, the MPGA held its most recent protest against official sloth in investigating the fate of around 600 persons who went missing in the Jaffna peninsula in 1995-1996 when the Sri Lanka Army occupied the area soon after Operation Riviresa. The protest, which took the form of a sit-in opposite the Jaffna kachcheri prevented the staff from entering the building and appears to have wrested an agreement from six Tamil National Alliance (TNA) parliamentarians that they would discuss the issue of the disappearances with Prime Minister Ranil Wickremesinghe.

To members of MPGA however such promises are written in water. Time and again both TNA members of parliament as well as T. Maheswaran, minister of Hindu Affairs had requested details of the disappearances on the pretext they would intervene on behalf of the hapless victims. But needless to say nothing tangible has occurred. Less said of Douglas Devananda's initiatives on the matter the better. The indecisiveness or lack of interest of the Tamil MPs has encouraged government officials and rascally politicians from the south to manipulate matters to their own advantage.

Though the public was aware of the grievous human rights abuse perpetrated by the military in 1995-1996 in Jaffna, much of it might have remained in the realm of hearsay and myth if it was not for a curious incident that compelled the revelation of the truth.

The five accused, including Lance Corporal Somaratne Rajapakse, who were convicted by court for the rape and murder of Jaffna schoolgirl Krishanthi Kumraswamy, gave a dramatic twist to the closing stages of the trial when they told court they were not the perpetrators, but that scores of bodies of torture, rape and extra-judicially executed persons were buried at Chemmani and Ariyalai.

This gave a massive impetus to the campaign of the MPGA, which charged that the buried were those who had disap-

The MPGA advised its members not to collect the death certificates needed for monetary compensation. Instead, it organised a picket in November 2001 before the Jaffna kachcheri demanding the government should mount a systematic search for the missing, or bring up evidence of their death. This campaign was to counter the government's move to issue death certificates and include the missing among the dead, thereby deflecting the charge of engineering mass scale disappearances.

peared, or were lost without a trace in Jaffna in 1995-1996. After much delay, due it is said to the army excavating the corpses and either burying them elsewhere or burning them, the government agreed to excavate sites in Chemmani where the corpses allegedly were buried. The government's long delay was chided by international human rights organisations like Amnesty International.

The exhumation itself was disappointing. Only 18 bodies were found of which four were identified. Though it could not gainsay the fact that Chemmani was an unauthorised burial ground where persons bearing unmistakable signs of torture had been interred, there was no physical evidence of Rajapakse's claim of a mass grave.

Since there were only 18 skeletal remains of which four were identified, the MPGA dispatched a letter to President Chandrika Kumaratunga. "We are perturbed by not being able to find out about what happened to the others (the estimated 600 disappeared persons). If these persons are under detention in military camps or prisons, please release them. Otherwise tell us the details of where they are."

After silence of some months, in December 1999, the Ministry of Defence wrote to the parents and guardians of the disappeared stating that of the number they had complained had disappeared, except for the skeletal remains of 18 persons discovered at Chemmani and around 200 persons who had been traced to detention camps, 174 persons could not be accounted for.

This was followed by a letter by RRAN through the Jaffna government agent in August 2001, which said of the list submitted by MPGA of missing persons, 167 could not be traced and thus deemed to be dead. It recommended to the parents and guardians of the 167, to collect death certificates from their respective

grama sevekas.

The MPGA advised its members not to collect the death certificates needed for monetary compensation. Instead, it organised a picket in November 2001 before the Jaffna kachcheri demanding the government should mount a systematic search for the missing, or bring up evidence of their death. This campaign was to counter the government's move to issue death certificates and include the missing among the dead, thereby deflecting the charge of engineering mass scale disappearances.

With changes in regimes in December 2001, the MPGA got in touch with Minister of Rehabilitation Jayalath Jayewardene, who had managed to inveigle his way into Tamil consciousness, entirely without merit, as the saviour of the community. The minister agreed that parents of the disappeared could visit prisons in the south to find out whether their children were under detention.

Thus a group of 13 persons visited Negombo prison on 4th May this year armed with a list of 14 names, officially missing but suspected to be in custody there. Suppu. Satkunam, secretary of the MPGA said the prison officials had checked the names against a register and said though these inmates were indeed incarcerated there, "they were not willing to speak to us."

The next day the MPGA met officials at the Ministry of Defence. The secretary, ministry of defence issued a letter authorising the MPGA to meet the inmates at Negombo prison. However when the members of the MPGA revisited the prison the authorities denied their statement of the day before claiming there was no one who answered such descriptions.

More or less a similar pantomime was enacted at Boossa prison. The prison authorities said four of the 14 members had been under arrest at Boossa, but had been transferred to Kalutara prison in March. On 7th May 2002,

the MPGA visited the Kalutara facility but were not allowed to enter. The prison officials had agreed to investigate whether the missing persons were indeed incarcerated there and then communicate with the organisation. Till mid-June the prison had not communicated with the MPGA; it is unlikely to have done so by now.

In June this year, the Human Rights Commission (HRC) visited Jaffna. The MPGA made representations to the delegation. The HRC had said it had no power to intervene except to inform the president and the ministry of defence of the MPGA's demands. Sakunam, said one of the members of the visiting delegation had urged widows awaiting the return of their disappeared husbands to obtain death certificates and remarry. "Even if your husband turns up now, it does not matter," the delegate had said. The widows were not amused.

The sordid details surrounding the Chemmani mass graves and the disappearances in Jaffna in 1995-1996 smack of bureaucratic apathy, political opportunism and the political authority of the Sri Lankan State closing ranks behind the military as it has done in the past 20 years. Let take these issues one by one.

It is obvious there is a bipartisan understanding between the PA and UNP that the military should be protected over Chemmani and the disappearances. Somaratne Rajapakse and his fellow convicts mentioned the names of the officers who were allegedly involved in the extra-judicial killings in Jaffna and the summary burials of the corpses. But the political authority of that time – both the President and her Minister of Defence Anuruddha Ratwatte did nothing about it. Only a board was appointed by the army itself to investigate the matter, but as was expected nothing has come of it.

Similarly, officials in the UNF ministry of defence and rehabilitation know about the heartache

and suffering of the members of the MPGA, but pushed them from pillar to post at Negombo, Boossa and Kalutara and sent them off empty-handed.

What is perhaps most nauseating is the games the PA and the UNF are playing for cheap political gain. In 1999, after months of deafening silence, Kumaratunga told the people of Jaffna prior to the presidential elections that she had personally written to the parents of the missing and that the search for their children was on. This letter never came.

Now it is the turn of the self-appointed saviour of the Tamils – Jayalath Jayewardene of the UNF. He too has been acquainted with the facts surrounding the disappearances, but apparently does not have the clout or the will to see that a comprehensive search is launched for the missing.

Finally there is the HRC whose hierarchy had said they were powerless to intervene except to convey the sentiments of the MPGA to the president and MOD. What they could usefully do however is to insist at least the DNA test that the last government promised to carry out on the 18 skeletal remains is implemented. The government had agreed initially, but delayed going through with it citing prohibitive costs.

Disappearances for which the Sri Lanka government has been repeatedly chastised by nearly all international human rights organisations, is categorised as an 'arbitrary killing,' which includes genocide, death from torture and massacres. It is a direct contravention of the right to life that most civilised nations recognise and include in their Bills of Rights. But Sri Lanka, interestingly enough, does not.

Sri Lanka however is a signatory to ICCPR and the Convention on the Prevention and Punishment of Genocide. A country that is a signatory to these conventions automatically accepts the right to life, though it might not be recognised as part of its domestic law.

As Sri Lanka recognises the right to life indirectly, arbitrary killing is an offence. What is more, it is an offence that may be categorised as a crime against humanity. It is fear of international repercussions of a magnitude it would find embarrassing to face that has driving Sri Lanka to try its best to hush up Chemmani and the disappearances. And it is because the Sri Lankan State may be charged with crimes against humanity that the PA and UNF seem to have arrived at a consensus that they would stonewall if Chemmani and the Jaffna disappearances come up at national and international fora.

Does the LTTE want army out of Jaffna?

By D. Sivaram (Taraki)

Prime Minister Ranil Wickremesinghe's opponents argue that the clauses in the MOU, which speak about the Sri Lanka army vacating schools, temples and public buildings (which includes hospitals) according to agreed deadlines is an insidious ruse by the LTTE to weaken the army's grip on the northeast, a basis for the demand that the army should leave Jaffna and eventually all of the northeast.

That vacating SLA camps in schools, temples, hospitals etc. in the midst of Tamil towns and villages poses a serious threat to security is a concern shared by everyone across the Sinhala nationalist spectrum – from the suave liberal democrats to the shrill atavists.

The PA appears to presume that this could be the UNF's Achilles' heel – that the LTTE would sooner or later go back to war as it has done in the past and then whatever military setback could ultimately be blamed on the MOU clauses under which the SLA had to vacate its 'strategic' encampments in schools, Tamil temples, hospitals, public buildings etc.

There are two premises on which the thinking of the UNF's opponents is based.

One, they assume that the location of the schools, temples, hospitals occupied by the army are indispensably strategic.

Two, that the LTTE is using the MOU as an insidious ploy to eventually force the UNF's hand to pull the army out of Jaffna.

The rider here is that the LTTE is bent on going back to war before talks can progress successfully. One analyst has quite forcefully argued that the LTTE, being a guerrilla movement, would not be able keep its troops in the peace mode beyond this month.

Let us consider the case of Batticaloa, to examine the military wisdom of locating camps in schools, hospitals, temples, libraries and public buildings.

To militarily dominate Batticaloa, one has to control the main entry points from the district's western hinterland to its coastal belt where most of its towns and main villages are lo-

cated. There are thirteen such entry points. One has to also control the Main Supply Route to the district – the Polannaruwa-Valaichenai-Batticaloa road.

The army occupies schools, temples, libraries, homes and public buildings in the midst of the villages of Kommathurai, Morakkoddanchenai and Kinnaiyadi, all north of Batticaloa.

In the case of Kommathurai, Morakkoddanchenai and Kinnaiyadi, the army can dominate and/or control the entry points from the western hinterland even if it does not have camps in the middle of the villages.

Camps outside or by these villages would actually take the military closer to the target zone through which the Tigers make crossings.

We should note here that the Indian army's brigade headquarters for Batticaloa was on the northern outskirts of the town in Manresa, a large property of the Catholic church, at quite a safe distance from civilian settlements there. The SLA brigade however is in a prime part of the Batticaloa town, occupying the Municipal Council, government quarters and encompassing the kachcheri, public library and the local esplanade.

The Kommathurai and Morakkoddanchenai SLA camps straddle the main Batticaloa-Valaichenai road, which runs through the centre of the two villages. The police occupy the Valaichenai junction and its environs and a unit of the army's National Guard Battalion is encamped at the Navalady junction. Both block the road. Traffic is diverted through detours.

Is it absolutely necessary to block the road by encamping in the middle of a village or town or completely encompass a junction to control the MSR?

Controlling the MSR means two things – ensuring the unimpeded flow of military traffic and denying the road to any militarily significant LTTE mobility.

Both depend on the army's ability to interdict LTTE crossings from the hinterland by dominating all the entry points and by patrolling the road. If, as a result, the LTTE cannot achieve a significant concentration of forces at any point along the MSR to interdict it then army's objective is achieved.

The point is that the army can

As we said at the outset, the LTTE's position that the army should leave schools, places of worship, hospitals and public buildings as part of the process of restoring normalcy in the war-torn northeast is considered by Sinhala nationalists as a ruse meant to eventually lead up to the demand that the UNF should pull out the army from Jaffna.

do this without blocking the MSR and encamping in the middle of a village or occupying a busy junction and its environs.

The LTTE controls the road in the hinterland that runs parallel to the MSR. But it has no military presence at all anywhere close to this road, although it is the main artery for its internal communications. The same can be said about the A9 through the LTTE controlled Vanni. But in the short distance between the Vavuniya and Omanthai two army camps block the A9.

None of the main interior roads in the LTTE-controlled Vanni or in those areas of the Trincomalee and Batticaloa districts are blocked by the LTTE to ensure unhindered flow of its military.

And more importantly, LTTE troops are not encamped across the A9 in Puliyanakulam junction, Kanakarayanakulam town, Mankulam junction, Murikandy or Kilinochchi, taking over private and public property for setting their defences. They did not do so even when Operation Jeya-Sikurui was rolling full steam-ahead on the A9. Yet, they defended the A9 and continued to assert their dominance over it after they recaptured it most of it from the army in 1999.

Those who assert that the army should not quit hospitals, temples, schools, libraries etc., in Tamil villages and towns say that the military, by being in the midst of people in a village centre, will have better access to intelligence. This is plain nonsense.

It is euphemism for saying that if you are in the midst of a densely populated village or town you know when the LTTE is going to attack. Dogs will bark. People will

leave their homes around your camp, informants will do their duty etc.

The excuse of the intelligence advantage holds no water in the context of the LTTE's conventional military power. The army knew since December 1999 that the LTTE was tightening the noose round the Elephant Pass camp but it could not stop it from falling.

Therefore, if the LTTE in making preparations for an assault on a camp in the midst of a village or town, tells people living around it to leave the area, there would be little intelligence advantage to be gained by the army from the knowledge in fending off the attack because conventional infantry manoeuvres and area weapons such as artillery and heavy mortars would be involved in the siege and/or offensive.

The intelligence advantage of being encamped in the midst of a population is certainly useful when the threat is mainly from sneak attacks by guerrillas from the hinterland.

But clearly, the threat to camps said to be compromised by articles of the MOU is from conventional infantry formations and area weapons, which make nought of early intelligence warnings about impending attacks. (It was clear as daylight to the army from mid-December 1999 that the LTTE was tightening the noose around Elephant Pass; yet the base fell in April 2000)

Therefore when one peels off the so-called strategic justifications for having camps in the middle of villages and towns, in schools, libraries, homes etc. the stark truth is that innocent civilians are made to be the human

shield that guarantees the army's safety.

All Sinhala Buddhist nationalists, including the leaders of the PA and JVP, who subtly and blatantly argue that the SLA should not leave Tamil schools, places of worship etc., should understand that the army's perception of its martial prowess is very important for its performance against the enemy.

In insisting that the army should stay put in the midst of innocent Tamil civilians (who incidentally happen to be Sri Lankan citizens), they are seriously hurting its self-esteem – the martial reputation considered so necessary by military historians to take on the enemy with confidence.

By what logic do they expect the Sri Lanka army to sustain the kind of self-perception necessary to fight wars when it is compelled to defend camps with human shields of the very citizens whose lives it is meant to protect?

As we said at the outset, the LTTE's position that the army should leave schools, places of worship, hospitals and public buildings as part of the process of restoring normalcy in the war-torn northeast is considered by Sinhala nationalists as a ruse meant to eventually lead up to the demand that the UNF should pull out the army from Jaffna.

All commonsense arguments against the wisdom of locating camps amidst Tamil towns and villages would be dismissed by them as part of this 'LTTE conspiracy' to take the north without firing a shot.

Therefore, the central question here is 'Will the LTTE introduce troop withdrawals from Jaffna into the talks agenda?' The answer is no. Even a brief overview of the MOU would make it clear.

The fact is that the ceasefire and the peace process are both, as the SLMM rightly observed in a recent statement, fundamentally predicated on the balance of forces in the northeast.

The LTTE and the UNF recognise it. Hence, until the successful conclusion of the talks on substantive matters, the question of pulling out troops from Jaffna would remain irrelevant to the peace process.

The truth about the fisheries industry in Batticaloa

By Shan Thavarajah

Societies held a protest march today 16th August to draw the country's attention to the hardships to which fishermen are subjected in the district.

"Ours is a community most adversely affected by the war in the northeast. The bitter experiences that we have had in the past are not yet over," says S. Balasubramaniam, president of the federation.

"More than 1200 boats of all types belonging to Batticaloa fishermen were destroyed due to army operations before the MOU was signed between the LTTE and the government. We have lost 1503 sets of fishing nets because in the war. Two hundred and eighty two fishermen's homes completely destroyed and 520 were badly damaged when villages on the northern coast of Batticaloa were bombed by the Sri Lanka Air Force. Many families that lost their boats, fishing gear and homes have been driven to terrible destitution. The state does not care for us. Our predicament is little known to the world," the president of the federation says, explaining why the organisation is mobilising fishermen in the district.

Deep-sea fishing has been banned in Batticaloa for more than 15 years. According to fisheries department officials and fishermen in the district, there is little indication that deep sea fishing would be possible in the near future either, despite the relaxing of restrictions under the terms of the MOU between the LTTE and the UNF government.

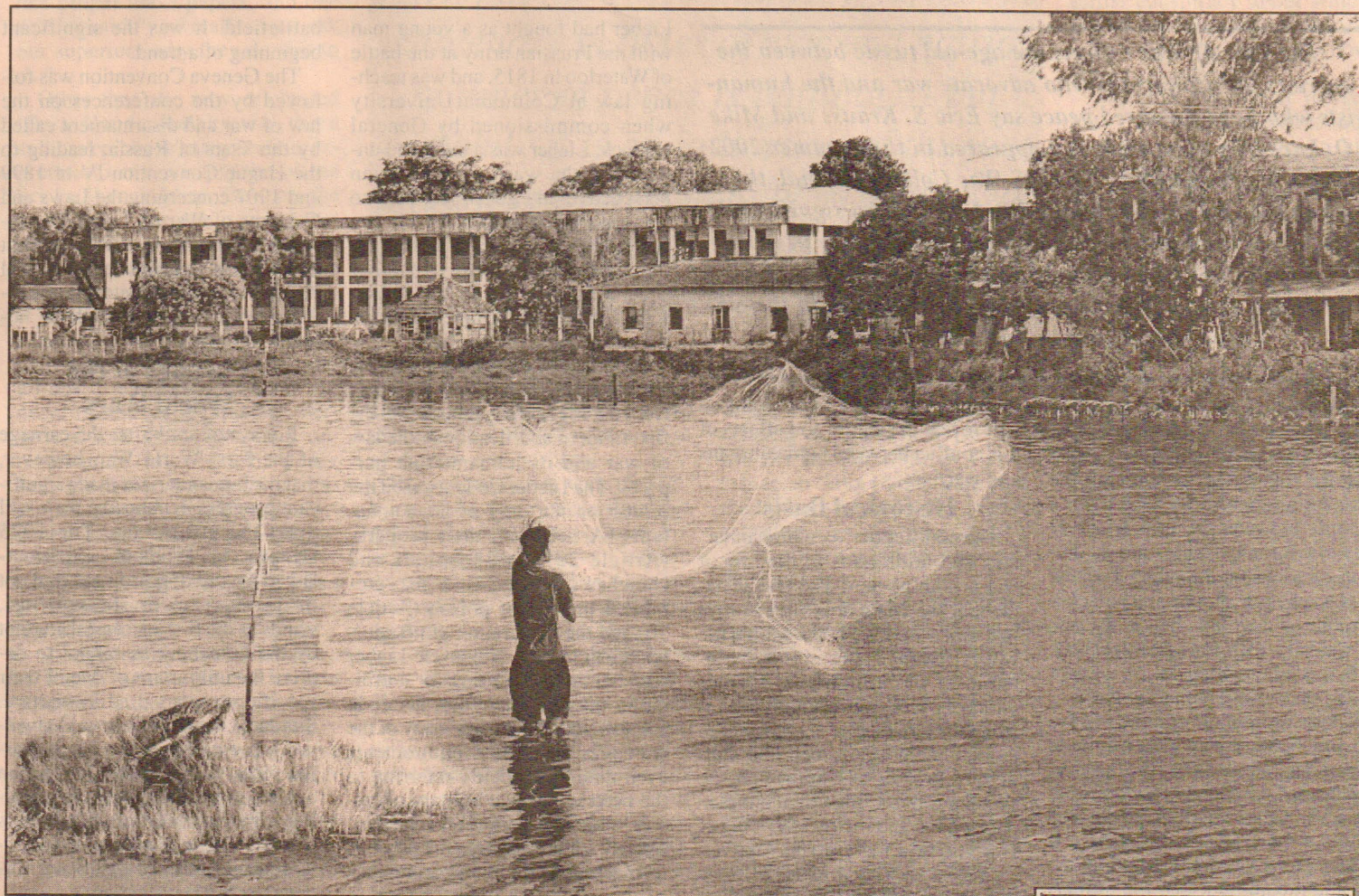
The Sri Lankan military banned Batticaloa fishermen from owning multi-day boats fitted with sonar, global positioning system, storage facilities etc. Neither officials nor fishermen are sure whether the military would permit such boats in Batticaloa for deep-sea fishing.

"If our fishermen are lost at sea, we have to hire multi-day boats from Galle or Matara. The owners charge 50,000 rupees per day for these boats. It takes at least three days to find the lost persons. The cost is too great for poor fishermen's families to bear. In Sinhala areas the state rushes to help find fishermen lost at sea. But our people are left to the mercies of the elements," a fisheries department official said.

The Batticaloa District has one of the longest coastlines in the island, extending 135 kilometres from Kallar in the south to Verugal in the north.

The district occupies the central part of the Eastern Province. Its land area is approximately 2633.1 square kilometres.

The lagoon is central to the district's economy and ecology. It covers 229.2 square kilometres (14,118 hectares) from north to



Fishing in the Batticaloa lagoon in the town Pic by Buddhika Weerasinghe

south and separates the paddy growing hinterland from the Batticaloa coast.

Batticaloa's main lagoon and the Upparu lagoon west of Vakara together spread across the length of the district from Thuraineelavanai 35.2 kilometres south of the town to Verugal, 73.5 kilometres to its north.

This lagoon has an abundance of prawns, crabs and a variety of freshwater and other fish.

There are 16,472 families engaged in regular fishing.

Out of these 65 per cent, 10,672 families, fish in the lagoon. There are about 5000 families that fish during certain times of the year or engage in fishing to supplement income from their regular calling.

There are 3890 one day and traditional fishing crafts registered with the Fisheries Department in Batticaloa.

Among the one-day craft, there are 279 inboard motor craft and 235 out board motor craft.

Among the traditional craft, there are 45 mechanized and 3331 non-mechanized boats that fish in the lagoon and 1408 in the sea.

"The number of fishing boats in Batticaloa are comparatively few when one considers the long coast line and the extent of inland waters in the district. This is not only due to the war but deliberate discrimination on the part of the government since 1983. The fisheries industry here is very underdeveloped because of this," Balasubramaniam said.

"The majority of the people in the northeast feel somewhat better and free after the MOU. But the fishing community does not. We have many problems. The first and foremost is the restriction of fishing in the sea. There are some places in the Batticaloa lagoon, such as Manthivu and Thirupperunthurai where fishing is still barred. The army has set up a defence perimeter in the lagoon in Vavunathivu with rolls concertina. Foreign fishermen and fishermen from the southern part of the island also pose a great threat to our fishing. Foreign ships and trawlers that often intrude into the waters of the east coast are debilitating the local fishing industry.

"They, with their sophisticated fishing equipment, catch everything in our sea, even the fingerlings; take whatever they want and throw away the rest. This greatly endangers the growth of fish populations in our waters. The powerful lights they use underwater kill the eggs of fish, fingerlings and sea plants.

"It affects the life-cycle of many varieties of fish and destroys the underwater ecosystem, which is necessary to sustain life in the sea. Foreign and southern fishing boats are causing environmental pollution too.

"The fishermen from south who come into our waters in multi-day boats and trawlers sometimes come close to the coast and recklessly damage and cut fishing nets laid by the local fishermen. It costs us a lot

"They use new techniques in fishing. Local fishermen are unable to

compete with them on this score. They have diving equipment to catch coloured-fish and sea cucumbers. We, who are the rightful owners of this sea have to be watch helplessly while outsiders exploit our resources and make money.

"The government has provided fishermen in the south with ultramodern fishing equipment and training. These are not available to us.

"The fishing community in the east has suffered at the hands of the armed forces many times since 1983. We lost lives, houses, properties, boats, engines and our fishing gear. The MOU has not brought us much relief as it has done in other parts of the northeast.

"Everybody knows what happened on 1st May this year in the sea of Vakara. The navy attacked boats engaged in fishing in mid-sea and sank one of them. The fate of the two fishermen is not known yet. This is a good example of what we had to suffer in the past.

"These are some of the problems that we face in the district today. In the past, when these issues were brought to the government's notice they were neglected. Security reasons were always the excuse. Now after the MOU, we feel that it is time that the government should consider our problems and try to solve them as quick as possible," said Balasubramaniam.

"The second major portion of the population of the Batticaloa District is engaged in fishing. As such, we



S. Balasubramaniam, president of the federation.

have to show our solidarity to them," says A. Selvendran, president of the Batticaloa District Association of the Inland Non-Governmental Organisations (INAYAM). "Our aim is to develop the district in all aspects. So we can't be idle while a section of the community is suffering. The grievances of the fishing community continue unaddressed although the MOU is in force now. It is not fair. So we joined hands with the fisheries federation in the protest."

As far as the northeast is concerned, everyone living in the area have suffered much. And at present, nobody wants a repetition of the past. At the same time for some people, the situation has not improved much. Fishermen are in this category. They still have to pass many hurdles before reaching a smooth existence. Hence, it is everybody's duty help them to have a better living condition.

Utilitarian vs. Humanitarian: The battle over the Law of War

The Law of War reflects the age-old tussle between the warriors, or utilitarians who advocate war and the humanists who have favoured peace say Eric S. Krauss and Mike O. Lacey. In the article that appeared in the Summer 2002 issue of 'Parameters,' the U.S War College journal, they argue that though the humanists have gained significantly in the past century over the warriors, U.S policy in recent decades has been strongly in favour of war. But they conclude that despite these trends, the warriors in the US have to compromise with the humanists.

A battle rages over the future of the law of war. It pits those who must plan and fight wars against those committed to reducing the suffering caused by war; it is a battle between the utilitarians or warriors, on one side, and the humanitarians on the other. The law of war has developed and will continue to develop driven by two radically different perspectives, that of the utilitarian or warrior and that of the humanitarian. These two schools of thought have long battled for preeminence among policymakers, the political elite, and the society that they both serve. Unfortunately, each side views the other as the enemy. It may be only a slight oversimplification to suggest that the utilitarian sees the humanitarian as intent upon shattering the national defense, while the humanitarian views the utilitarian as unconcerned with the killing of innocent civilians.

From the beginning of the recorded history of combat, the rules regulating the conduct of warriors on the battlefield have been written by the utilitarians for the warriors. As recently as 1977, there were only limited challenges to the military professionals making the rules that determine what tactics, weapons, and conduct were considered acceptable on the battlefield. The utilitarians, responsible for the survival of the state or the monarch, were able to ignore or at least overrule any humanitarian voices raised in opposition to their development of the law of war. The minority humanitarian opposition was poorly organized, had little access to public opinion or policymakers, and was often viewed as a threat to the security of the state or to the lives of the soldiers protecting the state.

In recent decades, however, the tide has begun to turn. The humanitarians are now taking the lead. Unless those who profess to take the side of the warrior take notice, there is a serious risk that the utilitarian's perspective will be increasingly ignored, with potentially dire consequences for the power and influence of the United States. To understand the full scope of the conflict it is necessary to study the dual purposes of the law of war through history, the relationship between the two, and

the present state of affairs. Doing so will reveal the nature and effects of this conflict between humanitarians and warriors.

Historical Basis

The conflict between humanitarians and utilitarians in the law of war is nothing new. The Old Testament of the Bible describes several instances in which humanitarian values contradict the mission orientation of the utilitarians. Various passages from the Pentateuch instruct the Israelites to slay their conquered enemies' women and children. Later books approach the same problem from a humanitarian perspective and instruct the King of Israel to show mercy to his captives.

Similar conflict existed between the utilitarian warriors of Sparta and the humanitarian Athenians of ancient Greece. After accepting the surrender of the besieged city of Platea, the Spartans not only executed the men for their cowardly act, but took the women as slaves. The Athenians, however, developed a list of a dozen rules of engagement, one of which forbade the execution of captives.

The utilitarian/humanitarian conflict was also present in the early Catholic Church. The same Church that sanctioned the utilitarian concept of Saint Augustine's just war displayed its humanitarian side by attempting to restrain violence by restricting the use of certain weapons, such as the crossbow (although one might see such efforts as being matters of preemptive defense). Though the motivation to restrain violence was prompted primarily by concern over intra-Christian warfare, important expressions of non-combatant immunity evidence the continued concern leaders had for the simple sake of humanity. These Church efforts in conjunction with the rise of a professional warrior class of knights led to the Age of Chivalry.

Although the utilitarian continued to dominate the shaping of the law of war in the mid-19th century, at least one former warrior was instrumental in stressing humanitarian concerns in his important codification of the law of war. When General Henry Halleck was looking for an individual to create the first statement of the laws of warfare during the American Civil War, he turned to a scholar and former soldier, Francis Lieber. Professor

Lieber had fought as a young man with the Prussian army at the battle of Waterloo in 1815, and was teaching law at Columbia University when commissioned by General Halleck. Lieber was a man who understood the warrior's utilitarian perspective and goals. But he also was touched personally by the war. His eldest son had died fighting for the Confederacy, and two other sons were serving in the Union Army. He was determined to lessen the suffering of the conflict.

The Lieber Code produced for the US Army in 1863, General Orders No. 100, is generally considered the first modern codification of the law of war and its humanitarian purposes. The Lieber Code stressed the protection not only of noncombatants (Article 19), their property (Article 22), and hospitals and churches (Article 34), it also prohibited the use of poison (Article 70) and the declaration of no quarter (Article 60). However, Lieber realized he was writing for a utilitarian master. Therefore, his code acknowledged the supremacy of the warrior's utilitarian requirements even though explicitly referring to the need to balance military necessity with humanitarian concerns. Indeed, Lieber codified the flexibility necessary for the preeminence of the utilitarian's perspective in modern times: "Military necessity admits of all direct destruction of life or limb of armed enemies, and of other persons whose destruction is incidentally unavoidable in the

battlefield. It was the significant beginning of a trend.

The Geneva Convention was followed by the conferences on the law of war and disarmament called by the Tsars of Russia, leading to the Hague Convention IV of 1899 and 1907 concerning the Laws and Customs of War on Land. The famous Martens preamble to that Convention signifies "the classical attempt to accommodate military requirements to the principle of humanity in war."

Carnage of the World Wars

It was not until after the carnage of the First World War, however, that the humanitarians made significant progress in imposing their will upon the utilitarians. The 1925 Geneva Gas Protocol, which outlawed the use of poison gas (but not its production or stockpiling), stands as the first successful attempt by the humanitarian school to deprive the utilitarians of one of their specific weapons used in warfare. Similarly, the 1929 Geneva Convention represented another humanitarian victory. The 1929 Convention contained specific provisions dealing with the protection of prisoners of war. These restrictions and requirements imposed significant burdens upon the utilitarians.

Although the Hague Air Rules of 1923 were never formally adopted by any nation, they represented what many humanitarians hoped would be the standard for air war-

II and subsequently in Vietnam, humanitarianism catapulted to the forefront in the development of the law of war. The four Geneva Conventions of 1949 and their 1977 Protocols are considered by most to be almost entirely humanitarian in nature. The Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War was developed in response to the atrocities committed upon the civilian populations in occupied territories. The Convention placed significant burdens upon a conquering army to care for the safety, welfare, and health of any civilians in occupied territory. The passage of this Convention represented a major victory for the humanitarian school over the warriors. Previous conventions had forced the utilitarians to deal with issues such as the treatment of the sick and wounded and prisoners of war—duties which most utilitarians saw as part of their "warrior code" anyway. The Civilian Convention for the first time placed affirmative obligations upon the utilitarian warrior class to address the food, shelter, and health-care needs of civilians in an occupied area. Other humanitarian victories would follow.

The Increased Influence of Nongovernmental Organisations

Nongovernmental organisations (NGOs) now play a greater role in international relations than ever before. Their participation in the development of the law of war is not new—various NGOs around the world have participated in international affairs for more than 200 years. But only recently have their humanitarian agendas attempted to usurp the development of the law of war.

The most influential nongovernmental organization in history is the one begun by Henri Dunant, the International Committee of the Red Cross (ICRC). Beginning in the 1860s, the ICRC has initiated and influenced the conclusion of practically all major developments in the law of war relative to the protection of the victims of war. Historically the ICRC has held a lesser role in the development of the law of war relative to the means and methods of warfare. However, its role in that respect has recently increased dramatically.

During the Persian Gulf War, the US Joint Chiefs of Staff (JCS) prepared and distributed a memorandum to the ICRC and the coalition allies expressing the US understanding of the applicable law of war under Geneva Protocol I. This memorandum was written in response to an ICRC memorandum delivered to the Joint Chiefs describing its understanding of the applicable rules. The JCS memo-

Cont. on page 11

Historically the ICRC has held a lesser role in the development of the law of war relative to the means and methods of warfare. However, its role in that respect has recently increased dramatically.

armed contests of war."

At about the same time that Lieber was developing his Code, the greatest advocate to that time of the humanitarian perspective was coming into prominence — Jean Henri Dunant. A Swiss citizen, not a warrior, Dunant witnessed such horrible suffering among the soldiers at the Battle of Solferino in 1859 that he embarked on a mission to alleviate suffering in war. His efforts led to the creation of the International Committee of the Red Cross. Dunant's work also led to the first international conference at Geneva, Switzerland, in 1864. Although this first Geneva Convention dealt only with the treatment of the sick and wounded on the battlefield, for the first time the humanitarians were setting rules on how the utilitarians could conduct themselves on the

fare in World War II. The rules contained such novel humanitarian concepts as target lists, with Articles 22 and 23 banning terrorizing civilians and damaging private nonmilitary property, injuring noncombatants, and bombing to collect funds. However, during World War II, when the survival of the state was at stake, the utilitarians still dominated the military decision process. As a result, the full force of air power was unleashed on such targets as Rotterdam, London, Hamburg, Dresden, Tokyo, and of course Hiroshima and Nagasaki. Regardless of the pre-war successes of the humanitarians, in total war the utilitarians would guide the application of the law of war to achieve their own ends.

As a result of the degree of inhumanity experienced in World War

Humans 'programmed to spot cheats'

People have a "detector" in their brains, which means they can spot individuals who cheat. There is a specific part of the brain that concentrates on "social exchange" which is not part of the general reasoning area.

Scientists have found the same results Westerners, and in a tribe from the remote Ecuadorian Amazon. Studies have suggested the "cheat-detector" lies within the limbic system, a part of the brain used for processing emotional and social information.

They believe the trait developed in humans and apes as social

behaviour became more complex. Researchers from the University of California at Santa Barbara looked at one patient, known as R.M., who damaged this area of his brain in a cycling accident in 1974.

He was able to successfully perform tasks, which asked him to assess whether someone might be breaking a precautionary rule - the rule was "if you engage in hazardous activity X, you must take precaution Y."

But he fared less well in tests which used the same kind of logical thought process which were to do with assessing if an individual

might be cheating on a social contract - going by the rule "if you receive benefit X, you must fulfil requirement Y."

The researchers said if R.M.'s general reasoning was poor, he would have performed badly in both tasks.

The team then gave modified versions of the same tests to undergraduates from Harvard University and to members of the Shiwiar, who live in a remote region on the Ecuadorian Amazon almost entirely cut off from civilisation, to see if they had the same responses.

The Shiwiar's ability to detect

cheats was as good as that of the undergraduates, leading the scientists to conclude "cheat detecting" was an evolutionary trait rather than a skill linked to complex social environments.

Both studies were published in the journal 'Proceedings of the National Academy of Sciences.'

Writing in the journal, the researchers led by Leda Cosmides from the Center for Evolutionary Psychology at the University of California, Santa Barbara, said: "R.M.'s differential impairment indicates that being able to detect potential cheaters may be a sepa-

rable component of the human mind."

"Knowing how to engage in social exchange is an important aspect of human social intelligence. "It is difficult to imagine two populations that differ more than Shiwiar villagers and Harvard students in their exposure to Western-style schooling, word problems, the institution of science, or the concept of an experimental situation - factors that are known to affect performance in cross-cultural studies of cognition."

Utilitarian vs. Humanitarian *Cont. from page 10*

random was especially important since many of our coalition partners had ratified the Protocol while the United States had not.

Another example of the ICRC's increased role in the development of law related to the conduct of warfare is its efforts to prevent or control the use of certain weapon systems. In conjunction with a number of other NGOs and inter-governmental agencies, the ICRC played a significant role in the movement to conclude a protocol on blinding laser weapons and a convention on antipersonnel landmines. More recently, the ICRC initiated the SIrUS Project (Superfluous Injury or Unnecessary Suffering). The SIrUS Project is an attempt to bring objectivity to the legal notion of "superfluous injury or unnecessary suffering" and so aims to facilitate a review of the legality of specific weapons. The proponents of SIrUS believe that the legality of certain weapons should be determined by an international organization or committee, instead of the current practice of leaving such determinations up to individual nations.

Perhaps most indicative of the growing influence of NGOs in international relations was the International Campaign to Ban Landmines. On no other issue of public concern have NGOs achieved so spectacular a success as on the issue of banning landmines. This campaign was embraced and promoted by several NGOs, including the ICRC, Human Rights Watch, Vietnam Veterans of America Foundation, and Physicians for Human Rights. An important and overlooked aspect of the growing influence of NGOs, however, is their willingness to work with the military. Far from being the unrealistic romantics envisaged by many US service members, many NGOs and their constituents are realistic about the political, economic, social, and military interests at play in the development of the law of war. They also recognize the fact that both the humanitarian and the warrior share the same ultimate goals. They recognize that their success depends upon cooperation and mutual respect.

The US Role

The United States once led the development of the law of war in order to further our national interest and the interests of humanity. Now, however, the United States is viewed by much of the world as a reactionary force impeding further development of the law of war. Our position has become dominated by a utilitarian/warrior outlook, while the humanitarian perspective has gained greater currency across much of the globe.

The United States has yet to ratify either of the Geneva Protocols of 1977. President Ronald Reagan enunciated our objection to ratification of Protocol I in a letter to the Senate in 1987. Although he did ask the Senate to give its advice and consent to Protocol II, the Senate has not done so because it has treated the Protocols as a package.

President Reagan refused to endorse Protocol I because of concerns that it would legitimate various liberation movements that would upset, from his point of view, the balance of power, and endanger the security of some of our allies, like Israel and South Africa. Because of the "perception of Protocol I as proterrorist, and . . . because of military objections by the Joint Chiefs of Staff, the President concluded that the Protocol was 'fundamentally and irreconcilably flawed.'"

The military "argued that the Protocol's humanitarian tilt would thwart quick victories in war and would pose additional dangers to members of the armed forces." Though the United States acknowledged that most of the Protocol's provisions reflected customary international law, the political and military concerns with the remaining provisions prevented our ratification. The United States tried to persuade its friends and allies not to ratify the Protocol, but the vast majority of states—including almost all of our allies—have ratified it.

One is left with the impression that the world cares less and less about what the United States thinks regarding the law of armed conflict and more and more about the fact that the United States seems to behave as if it can dictate the law but is not subject to the law.

The position of the United States

in relation to the Certain Conventional Weapons Treaty (CCW) exemplifies its persistent adherence to a utilitarian or warrior perspective in the face of continued humanitarian gains. The CCW consists of three Protocols attached as part of the original Convention in 1980. These Protocols are on

be legitimate to use incendiary weapons in civilian areas if that is the best munition to use under the circumstances.

US wishes to employ blinding lasers

The Protocol on Blinding Lasers prohibits the use of lasers "whose

President Reagan refused to endorse Protocol I because of concerns that it would legitimate various liberation movements that would upset, from his point of view, the balance of power, and endanger the security of some of our allies, like Israel and South Africa

nondetectable fragments; prohibitions or restrictions on the use of mines, booby-traps, and other devices; and prohibitions or restrictions on the use of incendiary weapons, respectively. A fourth Protocol on blinding laser weapons was attached in 1995 and an amended Protocol II was attached in 1996.28 The United States ratified only the Convention and its first two Protocols in 1995.29 Though President Bill Clinton submitted the remaining protocols for ratification in 1997, the Senate has yet to render its advice and consent.

President Clinton's submission to the Senate reflected the military reservations and objections to the limits housed in the CCW. They illustrated the warrior's resistance to blanket prohibitions on the use of certain weapons and reasserted the demand for flexibility in the use of the weapons if required by military necessity.

Though Protocol III "does not prohibit the use of incendiary weapons, per se," it does prohibit "attacks on the civilian population or civilian objects, and places limits on attacks on military objectives located within a concentration of civilians." The United States has made plain its position that it should

combat function causes permanent blindness," but "recognizes the legitimate use of lasers for other military purposes" such as precision targeting. Nevertheless, the United States again has made plain its desire to employ lasers that may blind, explicitly. Similarly, in relation to the Amended Protocol II, the United States has carefully expressed its comprehension of the legitimate use of such weapons in order to avoid any potential interpretation of the Protocol adverse to its military interests.

The success of the campaign to ban landmines in spite of US opposition to the 1997 Ottawa Convention is evidence of the diminished authority the United States enjoys in world affairs and the development of the law of war. In essence, it typifies a growing trend of humanitarian victory over warrior concerns. The US opposition to the treaty is based on the perceived need for such mines to block a North Korean invasion of South Korea and to defend anti-tank minefields, and the desire to legitimize the continued use of remotely delivered anti-personnel mines. However, not only have our allies rejected such reasons for US exemption from the treaty, at least

one NATO ally—Norway—has called for the removal of US mines from its territory under the treaty.

Utilitarians are quick to defend former President Clinton's decision not to sign the treaty. That defense is based entirely on the principle of military necessity, a concern rejected by the parties to the treaty, including most of our allies.

Conclusion

The history of humanity is one of war and frequent acts of unlimited brutality. The history of humanity also reveals a persistent and growing effort to limit the nature of warfare. This conflict is a manifestation of humanity's will to survive. Human beings fight to survive and flourish. They also endeavor to protect the life of humanity by constraining the methods of fighting. One can posit that all humans possess the characteristics of the warrior and the humanitarian. The conflict between the two is apparent in the individual choices people make and the efforts of states and groups. The law of war reflects one aspect of that conflict.

This conflict between utilitarian/warrior and humanitarian is reflected also in US foreign policy. The United States tends to adhere to the principle of military necessity as superior to humanitarian concerns. As a result, the United States is itself in conflict with a general trend in the development of the law of war along stronger humanitarian lines, and in doing so the United States distances itself from the rest of the world. That fulfills the criticisms of our allies and enemies alike that we are self-serving to the extreme and arrogantly blind to the consequences of our acts.

Gone are the days when the utilitarian could ignore the simple protests of an unorganized humanitarian minority. Now the humanitarian voice is represented by many of our closest allies and a majority of the rest of the world, and the voice gets louder with every passing year. It would be ironic indeed if the utilitarians' stoic refusal to even consider détente with the humanitarians led to the ultimate failure to accomplish the warrior's mission.

'Smoke chariot' resumes servicing Valaichenai

Text and Pix by Buddhika Weerasinghe

A change has swept over the lives of people in northeast as well as the south after the Memorandum of Understanding (MOU) was signed. Public transport, abandoned for years due to armed conflict, was resurrected after the MOU and has brought in its wake tremendous relief.

Though it was one of the main railway lines, connecting the east with rest of the country, these rail tracks saw very few locomotives in the past decade. The last day when the train (called the smoke chariot, *Puhai Iratham*, in Tamil) Udaya Devi arrived at Batticaloa station was 30th October 1996. Due to an LTTE attack that day, railway authorities suspended indefinitely all the locomotives plying from Colombo to the east.

Since then the trains went only up to Welikanda and those travelling on to Batticaloa had to find an alternate means of transport.

On 19th May this year, train services were extended to Valachchanai. However, the service is yet to be extended further south to Batticaloa.

Govindarajah Thurairatnam, stationmaster, Valachchanai, who had worked as the stationmaster, Batticaloa for number of years, speaks sombrely of the situation. Since locomotives were suspended to Batticaloa, Govindarajah had to work as the stationmaster of a 'non-operational' railway station till he was sent to Valachchanai after number of years.

Thurairatnam is of the opinion the existing railway



compartments are not sufficient to cater to public demand. "You find large numbers of people on Mondays, Wednesdays and Sundays to go to Colombo by train. But we are unable to provide seating facilities for them."

"These travellers come from distant areas like Akkaraipattu, Pottuvil, Kalmunai, Eravur and Kalawanchikudi. In addition, there are people from Valachchanai too. There are only four compartments to cater to this crowd. I have informed the authorities in Colombo of this unsatisfactory situation. They say that they do not have extra bogeys."

Because of this problem, most of the travellers come to the

station early in the morning, even before 5.00 a.m. to reserve seats, Thurairatnam added.

When the train service was resurrected the average number of passengers had been over 2000 per day, but this had reduced due to the inability of the railway to cater to the demand.

There are two trains from Colombo to Batticaloa daily and the same number going the

opposite way. Departure times for the Colombo-Batticaloa train is 6.15 a.m. and 8.30 p.m. The departure time for the first train from Batticaloa to Colombo is at 7.40 in the morning, while the evening train is at 7.15 p.m. There are six sleeping berths in the first class compartments and only 14 and 10 seats in the 2nd and 3rd class compartments.

The passengers expressed their

unhappiness that their complaints about poor accommodation were falling on deaf ears.

It is the responsibility of the authorities to find solutions to the problems of passengers as well as to take necessary steps to extend train services to Batticaloa, because people are eagerly waiting to see the day that Udaya Devi and Hijara arrive in that eastern town.

