

Resettlement only after permanent peace - army

The United Front government has to find a practical solution to the problem of refugees in the north who are still barred by the army from resettling in their villages if it wants to produce tangible results for promises made in Thailand, Tamil Rehabilitation Organisation (TRO) officials said.

"The UNF has to either work out a clear timetable with the army, or relocate the military to places outside the villages and their fields in question," one of them said.

The military in many parts of northern Vavuniya say categorically that the resettlement of these people can be considered only when there is permanent peace.

Prime Minister Ranil Wickremesinghe and Constitutional Affairs Minister Prof. G. L. Peiris have stated that a permanent settlement to the conflict may take many years.

The army continues to deny access to IDPs even to visit their villages along 10 interior roads west of the A9 between Omanthai and Thandikulam.

Government officials say that more than 85 villages were destroyed in the northern parts of the Vavuniya district during the Sri Lanka army offensives to take the A9 in 97-98.

"We have been looking forward to going back to our villages from the day the MOU was signed. Six months have gone by and we do not have any indication that we can leave this wretched refugee existence behind us and start life in our village," says Rasaiah Thurairatnam, who fled Konthakkaran kulam, north of Vavuniya with his wife and children in May 1997.

Although the Ministry for Vanni Rehabilitation says the government has promised 15,000 rupees to each resettling family, IDPs like him have little hope of going home to resettle because their villages are in the army's high security zone close to the Forward Defence Lines that separate the LTTE and government held areas in that region.

Army officers in charge camps and defence positions in the area told a team of government and LTTE officials in Vavuniya who visited the Iranai Illuppaikulam region last Tuesday that it is impossible to resettle the IDPs there especially in the Velankulam village as it comes under an SLA high security zone and such resettlement could be possible after a solution is found at the Thailand peace talks.

Respect of Tamil rights key to solving ethnic conflict

By A Staff Correspondent

LTTE officials said on Thursday that Dr. Anton Balasingham had reaffirmed at the press conference in Thailand on Wednesday the consistent stand taken by their leader on the question of finding a viable solution to the ethnic conflict.

Amidst general euphoria in Colombo and abroad that the Tigers had "Renounced the demand for the separate State," Pulithevan, an LTTE official at the headquarters of the organisation's political division in Kilinochchi, pointed out that all those concerned should consider what Balasingham had clearly spelt out as the parameters of the solution, which would be acceptable to the Tamil people and satisfy their political aspirations.

"Our leader has already stated clearly what we stand for," he said.

In his Great Heroes' Day message on 27th November last year, on the eve of the general elections, the LTTE leader Velupillai Pirapaharan said: "The Tamil people want to

maintain their national identity and to live in their own lands, in their historically given homeland with peace and dignity. They want to determine their own political and economic life; they want to be on their own. These are the basic political aspirations of the Tamil people. It is neither separatism nor terrorism."

Sources close to the LTTE in London said, "The ball is now in the Sri Lankan polity's court. It is not merely a challenge to the United National Front (UNF) government but to the Sinhala polity as a whole to show that they can reach an accommodation with the Tamils. But first they have to clear their deck of all the constitutional and political obstacles which have traditionally obstructed all efforts to find a peaceful settlement to the Tamil problem. The 19th Amendment (to the Constitution) is just a starter but is not adequate in itself to bring about the constitutional transformation necessary to even meet the basic Tamil demands."

"The unitary character of the Sri

Lankan state, the primacy of Buddhism as the state religion are entrenched in the Constitution and need not only two-thirds majority support in Parliament but approval at a national referendum. It is not an easy task to convince the Buddhist majority to give its approval at the referendum to repeal their religion's primacy and transform Sri Lanka into a truly secular state. Therefore the UNF and the People's Alliance (PA) have to bury the hatchet and think of practical means of meeting Tamil aspiration rather than pin their hope on getting more international support to further water down the LTTE's stand", a well informed Asian diplomat said.

"The principle of self-determination is fundamental to Tamil aspirations because the Sri Lankan state has consistently denied their basic rights over a prolonged period of time and consistently exposed them to the threat of genocide through pogroms, the Prevention of Terrorism Act and the Emergency Regulations. The PA and the UNF should first study and understand this. We

have no intention to be intransigent," an human rights lawyer who advises the LTTE said, referring to two related UN resolutions on self-determination.

The UN Declaration on the principles of Equal Rights and Self-Determination (G.A. Resolution 2625 of 1970) gives the right of self-determination to peoples within existing independent states when governments fail to "conduct themselves in compliance with the principles of equal rights" and when the state does not "represent the whole of the people belonging to the territory without distinction as to race, creed or colour."

The UN International Covenant on Civil and Political Rights (G.A. Resolution 2200 of 1966, ratified by the Sri Lanka government in June 1980) in Article 1 States, "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."



Talks in Thailand have not solved problems for IDPs in Poonthottam camp, Vavuniya Pic. by Buddhika Weerasinghe

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From illegal entrant to his excellency

When Sri Lanka's top Tamil Tiger negotiator slipped into Thailand to have a kidney removed he had to dodge the authorities, but three years later he is treated like a head of state.

Anton Balasingham, 64, and his Australian-born wife, Adele Wilby, 52, escaped government forces in Sri Lanka by smuggling themselves by boat to Thailand in early 1999 to receive urgent medical treatment.

After having his enlarged left kidney removed at a hospital in the capital Bangkok, the Balasinghams kept a low profile to avoid getting caught by immigration authorities and were contemplating their next move to London.

"Our first task in the process of leaving the country was to reverse our illegal status by securing at least valid passports," wrote Adele later in her book, "The will to freedom."

The book does not name the country, but diplomatic sources confirmed that it was to Thailand the Balasinghams escaped.

On Saturday, the Balasinghams arrived back, welcomed to the VIP lounge of Bangkok's Don Muang international airport in a process that went as smoothly as silk.

They are key figures in the four-member negotiating team of the Liberation Tigers of Tamil Eelam (LTTE) talking peace with a high-level team of the Sri Lankan government in a bid to end three decades of ethnic bloodshed.

It was Sri Lanka's peace broker Norway, which later intervened to take Balasingham from London to Oslo for a kidney transplant that possibly saved his



life.

Norwegian peace envoy Erik Solheim addressed Balasingham as "Excellency" during the formal opening ceremony at a resort hotel here Monday.

Balasingham, a former employee of the British high commission (embassy) in Colombo and later a confidant of Tamil Tiger supremo Velupillai Prabhakaran, has made headlines with dramatic moves for a man with many ailments.

There had been nagging concerns about the health of Balasingham who is also diabetic, but Norwegian peace brokers have stressed that he was fully capable of traveling and his treatment did not restrict his movements.

It was Balasingham's wife Adele who arranged for Prabhakaran to reunite with his wife and two children in 1990 when the LTTE opened talks with the then Sri Lankan government.

Those talks ended in more bloodshed, but Prabhakaran's wife Madivadani returned from Sweden with their two children and managed to go through Colombo's international airport and travel to a rebel-held region safely.

This time, diplomats said Balasingham's Australian mother-in-law made use of the peace talks here to travel to Thailand and reunite with her daughter and son-in-law who were state guests at a tightly-guarded naval base. - (AFP)

Tamil refugees hope talks will get them home

By S P Udayakumar

For Annammal, a grandmother who lives in a camp for Tamil refugees from Sri Lanka here in southern India, the peace talks in distant Thailand represent the one chance that she may yet see the homeland in Jaffna that she fled 10 years ago.

"We (Sri Lankan refugees) are hopeful, for the first time. Both sides, the government and the Tigers, have to give and take and that alone will bring lasting peace to the country," said 60-year-old Annammal, who lives in the Pazhavilai camp for Tamil refugees.

While Indians as a whole and ethnic Tamils here in India's southern Tamil Nadu state have only a general interest in the Thailand talks, the Sri Lankan inmates of this camp are eager to return to their country and resume their lives as teachers, clerks and officials.

"India is safe but here we are nothing but coolies (daily wagers working as labourers)," said Mani, who also lives in the camp.

The Pazhavilai refugee camp is one of the four in Kanyakumari district on the southern tip of India that since 1990 has housed some 80 families from Sri Lanka, which lies across the Palk Straits.

Some families took their chances and returned to Sri Lanka in 1992 and 1995, but at least 65 families have continued living in Pazhavilai.

Over the years, they have held uncertain hopes of returning to their homes in places like Mannar, Vavuniya and Trincomalee, areas made famous for the fierce but inconclusive war between the Sri Lankan army and the Liberation Tigers of Tamil Eelam (LTTE), which has been fighting for a separate Tamil homeland for the last 19 years.

Mercy, a refugee from Vavuniya, thinks the current talks would succeed because both sides are sick and tired of the violence and destruction. "The Sinhalese nationalists are under a lot of pressure to behave now and so there won't be any breach of trust," she said.

Most of the men and women in the refugee camps think that their lives might change in the next few months.

Although they do not have any concrete plans about their return trip to Sri Lanka, they do foster that hope fondly in their hearts.

Jyothi, a 28-year-old youth in Kottaram another refugee camp near Kanyakumari, cannot wait to go back to his country. "In my country, I can buy a piece of land, or build a house, or do anything that pleases me if there is peace around me," he muses. Living as a refugee makes him feel wasted.

There is a chorus of support for Jyothi's views in the camp. The state government of Tamil Nadu doles out five dollars to the head of each family here every month and three dollars to other adults and a dollar and fifty cents to each child under the age of 13. But this is barely sufficient to keep them going.

Most of them are grateful for measures of rice and electricity and drinking water in the camps, but the future is bleak. Many have died in the harsh living conditions on the sea front.

The able-bodied men and women are allowed to leave the camps for manual labour in and around the refugee camps. But jobs are few and sporadic. Most men who work in the banana plantations around Pazhavilai complain that they may be restricted to the camp when dignitaries visit the area or when the political times are hard in India or Sri Lanka.

Some of the refugees who came to India have had children born to them in exile. These children speak the local dialects and appear comfortable with their meagre surroundings.

They attend local schools and even excel in their studies in a district that has the distinction of having the best rural schools in the whole of India, but have no idea about their country of origin or the deadly conflict that has ravaged the lives of their parents.

Every now and then, following each upsurge in the fighting between the LTTE and the army, the refugees' ranks have swelled. The last time that happened was after the deadly Jul. 24 attack on Colombo airport by the Tiger rebels last year.

Many then made it across the Palk Straits paying as much as 250 dollars per person — what it might have cost

flying — to be ferried by fishermen over to India.

On reaching Indian shores, refugees are herded into a screening camp at Mandapam, a small rocky island near Rameshwaram, before being distributed to regular refugee camps. The process could take over a month.

Authorities say the process is necessary to ensure that the refugees have no links with the LTTE, which was banned in India after the Tigers' involvement in the 1991 assassination of former Prime Minister Rajiv Gandhi.

Gandhi had paid with his life for trying to broker a peace in Sri Lanka through the tripartite 1987 Indo-Sri Lanka accord between Colombo, India and the LTTE.

Here in Tamil Nadu, the refugees are at least safe from the bombs and bullets of the war between the Tamil Tigers and Sri Lankan forces, barely 100 km away.

An estimated 70,000 Sri Lankan Tamils are housed in 129 refugee camps across Tamil Nadu. Another 80,000 live with relatives or on their own — permitted under Indian laws so long as they register with local police.

The luckier among them receive support from relatives who live in countries like Britain, Canada and France — and telephone booths that have sprung up outside the camps are testimony to these connections.

But most other Tamil refugees are poor and depend on back-breaking manual labour to make ends meet. Many are helpless when the authorities decide to break up families for administrative reasons.

At the Perumalpuram camp, one among the four in Kanyakumari district, living conditions can be described as abysmal. Most of the refugees are crowded into hovels, some of which have the luxury of an asbestos sheet for roofing. Others are thatched huts that leak when it rains.

The other refugee camps in the district are located at Kozhivilai and Gnanavilai districts and taken together, the four camps house 1,400 people. - IPS

Solheim to brief India on peace talks

By V.S. Sambandan

SATTAHIP (Thailand) Sept. 18. The Special Envoy for Sri Lanka's peace process, Erik Gudbrand Solheim, was a picture of contentment at the end of the Sattahip talks.

Speaking to The Hindu after the talks concluded today, Mr. Solheim, who will be leaving for India to brief New Delhi, said both parties to the Sri Lankan conflict — Colombo and the LTTE — had requested that India be kept informed.

The Indian counsel to him, at the start of the process, was that he should "not be disappointed by small setbacks."

Recognising the importance of the India factor he said, "everyone

who takes a slightest look at the map, will realise that India is the only neighbour to Sri Lanka."

The most important need now, Mr. Solheim said, was international financial assistance for de-mining and resettlement. "You cannot expect (the internally displaced) to go back if there is no land, no house. They are looking for all sort of funding".

Mr. Solheim, a Norwegian MP from the Socialist Party, said Norway's involvement in the island's peace process was because no country was isolated from another, though far away, in the current global context.

"Take it from this perspective. I myself have 3 kids. If I want a safer world for them, that cannot be Nor-

way in isolation. Two hundred years back it could be Norway in isolation. Now the world is global. The threats to people are all global. If you allow a lot regional local wars to continue that will also ultimately affect the lives of people far away. The old notion of the world is not there anymore, in that sense it will also benefit the future of Europe".

On the trying moments he had been through, Mr. Solheim said, "patience has been needed all the time".

He saw the ceasefire as "the single-most important step" because it "gave breathing space" and was "transforming" Sri Lanka.

Courtesy The Hindu

Balagalle's 15-month extension

Paves the way to enthroning intrigue and sycophancy in the Sri Lanka army

By Romesh Tissainayagam

According to informed sources, President Chandrika Kumaratunga, exercising the powers vested in her as the commander-in-chief of the armed forces, last week extended the services of the army commander, Lieutenant General Lionel Balagalle, for a further period of 15 months, which would effectively mean he will hold on to the top post in the army till end of December 2003.

The president's retention of Balagalle (57) as the commander, despite being well past the retirement age of 55, is alleged to be a counter to the move by the UNF government to promote as commander Major General Lohan Gunawardene in keeping with his seniority, and Major General Anton Wijendra as chief-of-staff with effect from 1st October 2002. As a result of the extension granted to Balagalle, Gunawardene, in all probability, will retire from service as the chief-of-staff next year without being elevated to the highest rank.

It would be interesting at this stage to have a clear understanding of the Army Act and its provisions for the appointment of the army commander by the head of state. The Army Act states the president of the country as commander-in-chief of the armed forces, is empowered to appoint 'a senior officer' who, in the president's opinion, is most eligible for the post and also commands the respect and honour of his subordinate officers and men. What the Act refers to as 'a senior officer,' is not the 'senior-most officer,' but the most eligible officer in the top rung of the army who may be elevated to the post of the army commander.

The Act goes on to state that only the commander of the army can be extended in service beyond the retirement age of 55. Here again, on the day of his 55th birthday he should already be holding this appointment. As per the provisions, an officer beyond the age of 55 cannot be appointed as commander. Moreover, an officer can hold the post of army commander for a maximum of four years. For example an individual promoted as commander at the age of 54 can serve as commander for a maximum of four years - i.e. one year in service and three further years on extension.

All other officers are required by the Act to retire once they reach the age of 55. Theoretically, an officer becoming a chief-of-staff a day before his 55th birthday will hold that office for only one day. A subse-

The Army Act states the president of the country as commander-in-chief of the armed forces, is empowered to appoint 'a senior officer' who, in the president's opinion, is most eligible for the post and also commands the respect and honour of his subordinate officers and men

quent amendment to the Act introduced a clause that a maximum period of three years in substantive rank for a major general, and a brigadier serving in that substantive rank of four years without being promoted to the next higher rank, should retire from service after completing the maximum period unless their services is extended annually by the president.

If this rule is applied to the current scenario, then the present chief-of-staff Major General Gunawardene, deputy chief-of-staff Major General Anton Wijendra, director, general staff, Major General Shantha Kottegoda, Wanni security forces commander Major General Chula Seneviratne and Jaffna security forces commander Major

December 2003, when Balagalle's extension is due to expire.

However, it has been the convention that in almost all instances, commanders of the army have been the senior-most serving officer when promoted, except for a couple of occasions when this was broken.

The first instance was way back in 1962 when, after the aborted coup-de-tat, Colonel Richard Udugama, the 13th junior officer from the top, was promoted to the rank of major general and appointed ahead of incumbent Brigadier Russell Heyn. The senior-most serving officer, Heyn, was suspected of being a secret collaborator of the coup. Udugama succeeded Major General Gerard Wijekoon as army

Stanley de Silva (Intake 23), superseded the latter as the commander of the army. However, in this instance Waidiyaratne had superseded de Silva long before he was a contender for the commander's post. De Silva was Waidiyaratne's chief-of-staff, before retiring from the in June 1992 on reaching retirement age of 55.

Except for the rare instances illustrated above, it has always been a convention to promote the senior-most serving officer to the post of commander. If by any chance the president or the government is of the opinion the incumbent is not eligible for that post, the common practice has been to extend temporarily the serving commander who is completing his tenure, until the next-most senior officer retired from service on reaching the age of 55. One such instance was in 1988 when Seneviratne's service as commander was extended for a period of nine months until such time as brigadiers George Thevanayagam, Lyle Balthazaar and Mike Silva retired from the service making way for General Hamilton Wanasinghe to fill the vacancy of army chief.

This is probably the strategy that has been adopted by Kumaratunga. By giving an extension of service to Balagalle, Gunawardene and some of the other generals could be effectively kept out of the contention for the commander's post. Both Gunawardene and Wijendra are due to retire next year on reaching 55. This would mean the third- and fifth-most senior officers - Kottegoda and Fonseka - stand an exceptionally good chance of becoming the army commander - provided of course their services are extended after completing a maximum period of three years as majors general.

As already mentioned, the government is reluctant to enforce the three-year rule for generals and four-year rule for brigadiers who are below 55 years of age as mandatory for retirement, taking into consideration the wealth of combat experience these officers have after being in command of operational field formations for nearly 20 years. On the other hand, if Kottegoda and Fonseka's services are not extended before

reaching 55 years, then the next most senior officer eligible to become army chief would be majors general Susil Chandrapala followed by Nanda Malawarachchi.

However, what irks senior army officers today is that Balagalle should never have made it as commander in the first place, let alone been given a 15-month extension. When Balagalle was appointed as commander in August 2000, the provision of the Army Act, which stipulates that when a new commander takes over should be below the age of 55, was violated. In fact Balagalle had passed retirement age nearly two months before becoming commander, but was retained in service under a newly created post of deputy commander that was hitherto unknown in the army.

Today, senior officers of the armed forces consider this as a dangerous precedent because senior commanders, who have completed the tenure and maximum period at the helm, are being extended in service. Not only has Balagalle's services been extended by a further 15 months at the end of which he will be 58-plus, but in an unprecedented move, the navy chief, Admiral Daya Sandagiri's term was extended by three years, without the normal yearly extension in service. This has deprived Rear Admiral Mohan Wijewickrama and C. N. Thudawewatte of aspiring to the highest post in the navy. Similarly, it was alleged the president had been adamant that former Air Force commander Jayalath Weerakkody's term be extended before he was compelled to retire.

Balagalle's extension of service could prove to be a costly precedent if it institutionalises ad hoc extensions of service affected by the president. If this goes on unchecked, it will cause a serious erosion of confidence in the system as being a rational, just, meritocracy. What is more, backstabbing, tale-carrying and other horrible practices that bedevil the smooth functioning of institutions will be enthroned, as military officers realise that intrigue and sycophancy will suffice to earn them a good name with the president and not leadership or bravery on the battlefield. At a time when Sri Lanka is yet not out of the woods of the ethnic conflict, the president monkeying around with the Army Act will only lead to disenchantment in the ranks of the armed forces, which might have far-reaching consequences in the future.

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General Sarath Fonseka have reached the maximum point in their substantive post as majors general though all of them are either 53 or 54 years of age - with two clear years before reaching the age of 55.

The government however is reluctant to retire such officers before the age of 55 irrespective of whether or not they complete the maximum number of years. The four officers are likely to have their services extended until they reach the age of 55, which make generals Kottegoda and Fonseka both of whom at 53, have nearly two more years in service contenders for the highest post in

chief in 1963.

The next instance occurred much later in 1985 when Lieutenant General Nalin Seneviratne (Sandhurst Intake 11 of 1951) superseded Brigadier Mano Madawela (Sandhurst Intake 9 of 1950) to the army commander's post even though Madawela was the chief-of-staff when Lieutenant General Tissa Weeratunga retired from service. Madawela continued in service and was Seneviratne's chief-of-staff before retiring in 1986.

The last instance occurred 10 years back in 1991, when General Cecil Waidiyaratne who was five batches junior to Major General

Studying decreasing commitment of international donors to IDPs

By Christian Bourge

Two major think tanks in Washington have teamed in a project aimed at promoting effective policy solutions for the 25 million people worldwide who are displaced within the borders of their own countries by ethnic conflict, civil war, disasters and other causes.

The Brookings Institution and the Johns Hopkins University Paul H. Nitze School of Advanced International Studies launched the Project to Aid Internally Displaced Persons as an extension of work done at Brookings over the last decade by the co-directors of the new program, Francis M. Deng and Roberta Cohen.

"There was a (growing) sense (following the Cold War) that if you didn't address these things, they would spill over borders and increase instability in regions," Cohen, a senior fellow at Brookings and an expert on human rights and humanitarian and displacement issues, told United Press International.

Cohen said that she and Deng — who is the U.N. secretary-general's representative on IDPs and a nonresident senior fellow at Brookings, as well as research professor in International Politics, Law, and Society at Johns Hopkins — have been working to address the issue since the U.N. secretary-general created Deng's U.N. position in 1992.

Their work is considered an important part of the effort to address the problems faced by people who, like refugees, are displaced by conflicts, natural disasters and economic development, but who do not cross national borders. Instead of seeking refuge in other countries, IDPs choose or are forced to remain within their homeland when they leave dangerous areas.

Many countries have been affected by the IDP phenomenon for many reasons over the last 10 years including Colombia, Senegal, Somalia, Sri Lanka, Sudan, Turkey and Uganda. Civil war or racial conflict is the most common causes of IDP crises.

In the early 1990s it was estimated that more than 20 million individuals were internally displaced worldwide. Despite recent recognition of the problem of IDPs, and work done by Deng, Cohen and others to promote policy answers for it, that number has reportedly risen to more than 25 million.

Robert P. DeVecchi, an adjunct senior fellow on refugees and the displaced at the Council on Foreign Relations, and former presi-

Potential topics of study include the role of peacekeeping forces in assisting the return of IDPs displaced by civil conflicts and the role of different causes, such as economic development practices and natural disasters, in displacing individuals. Cohen added that the members of the new project hope to further existing work on the legal standing of the U.N. guiding principles on IDPs, and on the role of non-state actors and insurgent groups in displacing populations

dent of the International Rescue Committee, said the IDP problem is a 'significant one' whose impact was not fully realized until recently. It presents challenges not only in terms of policy, but also for relief workers on the ground, he said.

"Access to a (displaced) population can only come about with help of the international community and with the acquiescence of the host country," said DeVecchi. "It (the intensity of the problem) is in the mind of the beholder when you have a situation like Somalia, when the boundaries we grew up with are gone and there is not a government."

The new Brookings-SAIS program originated in the research support Brookings gave to the small U.N. program headed by Deng.

Beginning with the original Brookings program, Deng and Cohen have been at the forefront of study of the IDP issue, helping develop a legal framework that was adopted by the United Nations in 1998 to serve as a set of guidelines for organizations providing humanitarian assistance on the ground.

"They are based upon international law, human rights law and refugee law," said Cohen. "They are not a treaty: they are a tool for people to use to bring together in one place all of the existing international law for the internally displaced."

DeVecchi said that the work of Cohen and Deng has helped define the problem on the international stage and helped assist those who deal directly with the displaced.

"They (the U.N. guidelines) have been helpful," he said. "(They) have brought the problem to the attention of governments and made it obvious that something has to be done."

He added that although the guidelines have helped in

addressing the IDP problem with governments and gaining access to internal refugees, in the real world, those fighting the problem often can only "do what they can until a better regime comes along," or until they are told by the local government that they no longer can provide assistance.

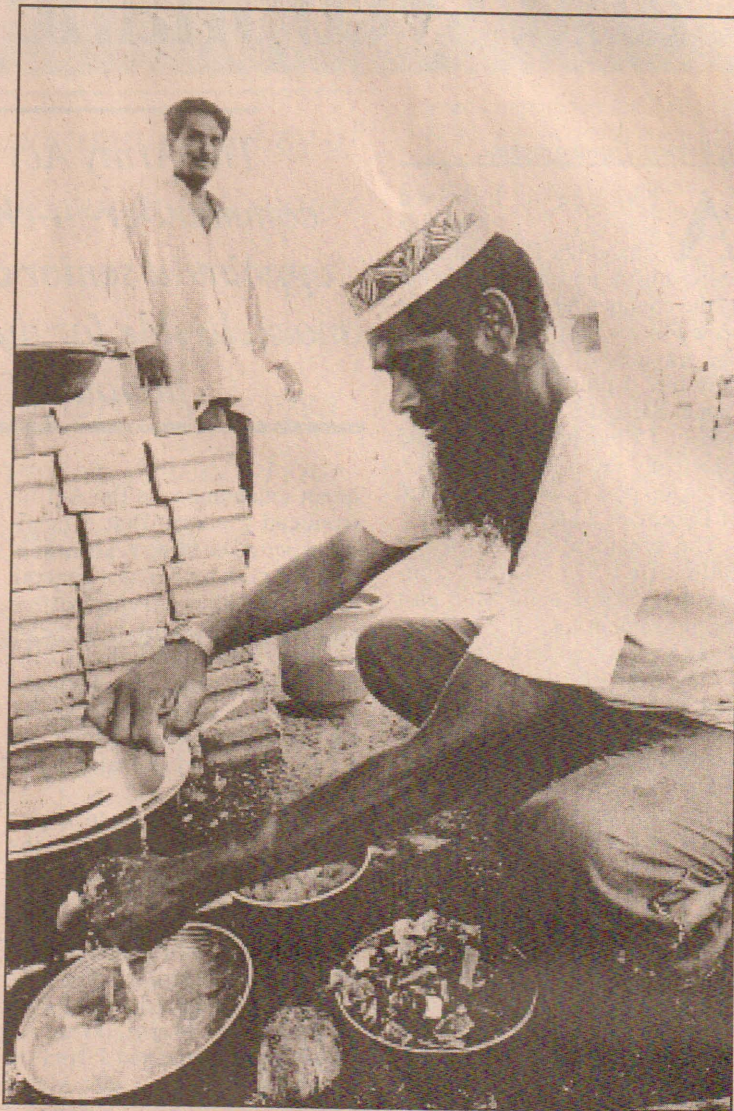
Brookings and SAIS hope to address such issues through the new project, and in the future through the still-to-be-created Center for Displacement Studies at SAIS.

Cohen said that the Center for Displacement Studies would address the need for the study of internal displacement to be added to the international studies curricula. The new center will develop a course of study focused on the IDP issue. "SAIS will be able to give us the academic structure for courses and a center to bring scholars from different parts of the world to one place to work on research projects," she said.

Potential topics of study include the role of peacekeeping forces in assisting the return of IDPs displaced by civil conflicts and the role of different causes, such as economic development practices and natural disasters, in displacing individuals. Cohen added that the members of the new project hope to further existing work on the legal standing of the U.N. guiding principles on IDPs, and on the role of non-state actors and insurgent groups in displacing populations.

Anne Henderson, a program officer with the U.S. Institute of Peace and an expert in ethnic conflict, post-war refugee repatriation and settlement in Serbia, Croatia, Macedonia, and Kosovo, told UPI that there has been significant progress on IDPs in the case of the Balkans.

She said she believes that the response of the international community to the Balkans displacement crisis is an



Muslim refugees returning home

example of what is required to successfully assist internally displaced people. Henderson also said that ever-changing international priorities create the dilemma often faced by those seeking to help displaced individuals.

"One of the more prominent challenges in the Balkans today is the significant decrease in the attention from international donor communities," said Henderson. She cited decreases in the budgets of international aid organizations run by the United Nations, as well as other non-governmental organizations in the Balkans, that reflect the shift in priorities to other humanitarian work elsewhere. Such shifts in availability of the limited resources available for IDP programs are typical.

"New challenges have come up this year and resources have been deflected to Afghanistan and neighbouring countries," she said. Because of this constant shifting in resources and its impact on IDP relief operations, Henderson says that: "The average majority of IDPs are completely off the screen the majority of the time."

She noted that efforts at helping IDPs in the Balkans have been unusually successful thanks to the strong, interventionist U.N. presence that provides security, as well as the

ability to block the actions of forces seeking to keep IDPs from returning home.

As a result, the number of IDPs in the Balkans has fallen from a high of 1.3 million fleeing ethnic cleansing and civil war, to around 500,000. At the current rate of return, she said the majority of people displaced in the conflict would have returned to their home area by 2004.

"It is important to talk about the problems but also note that there have been some real accomplishments," she said.

Henderson points out that in the Balkans — as in other regions where the IDP problem is rooted in ethnic conflict and civil war — there are still ethnic tensions along with high unemployment, especially in minority populations, that will likely remain for some time.

Another significant logistical challenge is the problem of IDPs reclaiming their lost property and land in a country where property deeds and other documents demonstrating proof of ownership have been destroyed during battle.

"Legally speaking, IDPs and refugees are entitled to reclaim property," she said. "But how do you claim it if you fled with only the clothes on your back?" (UPI)

The tragedy of Tamil medium education in our schools

By Professor Karthigesu Sivathamby

It is now a generally accepted fact of Sri Lankan history that the Jaffna Youth Congress in its search of 'poorna swaraj' for the entire country put forward the revival of the national languages, and education in the national languages, as one of its basic demands. Taking the cue from the Gandhian School, it did much better than in India and made 'swabasha' indispensable in the country's struggle for independence.

Meaningful steps were taken during the State Council and the early days of independence for a gradual shift towards the learning in 'swabasha' and ultimately to a vernacular medium of education. Even in the worst of times, education for the average Sri Lankan child up to the 50's was first in the vernacular. It was only after completing the third standard in the vernacular school curriculum that the child went to an English medium school.

This acknowledged at a very basic level, the realisation of the need to begin education in one's own language. As mentioned in a previous article, the adoption of free education in the vernaculars led to radicalisation in the country. It is however unfortunate that what began as a symbol of equality and democratisation, has now become one of the bitterest areas of heartburn and muted resistance from among the Tamils.

At the university level, teaching in the Tamil medium has not suffered despite difficulties the Tamils face in gaining university entrance. It is true there are certain university courses, which one cannot offer in the Tamil medium. But this does not mean Tamil as a medium of instruction has been incapacitated in university teaching.

What has happened at the school level is a different story. Today, except for the teaching of Tamil as a language, and Hinduism as a religion, the use of Tamil as a medium of instruction is limited. Teaching social studies, science and art in Tamil has become a major problem.

This article attempts to delineate how this situation has arisen and to describe the status of Tamil as a medium of instruction.

Before the state took over schools, the shift to vernacular education did not face many problems. There was a generally accepted syllabus written by various authors prescribed by the government. Schools used their discretion to choose texts from this syllabus which they felt suited their needs best.

It should be mentioned however, there was greater depth and breadth of teaching in state-assisted schools than government schools at that time. (Royal College, though a government school, was an elite school. This article refers to mainly to the bulk of government schools in the island)

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

It is also saddening to see there are no Tamil and Muslim teachers of eminence serving on the consultant's committees for textbook preparation in science, arithmetic / maths. I believe the problem lies in the staffing

When the state began taking over schools in 1961, it wanted take away undue advantages enjoyed by some and equalise education opportunities. But as we now know from half a century of hindsight, it only led to the bureaucratisation of education and the non-accountability of the bureaucrats.

The 1961 action created the need for a common curriculum for teaching in schools and perhaps an equal level of teaching everywhere. Around the 1960s the educational publications department, which was originally started for translating texts for A/L and university curricula, gradually moved towards writing texts for schools.

At this juncture the Sinhalese and Tamils faced similar problems. These were the early days of the implementation of Sinhala Only and the administrative machinery was not fully Sinhalaised. The emphasis of school education was on extending to the Sinhalese and Tamils the benefits of western education.

I remember the work of enlightened administrators such as K. D. Ariyadasa, Kamala Pieris, S. Velayuthampillai and others working from the education publications department to create a curriculum suitable to the cultural background of the student. There was open discussion and any important committee on curricular change or designing, included Sinhala and Tamil scholars.

Despite Dr. P. Udagama being secretary, ministry of education under the 1970 government, there started a tendency of Sinhalaising the 'swabasha' process. This was first manifest in the language and history readers published by the education publication department, which were openly communalistic towards the other communities. This was the conclusion of a study (if I remember right) by Reggie Siriwardene done in the 1980s. On the other hand, while this going on in the Sinhala medium readers, the Tamil medium readers were very efficiently supervised and designed to have a multicultural outlook.

It was in the writing of history textbooks that the slant began to appear in educational textbooks. Nevertheless it could said other disciplines like science etc., were not so badly affected. And teams consisting of writers in Tamil were devising and preparing these texts.

The next major milestone in this trend was President J. R. Jayewardene's decision to arrogate to the state the writing and distribution of textbooks, thus throwing out private booksellers from the secondary school market. This did not apply to the highly competitive A/L examinations however, which was ultimately taken over by the parallel body to the country's government-run education system - the tutorials. Here too, Tamil students took the lead, which Sinhala students later took over.

After the Jayewardene decision for state involvement in writing and publishing textbooks, not only planning, but also transmission of education became a state monopoly. It was in the mid-1980s that the National Institute of Education (NIE) was founded and was given the charge of being the main nerve centre designing and writing of textbooks. It is at the level of the NIE that school-level Tamil medium education has suffered worst.

Theoretically speaking, because of the country's basic position of teaching 'swabasha' from the Kindergarten to the university without any discrimination to the students, it is bound to have machinery that caters to both languages equally. In other words, in any activity, equal weight-age should be given to both languages. Unfortunately this has not happened.

If one takes most of the subjects other than the Tamil language and perhaps Hinduism, one does not see an expert from the Tamil medium of education in the consultant's group - who basically, design the what is to go into the book - or in the writer's group - those who write the various chapters. This seems to be so in the most sensitive of all the subjects taught - history and social studies, in spite of at least two or three academics of non-Sinhala ethnicity, teaching history in local universities. Their absence might not have been felt if at least those Sinhala academics of history who are known for their objectivity were included among the consultant/writer's groups. The only person of non-Sinhala origin who comes into the picture is either a translator or a junior officer working in the NIE.

Coming to NIE-authored textbooks, it is true the mistake of an earlier era of brandishing every Tamil ruler as a vandal in not there any more. But there some very interest-

ing political overtones in the textbooks that need to be analysed. The current textbook for social studies for grade eight, speaks of Sri Lanka as a centralised monarchy with a single king ruling the entire Island (page 86). One also comes across the term 'central government' (maththiya arasangam) and army (iranuvam) that are bones of contention in the Tamil-speaking areas. [The word iranuvam is a contemporary term for the military and refers to the security forces].

It is also interesting to read references to the Kingdom of Jaffna. It is referred to not as the 'Kingdom of Jaffna' but as the 'Kingdom of the Jaffna region' (Yalppana pirandhiyam). And Sapumal Kumarayya is said to have defeated the King of Jaffna to reassert the unitary state in the country. Evidently, the translator's inability to express clearly the ideas in the original text adds to the confusion. One hopes this type of imbalance is rectified and the Tamil student is taught history, which is real and objective.

The NIE seems to be however learning through its past mistakes. The previous editions of the textbook used for arithmetic (ganitha) in grades seven, eight and nine used terms to refer to the northeast, southwest and southwest directions that were transliterations of the Sinhala: 'isana,' 'agni moolai' etc. Of course this is the way directions are referred to in the Hindu temple tradition. But though this might be comprehensible to the Hindu, it was unfair by the Christian and Muslim children. I understand the terms 'isana' and 'agni moolai' are no longer in use and the common term is used instead.

Is it not the duty of the State education organisation, which under the Constitution has the sole right to design, devise and write the curriculum (it has to be noted this power is not given to the provincial councils) takes at least minimum care to see it does not make such mistakes? The NIE, surely, cannot argue there are no objective, eminent, Tamil and Muslim scholars who would be able to correct such indiscretions? And if the NIE is reluctant to appoint them to any substantive committee, it could at least refer the written drafts for comment.

It is also saddening to see there are no Tamil and Muslim teachers of eminence serving on the consultant's committees for textbook preparation in science, arithmetic / maths. I believe the problem lies in the staffing. As it stands now, the NIE does not have, besides the Director of Tamil Textbook Writing, any Tamil or Muslim educationist at a senior administrative position. In other words, no system has been devised by which a senior officer is made accountable for what appears in the textbook. One might also recall representations made by the Ceylon Tamil teachers Union (CTTU), which is a trade union body, in this regard.

Unfortunately, the problem does not end here. In certain subject areas there is complete neglect in re-

flecting the traditions of the Tamils and Muslims. I refer here to the syllabus for art at the GCE (O/L). There are no references at all to the aesthetic traditions of the Sri Lankan Tamils and Muslims. One should be very careful when handling areas of cultural studies. The objective of the course of study should be enable the student to know their own culture and familiarise themselves with other cultures so they do not develop a sense of superciliousness.

There are also instances of educational intrusions. Almost one-third of bharathanatyam syllabus for the GCE A/L is on the Sinhala dances (called desiya natum). The local folk-level dances of the Tamils do not come within this 'desiya.' It is no doubt welcome that many Sinhala students are learning bharathanatyam and doing well too, but defusing a bharathanatyam syllabus is something entirely different. It should be remembered even by the Tamils that bharathanatyam is not all Tamil as it stands today; the Telugus, Kanneries and Malyalies share it. It should also be understood working for national integration is one thing, but this type of dilution is entirely different.

It is a pity our educationists lack the vision of teaching the Tamil or Muslim child Sinhala culture in Tamil and the Sinhala student Tamil and Muslim culture in Sinhala. One regrets to dwell so much on the NIE. I do accept it does good work, but being the sole authority of educational and pedagogical dispensation in this country, it should be aware of its responsibilities. What has really happened is the Tamil medium schools are losing faith in the NIE. But there seems to be no one to save it.

The system does not allow any feedback and our Tamil and Muslim educationists are afraid of being labelled as communalist to criticise the work of the NIE. Worse still, Tamil MPs seem neither seem to know or voice these concerns meaningfully.

The administration of education today is a matter for the provincial councils. Therefore, administratively too, Tamil medium education has suffered in implementation outside the northeast. For instance, in many of the schools outside the Northeast Province the non-teaching staff, including laboratory assistants, is mostly not conversant in Tamil. There are also instances where Sinhala teachers are appointed as heads of Tamil medium schools. I cannot understand the North Western Provincial Council's response to the call of the CTTU to appoint a Tamil as the head of the Kurunegala Hindu Tamil School.

Alienation in education can be very costly to the unification of the country. If there is anything at all we learn from Tamil youth militancy it is this.

NORTHEASTERN HERALD

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

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

Govt. should shuffle off its intransigence

The first round of talks between the government of Sri Lanka and the LTTE concluded on Wednesday at Sattahip, Thailand. It is no doubt a landmark in the relations between the Sinhalese and Muslims on the one hand, who are represented by the government delegation comprising UNF ministers, and the Tamils on the other, who are represented by the LTTE.

The talks per se were not expected to cover much new ground and are seen as nothing more than formalising the substance of the discussions that took place in the past between the government and the LTTE at different venues in the presence of the Norwegian facilitators. As such, there were polite sounds of appreciation made by both parties to the utterances of their erstwhile foes, which is in keeping with the spirit of compromise that is expected to pervade the air when such negotiations take place. The Norwegian delegation too, predictably, has hailed the talks facilitated by its government.

Tamils however would be advised to take a second glance at some of the concepts that were smuggled into the talks by the government delegation by way of making it appear they were minimalist positions and not designed to upset the tone and tenor of the talks. But behind the mellifluousness of delivery were the barbs of intransigence.

The government's chief negotiator Professor G. L. Peiris, in his opening address at the talks was very clear. He said the government was prepared to grant maximum devolution of power for the Tamils in the north and east, but within the unity and integrity of the Sri Lankan state. In other words, he opened his side's negotiating position by laying down conditions. Whatever is given, will be qualified by these conditions.

Being rooted in an inflexible position is nothing new for a Sri Lankan government. Proffering unity and territorial integrity of Sri Lanka as non-negotiable positions has a history going back to 1985, when the head of the government delegation H. W. Jayewardene said almost the identical words at Thimphu. He was unwilling to accept the basic four-fold principles that have come to be known as the Thimphu principles and have formed the basis of the Tamil struggle against the Sri Lankan state.

The same thing happened in the subsequent rounds of talks to resolve the ethnic conflict. The 1987 Indo-Lanka Accord made it the bedrock of the agreement between the Indian and Sri Lankan states, into which the Tamils were lumped in as a sort of third party. The chorus was heard yet again in the two rounds of talks between the government and the Tigers in 1989-1990 and 1994-1995.

Let us be absolutely clear about one thing. The concerns that Peiris raised about adequate arrangement being in place for the Muslims and Sinhalese in the northeast to exercise their rights unfettered, is perfectly acceptable, as was the LTTE's chief negotiator Dr. Anton Balasingham's position that the Tamils' right to self-determination should be recognised.

One is about rights, which are inalienable. Unity and territorial integrity of Sri Lanka are about political structures and institutions, which any mature state should realise, are not permanent and immutable, but should be subject to change depending on political circumstances and, more important, the will of the political leadership to effect those changes.

If the talks in Thailand are known as 'peace talks,' Sri Lanka should not entertain ambivalence on what its first priority is. Is it peace, or is it preserving the unity and integrity of Sri Lanka? If after 20 years of war and 65,000 dead, the government has not cleared this confusion, it will only serve to muddy the issues that will be placed on the table in the subsequent rounds of negotiations. What is more, it will also earn for the government the opprobrium that despite all suffering and pain this long war has engendered, the south has not learnt from history.

LTTE demobilisation is irrelevant to peace

By D. Sivaram (Taraki)

In his speech at the inaugural sessions of the peace talks between the government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTE) in Thailand, Prof. G. L. Peiris said he welcomed efforts by the LTTE to transform itself into a political organisation. In Colombo, President Chandrika Kumaratunga, says that the United National Front (UNF) government should get guarantees from the LTTE that it would lay down arms and renounce violence.

In fact she is stating quite plainly what Prof. Peiris ventured to insinuate subtly.

Dr. Anton Balasingham laid the matter to rest on Wednesday during the press conference at the end of the first round of talks in Thailand. Answering a question whether disarming the LTTE was taken up during the discussions, he said:

"You know very well both parties- the government of Sri Lanka and the LTTE - have two standing armies, two navies and this is the first time a stable ceasefire has been established. Your question of disarming and decommissioning the LTTE will not arise until we reach a permanent settlement that will satisfy the aspirations of Tamil people."

There are a host of liberal democratic intellectuals who are also clamouring that a commitment from the Tigers, at least in principle, on demobilisation should be in the agenda of the when the peace talks reach the 'substantive' stage.

During a visit to Batticaloa, the British High Commissioner Linda Duffield went as far as to assert that the LTTE should make an open declaration that it will renounce violence.

Basically all are making a case after their own fashion that the LTTE should recognise the sole right of the Sri Lanka army to bear arms and use them to achieve military objectives as directed by the Sri Lankan state.

The British High Commissioner was bold enough to presume that her audience was naïve enough not to grasp the implication of her statement.

If the LTTE were to renounce violence it would be automatically recognising the sole right of the Sri Lanka army to wield armed force.

The fundamental and defining character of the Tamil question is that it is challenge to the Sri Lankan state's monopoly on violence, its sole right to raise, arm and deploy an army.

As we all know the modern state stands on three cornerstones - the monopoly on violence (the army), the monopoly on extortion (revenue) and the monopoly on adjudication (the unified legal system).

Democracy is a game played on the field demarcated by these three cornerstones and by the symbols and interests of those who hold these monopolies.

The provenance of modern nation

As we have pointed out on many occasions, the most sophisticated arguments by Tamil politicians about the evils of the draconian PTA and their peaceful Parliamentary agitations for its removal for 23 years fell on deaf ears and had no effect. It took the military power of the LTTE to compel the Sri Lankan state to lift it even temporarily under the ceasefire agreement.

states in 18th century Europe and the consolidation of colonial rule in India and Sri Lanka in the 19th century would prove this beyond any doubt from a historical perspective.

The Tamil grievance is that the Sri Lankan state is a Sinhala-Buddhist state; that it is so defined by its entrenched unitary character, the primacy of 'Sinhala-Buddhism' as state religion and Sinhala as the official language, all guaranteed in the constitution.

Therefore the Sinhala-Buddhist state would inherently and inexorably be inclined to abuse its monopoly on violence, i.e. the sole right it enjoys to raise, arm and deploy an armed force in Sri Lanka, to promote only the interests of the Sinhala nation. One cannot blame the Buddhist clergy for acting and speaking in the belief that the Sri Lankan armed forces should champion the Sinhala Buddhist cause.

The view that Tamils' rights could be ensured only by challenging the Sri Lankan state's sole right to wield violence gained currency after it deployed the army to suppress the Federal Party's non-violent Satyagraha campaign in 1961.

The anti-Tamil pogroms of 1977 and 1983 entrenched the belief that the Sri Lankan state's sole right to raise and deploy military force had to be effectively challenged not merely to ensure the legitimate political rights of the Tamils, but more fundamentally to secure their inalienable right to life as members of a specific community.

Ultimately, the modern nation-state's monopoly on violence within its territory can be justified (though cosmetically) only by the right to life it can guarantee to all its citizens, regardless of their ethnic or religious or other allegiances.

By the extensive use of the Prevention of Terrorism Act and the Emergency Regulations, the Sri Lankan state did everything over the last two decades to convince the Tamils that the military challenge was inevitable to protect and ensure their fundamental rights and the right to life.

It also did everything over the same period to entrench the belief among the Tamils that it would even consider their basic political aspirations only when its monopoly on violence is under serious threat. It agreed to limited regional autonomy only after India threatened an invasion in 1987.

Everyone, except the die-hard Sinhala supremacists, knows that the 'Sri Lankan state' is talking to the Tigers in Thailand because the Sri Lanka army was beaten back when it attempted to recapture Palai, (and thence, Elephant Pass) in April 2001.

Amal Jayasingha, the AFP correspondent in Colombo says in a story he filed on 15 September, "Retired army brigadier general Vipul Boteju believes it is the military strength of the Tigers that forced the government to talk with them with the help of Norwegian peace brokers. 'If the army was even half an inch taller than the Tigers, the talks would not have been necessary,' Boteju said."

Today the stark fact is that every fundamental freedom enjoyed by the Tamils in the northeast has been secured by the sheer military power of the LTTE's armed forces.

This is why the fundamental freedom to travel unhindered, the right to worship freely, the right to education in a fear-free environment, the right to cultivate one's land and to fish, the right to medicine and sanitation were all part of a ceasefire deal negotiated by the Liberation Tigers.

As we have pointed out on many occasions, the most sophisticated arguments by Tamil politicians about the evils of the draconian PTA and their peaceful Parliamentary agitations for its removal for 23 years fell on deaf ears and had no effect. It took the military power of the LTTE to compel the Sri Lankan state to lift it even temporarily under the ceasefire agreement.

And many Tamils, including senior members of the groups opposed to the Tigers, believe the LTTE's conventional military power and its well-demonstrated ability to strike in Colombo is the main deterrent against any future anti-Tamil pogrom.

In this manner military power has become central to the political being of the Tamils in Sri Lanka. Any attempt to deny this before the right of self-determination is realised would mean war. But of course if the right to self-determination is negotiated successfully then the question of demobilisation becomes irrelevant.

The 19th Amendment

Ad hoc democracy through constitutional subterfuge?

By V.T. Thamilmaran

"When the pressure for immediate results is strong enough and emotions ride high enough, [legislators] will ordinarily prefer to act on expediency rather than take the long view... Not merely respect for the rule of established principles, but the creative establishment and renewal of a coherent body of principled rules - that is what our legislators have proven themselves ill-equipped to give us." - Alexander Bickel,

The Least Dangerous Branch (1962)

The prudence of those who drafted the 19th Amendment to the Constitution gazetted last week proves beyond any doubt that the fear entertained by Justice Alexander Bickel still remains as real and imminent.

It has been repeatedly argued by those who believe in substantial and procedural constitutionalism that the making of a constitution should not be left in the hands of legislature alone. In this context, the 19th Amendment to the Constitution provides us with another opportunity for reflecting further upon the causes and process involved in making and amending constitution in this country.

The pace at which things are moving indicates that it wouldn't be surprising if the 19th Amendment will be debated and passed (?) before the debate on the 18th Amendment takes place in Parliament. We have all the reasons to be a little proud over the fact the 19th Amendment acknowledges that our legislators have conscience and there would be occasions on which it needs to be used.

Although this attempt is a political gimmick it is going to exhibit to the world in a remarkable way in which the one-time-only conscience of our elected representatives would act.

The purpose of the Government for presenting the 19th Amendment is said to be two-fold. The main purpose is to curb the executive power of the president to dissolve Parliament arbitrarily. If it doesn't have a two-thirds majority in the House, the ruling party won't be in position to amend the Constitution in order to place such a check on the presidential power.

As such, the amendment itself contains a provision, which removes the Constitutional barrier on cross-voting placed on the members of Parliament by Article 99 (13) of the Constitution.

But a very interesting political and legal wisdom is to be seen in the suspension of the operation of Article 99 (13) for the limited purpose of voting (or abstaining) only on the 19th Amendment to the



The simple logic seems to be that "We can do it but not you! We can initiate anything to undermine ourselves but you can't! And, we are supreme but not under you"

Constitution.

The Preamble, which lists out three reasons for the adoption of the Amendment, is in itself a unique one in the contemporary constitutional history of many democratic countries.

Why do you want to curb the powers of the executive presidency in one particular matter only? Why do you want to allow the members of Parliament to speak or vote according to their conscience only once?

The Preamble provides the answer as follows:

- (a) for securing a negotiated and constitutional settlement of the armed conflict in the North and East and thereby promoting peace and reconciliation among all sections of the People of Sri Lanka;
- (b) for taking steps necessary to revitalise and strengthen the national economy; and
- (c) for achieving stability in Government and in Parliament.

It is extremely difficult to comprehend the logic of the drafters of the 19th Amendment.

One wonders how the said power of the President can block the government from finding a negotiated and constitutional settlement to the armed conflict in the Northeast.

In the same vain, questions may be raised as to the connection between revitalising the national economy, achieving stability in Government and in Parliament on the one hand and the powers of the executive president under Article 70 of the Constitution on the other.

It is certainly mind-boggling.

The proposed Amendment is designed to affect Article 43, 49, 70 and 99 of the Constitution in a very limited way. Let's look at those Articles one by one.

The present Article 43 deals with the cabinet of ministers and the ap-

pointment of the prime minister. According to Article 43 (3), the president shall appoint as prime minister the member of parliament who in his/her opinion is most likely to command the confidence of Parliament.

Although it can be argued that the discretionary power of the president can't be exercised arbitrarily, the ultimate decision rests in the hands of the president. However, now it is proposed that the answer to the question "who does command the confidence of Parliament?" will be given by Parliament by a resolution and the president should act accordingly. Consequently, there would be no room for the president to exercise his/her discretionary power subjectively.

Article 49, which deals with the dissolution of the cabinet of ministers, prescribes the situation under which the president shall appoint a prime minister and other ministers.

Again, under this Article the president has two options, either to dissolve Parliament or to appoint a new cabinet of ministers. Under the 19th Amendment, this option is taken away and the president has to act according to the resolution passed by Parliament.

The drafters of the 19th Amendment are very well aware that without amending Articles 43-49 any attempt to change Article 70 would be futile.

There is little doubt over the fact that Article 70 is one of the most undemocratic provisions of the Constitution that undermines the supremacy of Parliament.

This provision was specially designed to hold the members of parliament to ransom when former president J. R. Jayawardena wanted to establish the supremacy of the executive presidential power over that of the legislature.

Under Article 70, if the Parliament

refuses to accede to requests of the Executive it runs the risk of being dissolved.

This Executive power hangs over the Parliament like the proverbial Damocles' sword.

If something is to be done to restore the pre-1978 supremacy of Parliament, then this provision needs to be repealed in toto.

But the political wisdom of the drafters of the 19th Amendment has dictated otherwise.

Under Article 70 the president is vested with the power of proroguing Parliament for two months at a time at her discretion, of dissolving parliament after one year from the date of the last general election and fixing the date(s) for the next such elections.

These powers of the executive president are very arbitrary and go against all tenets of a viable democracy. In fact, if the president wants to exercise the power vested in him/her under this Article and chooses to dissolve Parliament, the people have to forego the exercising their sovereignty through legislative power vested in them under Article 4. The constitution vests sovereignty in the people under Article 3 and stipulates that it is inalienable. Therefore Article 4 has to be necessarily understood in conjunction with Article 3.

Article 4 (b) of the constitution says that the sovereignty of the people shall be also exercised and enjoyed through executive power of the president. It could be argued that Article 70 is designed to give teeth to Article 4 (b). Therefore amending Article 70 would tantamount to an infringement of Article 4 (b) and thereby Article 3.

This would require not only a two-thirds majority in Parliament but also a national referendum because Article 3 is an entrenched provision of the constitution.

It is very unfortunate that although the Preamble to the 19th Amendment refers to achieving stability in government and Parliament, the ruling party is actually to reacting to ad hoc situations rather than demonstrating its commitment to a functional democracy.

Hence, the proposal to amend Article 70 in a limited manner.

In essence what the Amendment says is that if the majority of the members of parliament belong to one party and the president belongs to another, then the president can't dissolve Parliament unless a resolution passed by the legislature with two-thirds majority requests him/her to do so.

But on other hand, Parliament can pass a resolution with a simple majority requesting the president to dissolve it.

The simple logic seems to be that "We can do it but not you! We can initiate anything to undermine ourselves but you can't! And, we are supreme but not under you."

All this is well and good and re-

storing the self-esteem of the legislature is commendable.

However, the irritating question remains. "What would happen to the supremacy of Parliament if both sides belong to the same party?" In such a situation the 19th Amendment would make mockery of the supremacy of Parliament. The president in this circumstance can coerce MPs of his/her party to pass a resolution to dissolve Parliament with a simple majority by obtaining undated letters of resignation.

Therefore the drafters of the 19th Amendment want to ensure the supremacy of Parliament only when the president does not belong to the party that enjoys the majority in Parliament.

Finally, the 19th Amendment seeks to temporarily suspend the operation of Article 99 which enables a party hierarchy to deprive the seat of one of its members parliament if that member chooses to act according to his/her conscience to vote or abstain contrary to the party line.

Above all, under the 19th Amendment the conscience of members of parliament of this country becomes unique in that it would awake only when the party leader tells it to do so.

Although the proposed Amendment says that the legislators wouldn't be punished for acting according to their conscience only for voting or abstaining on the 19th Amendment.

The very fact of mentioning conscientious voting may be considered progressive because it at least acknowledges that our legislators have conscience- even if it temporary.

One may go to the Supreme Court alleging that invoking the conscience of MPs in this selective manner amounts to infringing the right to equality under Article 12 of the constitution.

But it must also be remembered that if a legislation is passed with a two-thirds majority in Parliament then the infringement of the right to equality becomes permissible.

It is the correct time for the Sri Lankan polity to search answers to the long standing questions of "Who does create the legislature?" And, "Who does make the Constitution?" At this juncture one can't help remind what one of the founding fathers of the American Constitution, Alexander Hamilton, said in the Federal Paper No. 78:

"... (The deputy is greater than his principal; the servant is above his master; the representatives of the people are superior to the people themselves; men acting by virtue of powers, may do not only their powers do not authorize, but what they forbid."

I think there is a long way ahead before we, the people, become truly sovereign.

From Chundikuli to Sattahip

By J. S. Tissainayagam

The first round of talks between the government of Sri Lanka and the LTTE ending Wednesday, inevitably bring memories of its predecessor in 1994, which was also hailed as a great turning point in the history of the ethnic conflict for the better, but ended six months later in a welter acrimony and recrimination.

There is not the slightest attempt to predict the same fate will befall negotiations that were inaugurated 16th September 2002, to what began 13th October 1994. Though much of what took place this week in Sattahip, Thailand, was behind closed doors and is left to conjecture and intelligent surmise to piece together, the similarities and dissimilarities in the circumstances and conditions that surround the two sets of negotiations might be a pointer to what went wrong in 1994 and in what manner they differ today.

In October 1994, Chandrika Kumaratunga was a newly elected prime minister under UNP President D. B. Wijeytunge. She epitomised ethnic justice, fair play and harmony in contrast to the president who had called the minorities creepers succoured by the Sinhala tree.

Kumaratunga however had a problem: she had to win the presidential election scheduled for November that year. Despite the debilitating unpopularity of the UNP, her party that came to office in August 1994 had only a razor-thin majority. This had been at an election, which the LTTE had urged the Tamil people to boycott. If she was to win the presidency against her rival, Gamini Disanayake, who had modified the UNP's stand on Tamil question from Wijeytunge's, she had only one weapon. She had to persuade the Tamils to vote for her.

Kumaratunga realised starting negotiations and promising the Tamils peace was her best option. It was primarily quest for office therefore that drove Kumaratunga to begin the talks in less than two months after becoming PM, despite not having a systematic plan for negotiations or a team that had the capability or the commitment to engage in a dialogue for a political solution.

When round one began, even the economic blockade imposed on the Jaffna peninsula was yet to be completely lifted. In fact matters such as transporting essentials to the north, undesirable delays at Thandikulam checkpoint and improving transport by sea formed substantial parts of the first round of talks. The government merely promised that the blockade would be lifted completely as the talks progressed.

Commentators have pointed out the enthusiastic reception the four-member team of government negotiators received in 1994 when they landed in Jaffna. This was only to be expected from a population that was systemati-

cally starved, deprived of medicines and unable to rebuild their destroyed homes because of economic ban imposed by the previous UNP government. But what Kumaratunga did was to hold the restoration of economic normalcy as a carrot – not for peace – but for the Tamil vote at the forthcoming election.

It has to be said the UNF government of today, under pressure from the LTTE/TNA and the Tamil community in general, was forced to agree that Tamils were entitled to enjoy unimpeded access to food, medicine and other consumer items as a matter of right and not a privilege that a calculating head of state could wave tantalisingly for votes.

This has been buttressed by the Ceasefire Agreement (CFA) that has, at least to a slight degree, relieved the strangulation effected through war by stipulating the security forces withdraw from schools, places of worship and public buildings, while the pass system is no longer in operation and PTA restricted in its application.

There is a grouse among some people in the south the offer of peace talks has not produced the irrational hysteria in the north as they did eight years ago. It is because hoodwinking the Tamil public again after the glib Kumaratunga cheated them in 1994 is a difficult exercise.

A substantial part of the opening round of talks in 1994 concentrated on a safe land route to the Jaffna peninsula from the south. In this background, the LTTE demanded the opening of the Pooneryn – Sangupiddy causeway, suspending body-checking civilians, and the relocation of the Pooneryn military camp.

The LTTE had attacked and nearly overrun the Pooneryn camp in December 1993, but the army re-established there. For the Tamils, the operation caused at least a temporary letup on camp's guns that dominated the southern part of the lagoon, terrorising Tamil civilians whose only access to the peninsula without travelling by sea or air, was by crossing the Kilaly lagoon north of Pooneryn. Hence the Tiger demand of a safe land route to the peninsula.

The government's reply was that even if the Pooneryn – Sangupiddy causeway was opened, the army had the right to check civilians. The relocation of the camp was non-negotiable. The government however offered to open the A9 through Elephant Pass (EP). But the LTTE suspected this could facilitate the security forces to launch an attack

on Jaffna using the road. Within one year, the wisdom of this move was evident when Operation Riviresa saw the army marching into Jaffna moving southwards from Palaly, but not north from EP. The LTTE also no doubt feared opening EP would lay the stretch of road between Thandikulam and EP through the Vanni, vulnerable to infiltration.

The LTTE's insistence on opening the Pooneryn – Sangupiddy road was also to test whether Kumaratunga, who was only the PM and not the commander-in-chief of the security forces, had the political will and wherewithal to curb the military's lukewarm attitude towards the peace process. The mili-

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tary was unhappy about the talks to the point that not even a secure ceasefire was on the ground when the first round of talks was held.

This is perhaps the most profound difference between the first round of talks this week, and its counterpart in 1994. Though LTTE demanded a ceasefire at the first round of talks, there was no agreement on it, though a buffer zone between military and Tigers lines was established. It is believed the LTTE attacked a cargo vessel supplying food to EP base on 10th October, shot dead two soldiers in Mannar on the 12th provoking the army to go berserk, and killed seven more on the 13th in Manal Aaru, to emphasise the importance of the ceasefire for sustained peace.

Today the military-strategic situation has changed. Experts believe that with the overrunning of EP, the Tigers have established military parity and incremental advantages of closing this camp or that, will not give them strategic advantages as it did in 1994. Second, the CFA has ensured an indefinite ceasefire monitored by the SLMM, comprising foreign and local observers.

The process of negotiations too reveal both similarities and differences, some of them, which make

significant statements about the immaturity that informed the talks in 1994. First, the government delegation comprised K. Balapatabendi, secretary to the president, Lionel Fernando, secretary, ministry of information, aviation and tourism, Rajan Asirwatham, chairman Bank of Ceylon and staff partner KPMG Ford Rhodes and architect Navin Gunaratne. All of them enjoyed the personal confidence of Kumaratunga. However, since none of them were of ministerial rank, they could not make decisions, or commitments while sitting at the negotiating table.

The government delegation for the 2002 talks however is official and was composed of senior members of the cabinet and a diplomat who is a member of the peace secretariat. What is more, the negotiations include specific commitments to be made by both sides in the presence of the third party facilitators, which need to be implemented before then next round of talks.

N. Karikalan, the then deputy leader of the political wing of the LTTE led the Tiger delegation in 1994, which also comprised Ilamparithy, Jaffna district political leader, Ravi from Teedor and Dominic in charge of administration. This time however, Dr. Anton Balasingham, the chief negotiator, and the other two are expatriate Tamils and experts respectively in international law and refugee rehabilitation.

The other important difference between 1994 and 2002 is the presence of a third party facilitating talks. Both Balasingham and Professor G. L. Peiris spoke at Sattahip in glowing terms of Norway's role. It is the facilitator who decides venues and the dates, with the consent of the protagonists. In 1994, the second round of talks scheduled for 24th October that year was abruptly postponed because the government's changing priorities as the presidential election approached. This time however, such decisions will be made by Norway.

The 1994 talks were held in the LTTE's headquarters in Chundikuli, Jaffna, where the government delegation appeared to display a sense of magnanimity by going to the Tiger stronghold for negotiations. On the other hand, this 'magnanimity' was undermined by the shrill protests emanating in southern Sri Lanka when the pennants of both the government and the LTTE were displayed on the table suggesting a 'terrorist group' was arrogating to itself the position of an independent state. This time however, the venue was neutral, while there were, reportedly, no pennants of any kind on the table.

It is on what the talks should centre – bringing about a political settlement – that there is a strand of continuity, which links the last round of talks to the present. And it is here that one realises the Sri Lanka government is incapable of learning from history. The government's chief negotiator

Peiris, set out conditions in his opening address itself. He said his government was for maximum devolution provided the unity and integrity of the country were ensured.

At a stroke as it were, Peiris demonstrated the eight intervening years of warfare between the last round of talks and the present has taught nothing. As in 1994, the government remains confused on whether it puts a higher price on peace or an undivided Sri Lanka. Though the government declined to address core issues at the first round of talks on the grounds it would be contentious, it has done exactly that.

There is another strand of continuity from last time with reconstruction and resettlement forming an important part of the agenda of the talks. Jay Maheswaran is an expert on this subject and is included in the Tiger delegation. In 1994, the LTTE demanded a commission to probe the 1981 burning of the Jaffna library to which the government agreed. The library however continued to be an election 'goondu' coming up again before the local government election in the Jaffna district in 1998.

Both sides perceived the substance of the negotiations in 1994 differently. The LTTE believed the talks should endeavour to restore normalcy in the northeast before going into the nitty-gritty of political negotiations. The government however pressed for a different timeframe where both sets of issues would be discussed in parallel. In fact, a parliamentary select committee (PSC) was set up in September 1994 to amend, repeal or replace the 1978 constitution by mid-1995, which would also incorporate the aspirations of the Tamils and the LTTE.

Finally, there is a different approach by civil society to the talks. In 1994, coinciding with the end of the first round of negotiation, there was a mammoth rally for peace in Colombo, where NGOs, religious bodies, peace activists and others took part. While it was seen as an endorsement of the Kumaratunga government's bid to secure peace, it was also a vibrant expression of support for Kumaratunga's presidential election campaign.

In 2002 however, a people's rally for peace in Colombo orchestrated by the UNF last week, was an overtly political act. Organisations in civil society, such as the Peace Support Group however, while welcoming the process, expressed their disappointment that certain important human rights, humanitarian and political issues could have been included in the agenda for the first round of negotiations.

This has been put on record so that we might see how the first round of talks went in 1994 and how they contributed to the unravelling of the peace process. Those who do not learn from history are forced to relive it.

Administrative imperatives of the interim administrative council

By N. Keeran

To resuscitate a war-torn northeast, the administrative structure needs to be cast anew. An apparatus is needed with distinctly different features to measure up to the challenges of reconstruction and modernisation. It is set to function under the aegis of the Interim Administrative Council (IAC). It is its mission to plumb new ground and to transform society along futuristic lines.

Assimilating the philosophy of the LTTE - the new political masters - is needed. The northeast is not privileged to inherit a disciplined bureaucracy with an ethos of its own. A new structure with parameters freshly defined has to be fashioned. As the modern expands, the ancient will face eclipse. Not overnight, but steadily and inexorably. The new structure conscious of its power and strength will wield authority in an autonomous northeast.

Compression of 40 years of development into a 20-year span was seen as a challenge and an obligation for the IAC. This does not imply that a doubling of present capacity would suffice. Augmentation several fold is demanded. The tenor of administration does not lie in faceless numbers. The quality of governance is posited on the calibre, image and probity of the highest echelons. The unimpeachable integrity of the administrator should be an unfailing reproach and a restraint on the profligate politician, one taking the cue from the other, but in reverse of current happening.

The northeast has perforce to seek recompense for the loss of 80,000 lives, the destruction of property beyond Rs.100 billion and exodus of over 600,000 Tamils to abodes overseas. Added to physical destruction is enervation of the public service. The colossal problems of reconstruction and redevelopment call for comprehensive attention. It is the state apparatus of the northeast that can undertake this. The IAC is obliged to bring forth a bureaucracy bearing no resemblance to the parent body. The term bureaucracy in its widest sense encompasses the totality of officers both administrative and technical.

The administrative profile is a picture of contrast in south Sri Lanka and the northeast. In the south, there is redundancy and immobility. In the northeast there is deficiency and incapacity. Those who have been in administration have clear insights into the causes of decline and decay. The country has seen malevolent destruction executed with verve by successive governments. What the Tamils have seen is unchecked emasculation of their ethnic segment. The Tamil segment in the

northeast is verging on collapse. It is approaching extinction in south Sri Lanka.

At independence, Tamil public servants composed 27 percent of the country's public service. Today at 3 percent nationwide and less than 1 percent in south Sri Lanka, the Tamil sector threatens to become miniscule. A Tamil-speaking public service in significant strength and a Sinhalese speaking segment of inadequate numbers in the northeast is a viable proposition. This arrangement in reverse is the need for south Sri Lanka. If the validity of this fundamental is questioned, the issue of national integrity will continue to be contested. In the 1920s, the Muslims of Bengal numbered over 50 percent. They hardly held 30 percent of the posts. Congress leader C. R. Das a Hindu, proposed an interim 60-80 percent recruitment of Muslims till a Hindu-Muslim balance was brought about in Bengal. This proposed rectification was foiled. Maulana Azad the Indian nationalist leader asserts that with this, "the first seeds of partition were sown."

Of equal importance in Sri Lanka is the corporate sector including boards and corporations. National income is distributed through these channels. Peter Drucker highlights the fact "altogether, we have moved to an employee society. 80 or 90 percent of national income is paid out as wage and salary in all developed countries." When the country becomes developed; as the Tamil segment is on its irretrievable slide, the share of national income will be 2 percent or less for a population of 12 percent. The community will become remittance-dependent and the remittance is unlikely to stop with paying for a poor patch of food to keep body and soul together. Social justice, ethnic balance and verisimilitude apart, requisite numbers of the relevant ethnicity and linguistic composition are needed for the multiplicity of programmes that lie ahead in the northeast. The IAC and subsequently the northeast government have to brace up to these tasks.

Why this attention to public service and to administration? There is a Tamil saying, "When the beginning is skewed, everything is ruined." At the very beginning, there should be an elite group with visionary outlook and directional responsibility. When India approached independence Vallabhai Patel said, it is the civil service that keeps India together. Take it away and India goes to pieces.

It is incumbent on the part of the Tamils to compose a group of 'Young Turks' in the interim and an elite service in the long term. The task is daunting in the backdrop of decimation accomplished by Sinhala Only. Recruitment was meticulously throttled. Personnel management handled to a purpose.

The concept of autonomy assumes form and content, when the northeast comes into its own. A condition precedent for such a development to take shape is to sever the administrative umbilical chord linking the center and the region

Together with pogroms orchestrated periodically, Tamils were driven out of public service and out of the country. The process of dilapidation stands complete.

At this juncture, the problem must be seen in the national perspective. With independence, India reoriented its 'civil service' to an all-India status and image was treated as sacrosanct. In Malaysia great authority was vested in the civil service. Training appropriate to a premier service to steer the modernization process was imparted. Singapore reinforced its faith in elitism in the prestigious service it built. Ceylon had a civil service, which was the envy of the region. Sri Lanka pulverised it and looks askance at the country's immobility. No country vandalized its public service as Sri Lanka. Today the country is dithering. The northeast is lumbering in slumber.

South Sri Lanka should have taught the northeast how not to administer. Veering from the mire, the IAC should project its vision to 25 years and beyond. If the French Civil Service is taken as a model, the imagination of a 15-year-old should be touched today to prompt entry 10 years from now. Objective criteria in recruitment, premium value on merit, attractive pay and assured prospects will compose the image. Ethereal! Futuristic! This will be the reaction. What has 'realism' accomplished? A surfeit of poorly educated, possessing not even a degree, with deplorable levels of English, myopic vision and petrified reflexes dominates the scene island-wide. The northeast is a category apart. Deficit in numbers and deficiency in capacity are met through supernumerary cadres of the superannuated.

Who dominates Japan? An elite service in its 40s. The officers come to commanding positions in their 30s and reach the top thereafter. They gather a decade of experience from age 25, with assignments in vantage positions, including in the prestigious ministries of finance or trade. The postings are based on brilliance in academic performance. Premium is placed on the reputation of the University grooming them. Tokyo University ranks first in choice and prestige. Graduation is at age 20 or less. Surveys have shown that there is no dilution in standards though the age is

tender.

Achievement is at a premium. Ascription is discounted. An IAC well abreast of current developments worldwide has to engage its time and energy optimally on these foundational tasks. What is emphatically stressed is that creation of an elite service to set the pace and administer the northeast is inescapable. Both in time and priority this administrative imperative is primary.

Even as the long-term objective is set in motion, moving apace should be the immediate programme. The first compulsion in relief, rehabilitation and reconstruction, is to locate the focal point at Trincomalee. This focal point will become the centre of cerebration, source of authority, depository of funds and the locus of core personnel. The IAC and the political leadership of the LTTE will project themselves as the wielders of power and the instruments for direction and movement. They will replace the present makeshift and tardy arrangement of disparate institutions in Colombo, extending central authority into the province. The concept of autonomy assumes form and content, when the northeast comes into its own. A condition precedent for such a development to take shape is to sever the administrative umbilical chord linking the center and the region.

The term rehabilitation needs definition. What is primary is not faithfulness to the term as defined in 2002. The content should be creatively developed as the picture changes in the next 10 years. Rehabilitation is not mere restitution of what was lost in the war. An interpretation in its widest scope is necessary to solicit funds for a radically altered physical landscape. Making the A9 road motorable on a crash programme is rehabilitation. Extending the Matale - Anuradhapura Road to Vavuniya and thence to Kankesanthurai is a different proposition, when it transposes the same parameters of design and a premix carriageway on the earlier Vavuniya - KKS road. A two lane dual highway with provision for future widening and reservations to match would mean a redevelopment plan. It would include deviations, bypasses

and new bridges. This is a case in point. A rehabilitation programme executed without a vision for the future can be counter-productive. Ribbon development on reservations will detract the northeast authorities from embarking on redevelopment.

It is for the leadership to transmit this light and give a sense of direction. To think large and to look forward are critical for development. This is crucially true in construction, since no demolition is possible for 100 years. What stands, constricts planning and redevelopment. The necessity for building managerial capacity emerges with compelling conviction.

The IAC has to set itself the task of planning out and establishing permanent institutes against early and firm deadlines. The institutes are for administrative training, survey training, middle-level training in engineering and architecture, the health sector, forestry, fisheries and related fields. Schools of agriculture are needed in the northeast. An institute of information technology and chairs for Tamil Internet (Tamil Inaiyam) are of particular value. Personnel to be recruited for training are a few thousand. High calibre trainers, local and foreign will be a few hundred. Foreign expertise too will be needed for the blueprint of these institutes to be prepared. Foreign grants or aid have to be solicited to set them up. These institutes will be the motor of the modernization programmes.

Middle-level technicians, office grades and field personnel will compose the supporting staff for the redevelopment effort. The LTTE members form a large category of young men and women, who have organizational discipline and a sense of social awareness. They have the background and the motivation to be the interface between the administration and the people. Those who are politically oriented will be in vantage positions. In a vast array of fields, the militants and others can work in collaboration. The interim period is valuable space to take on this process.

The establishment of the IAC will open up several possibilities. It will give its studied response to the multiplicity of issues that are bound to feature at the peace talks. It will be the instrument to convert the political advantages of the truce into economic gains. Since all good results have to flow from implementation of proposals, the council will be called upon to fashion the administrative structure. The machinery will address itself to formulating development strategies in order to launch the reconstruction and redevelopment programmes in the northeast.

The Valaichenai paper factory is determined to flourish again

By Shan Thavarajah

The Valaichenai paper mills, now officially known as the National Paper Company Ltd., is the only large factory that continues to operate in the entire northeast. The Kankesanthurai cement factory and the Paranthan chemical factory are in ruins.

The Sri Lanka army's 23-2 brigade headquarters camp is located in the premises of the factory. Yet the paper mill managed to survive the war.

The Valaichenai paper factory was a remarkably high profit making concern for many years. Its profitability and productivity was phenomenal. The factory won the National Productivity Award from the National Institute of Business Management in 1994 and 1995.

The factory produced 20,783 metric tons of paper in 1994 and 18,231 metric tons in 1995.

In 1996, the Valaichenai paper mills received a blow in the form of a government decision to reduce and eventually to remove tariff on the imported paper products. The factory's sales began to plummet almost overnight as it was unable to compete with the imported paper products that were flooding the Sri Lankan market.

Factory officials had made representations to the government when it was contemplating the reduction of the tariff on imported paper products from 60 percent to 10 percent. "The minister took note of our reasoning that the local paper industry would be adversely hit if there is an unqualified reduction in tariff. But later we came to know that the tariff had not only been slashed but had been brought down to almost zero," an official said.

Factory sources say that the trend had begun with the introduction of the open economy in 1978.

But government, which owned the factory, did not take any step to improve the quality and quantity of local paper production in order to make it competitive in the open market economy.

The Valaichenai paper mill's machinery is more than half a century old.

The main plant was made in 1945 in Germany by the J. M. Voigt Company. The production of this type of machinery ceased long ago. The company has even stopped making spares for the kind of machinery installed in the Valaichenai paper factory. Therefore it was severely handicapped when the UNP government compelled it to compete in the open market

where high grade paper products made with modern machinery were freely available at cheaper prices.

This was largely due to the Sinhala nationalist policies of the UNP government at the time that were calculated to undermine the major industries of the northeast. "We survived the liberalization of the market and continued to make profits despite several handicaps. Unreasonable overheads were imposed on us when the paper factory in Embilipitiya started to run at a loss. But we were able to carry on because the tariff kept the local market under check, preventing it from getting swamped by imports," the official said. "But we were practically hit below the belt when the government decided to slash the tariff from 60 percent to 10 percent. We hardly received any orders since then. We began to incur massive losses," he complained.

The farmers who were selling straw to the factory lost their incomes. Some local environmentalists argue that the problem could have been solved with cheap wastewater processing systems that are used by paper factories in India

The factory was on the brink of collapse in 1997. Only the strong will and sheer dedication of the staff kept the factory running. There was a move to shut down the factory last year.

From time to time the government takes action that is often detrimental to the factory without consulting the management of the mills or even local politicians.

The hesitation and in negligence the government's part in revamping and modernizing the machinery clearly demonstrates its ulterior motive.

The production of paper started in Sri Lanka only during World War - II. The Department of Industries under the colonial government set up a small factory in Kakkappally during the war. At that time this factory produced sufficient paper to fulfill Ceylon's needs.

After the Independence, G.G. Ponnampalam who was then minister of industries proposed the idea of starting a large paper factory in the northeast. K. Nalliah who was the MP for Kalkudah at that time persuaded Ponnampalam to open the factory in his electorate.

As a result Valaichenai was selected as the site since the main

Under the Sinhala nationalist policy of transferring and undermining all major industries in the northeast, the United Front government built a paper factory in Embilipitiya. Both factories were then brought under the management of the National Paper corporation on 1st January 1976

raw material, straw, was available in plenty and the required amount of water too was readily available in and around the area.

The construction of the Eastern paper Mills started on

20 straw collecting centers in the Batticaloa, Ampara and Polannaruwa districts to supply the plant.

In early eighties, the National Environmental Authority (NEA) refused to renew the license of the factory on the grounds that the effluence from the plant was causing serious environmental damage.

The processing of paddy straw creates a poisonous by product called lignin.

The poison was entering the Valaichenai lagoon with the wastewater from the factory. It was found that the poison was killing the fish and plants in the lagoon.

The NEA had to review the renewal of the factory's license because of this alarming discovery.

As a consequence that factory had to stop using straw as its raw material and had to buy waste paper which is environment friendly.

Due to this change, workers at the factory's paddy straw collecting centers lost their employment.

The farmers who were selling straw to the factory lost their incomes. Some local environmentalists argue that the problem could have been solved with cheap wastewater processing systems that are used by paper factories in India.

A part of the factory's earnings went to the local people when it was buying straw as raw material for making paper. Now the money goes to the south from where the factory has to buy its wastepaper stocks.

Even wastepaper is sometimes scarce because some suppliers have found a lucrative export market for it. Demand for Sri Lankan wastepaper went up after the rupee was devalued recently.

"There is hope that we might still be able to compete and survive. The world market price of paper went up in April - May this year. Our industrial grade products - corrugated medium paper and paper chipboards - have

earned a reputation for their quality. We also make good duplicating paper. Therefore we were able to get fresh orders because of our lower prices and the demand for our quality industrial paper products. Our production is now 600 tons per month. We want to increase it to 800 tons," Ratnarajah Krishnamoorthy, the Valaichenai paper mills manager, said.

"We make newsprint too. But the problem is that we cannot produce the bulk required in the local market. The Valaichenai factory can produce only 45 percent of the newsprint demand in Sri Lanka," he added.

An Eastern University economist said that the paper factory can be made profitable if it is not made to bear the burden of contributing to maintaining the overstuffed headoffice of the company in Colombo and the factory in Embilipitiya with its workforce of more than 900.

"The government should look after or close down Embilipitiya rather than siphoning off from the earnings of the Valaichenai paper factory to supplement treasury subsidies for the idling workforce and property in the south," the economist said.

The Center for Sustainable Agriculture and Resource Management (SENSARM) of the Eastern University of Sri Lanka made a study on the paper factory and arranged a symposium.

CENSARM succeeded to some extent in drawing attention to the factory's predicament. It put forward some suggestions to improve the situation.

"But no dramatic changes have taken place so far. There are three basic conditions to be fulfilled to make this factory profitable. The main one is tariff. Either the tariff should be elevated from 10% to the earlier level 60% or there should at least be tariff on imported products that we also make. Secondly, the age old machinery should be revamped and modernized. And finally we need working capital. There are also other requirements. But we can fix them by ourselves if the three major needs are fulfilled," Krishnamoorthy said.

Though there have been many setbacks and they face total collapse, the management and employees haven't lost their hope yet. They are still confident that they can make the factory once again profitable. This factory is not only their working place, but it is the pride of the people of Batticaloa too.

The CNN effect: strategic enabler or operational risk?

By Margaret H. Belknap

The process by which war fighters assemble information, analyze it, make decisions, and direct their units has challenged commanders since the beginning of warfare. Starting with the Vietnam War, they faced a new challenge—commanding their units before a television camera. Today, commanders at all levels can count on operating “24/7” on a global stage before a live camera that never blinks. This changed environment has a profound effect on how strategic leaders make their decisions and how war fighters direct their commands.

The impact of this kind of media coverage has been dubbed “the CNN effect,” referring to the widely available round-the-clock broadcasts of the Cable News Network. The term was born in controversy. In 1992 President Bush’s decision to place troops in Somalia after viewing media coverage of starving refugees was sharply questioned. Were American interests really at stake? Was CNN deciding where the military goes next? Less than a year later, President Clinton’s decision to withdraw US troops after scenes were televised of a dead American serviceman being dragged through the streets of Mogadishu seemed to confirm the power of CNN. In this article, the term “the CNN effect” represents the collective impact of all real-time news coverage—indeed, that is what the term has come to mean generally.

The advent of real-time news coverage has led to immediate public awareness and scrutiny of strategic decisions and military operations as they unfold. Is this a net gain or loss for strategic leaders and war fighters? The military welcomes the awareness but is leery of the scrutiny. The fourth estate’s vast resources offer commanders exceptional opportunities. The CNN effect thus is a double-edged sword—a strategic enabler and a potential operational risk.

The Vietnam War was a seminal event in military-media relations. It marked the first television coverage of war and a monumental shift in relations between the media and the American military. It also was the last time reporters enjoyed unfettered access without censorship in an American war. Americans saw battle scenes with real soldiers, not John Wayne or Errol Flynn, on the screen. Said one American infantryman in Vietnam in 1965, “Cameras. That’s all I see wherever I look. Sometimes, I’m not sure whether I’m a soldier or an extra in a bad movie.” Before the Vietnam War, the American press had generally supported national war efforts and the national leadership with positive stories. The Vietnam War was differ-

ent. This time reporters told of American units that lacked discipline, and of troops using drugs on the battlefield. They interviewed US soldiers who questioned US war aims while the war was ongoing. Such stories, though factual, were viewed by the military as negative. Moreover, the uniformed leadership viewed these stories as a major reason they were losing the war at home while they were winning the battles in Vietnam.

What did the US armed forces learn from this experience? They definitely learned that they needed the support of the American people—trying to hide two parts of Clausewitz’s strategic triangle from the third didn’t work. That became the story. What the military failed to see was the importance of the media as a conduit to the people. This failure was clearly evidenced in the next conflict, Grenada in 1983.

If the US military can be criticized for preparing for the last war when approaching the next one, the same can be said for its approach to handling the press in Grenada. The overwhelming lesson from Vietnam seemed to have been, “Keep the press out!” A small island located south of Barbados in the Caribbean, Grenada offered the military the opportunity to do just that. President Reagan left the decision for media access to the military, and ultimately it rested with the operational commander of Joint Task Force 120. Vice Admiral Joseph

Said one American infantryman in Vietnam in 1965, “Cameras. That’s all I see wherever I look. Sometimes, I’m not sure whether I’m a soldier or an extra in a bad movie

level.”

Thus, following Grenada, General Vessey appointed a commission to study military-media relations. The panel was composed of active-duty military officers and retired journalists. Retired Major General Winant Sidle, for whom the panel and its report were named, headed it. The establishment of press pools was the key recommendation of the Sidle Report and the most controversial. The media panel members agreed with its basic recommendation:

Media access in Panama was nearly as limited as it had been in Grenada. The decision to ignore the recommendations of the Sidle Report by essentially excluding the media until the operation was ongoing and then tightly controlling and censoring information was made at the highest level of government. This frustrated reporters and, perhaps, precluded the military from demonstrating its technical

Metcalf replied, “I’d have blown your ass right out of the water!” Under pressure from the press and Congress, the Chairman of the Joint Chiefs of Staff, General John Vessey, ordered Admiral Metcalf to accommodate reporters starting on the third day of the operation, 28 October 1983

Metcalf III, who infuriated reporters by banning them from the area.

A few journalists managed to get a small boat to transport them from Barbados. As they approached Grenada, Admiral Metcalf personally ordered shots fired across the bow of the media’s vessel, forcing them to return to Barbados. Shortly thereafter, one of these reporters asked Metcalf what he would have done had the reporters not changed course. Metcalf replied, “I’d have blown your ass right out of the water!” Under pressure from the press and Congress, the Chairman of the Joint Chiefs of Staff, General John Vessey, ordered Admiral Metcalf to accommodate reporters starting on the third day of the operation, 28 October 1983. General Vessey considered the exclusion of the media in this operation from the beginning to be a “huge mistake at the national

and tactical competence. While live reporting had missed what was later described by General Colin Powell as a “sloppy success” in Grenada, the Panama operation was carefully planned, rehearsed, and executed.

It is important for strategic leaders and war fighters to understand the media as a potent force multiplier in a wide variety of areas. Recognizing the power of television, General Powell instructed National Defense University students, “Once you’ve got all the forces moving and everything’s being taken care of by the commanders, turn your attention to television, because you can win the battle but lose the war if you don’t handle the story right.”

In the CNN age of broadcasting, information is available globally in real time. For the war fighter, the potential for the enemy knowing as much as he knows is a grave risk.

How does a commander achieve surprise in such an environment? In the Gulf War, General H. Norman Schwarzkopf achieved operational surprise by constraining press pools. In Haiti, the White House openly announced its intention to invade Haiti as part of its diplomatic strategy to pressure General Cedras to back down. In Bosnia, General Clark issued a gag order; however, this order made him appear to be adopting Vietnam-era media relations. Most recently, in Operation Enduring Freedom in Afghanistan, Secretary of Defense Donald Rumsfeld barred reporters from USS *Kitty Hawk*, where some special operations forces were based, while allowing reporters on the other two carriers based in the Arabian Sea.

In an era in which “wars can be won [or lost] on the world’s television screens as well as on the battlefield,” strategic leaders and war fighters must be proactive and innovative in dealing with the media. The satellite television age offers strategic leaders and war fighters exceptional opportunities to leverage the media—to use the vast resources of the fourth estate to their advantage. The media can be a strategic enabler in a number of ways: to communicate the objective and end-state to a global audience, to execute effective psychological operations (PSYOPS), to play a major role in deception of the enemy, and to supplement intelligence collection efforts.

In addition to being able to clarify for the American audience the linkage between operational goals and strategic policy objectives, the media have the potential to support PSYOPS directed at an opposing force and its population. During Desert Storm the media provided General Schwarzkopf with the means to showcase US military might directly to the Iraqi military. Senator Nunn has often stated that live reports of American paratroopers lifting off from Fort Bragg en route to invade Haiti directly led to General Cedras’ decision to step down. As further evidence of the power of CNN, when the US military arrived in Haiti the day after Cedras’ capitulation, the Haitians warmly welcomed the US troops. In Bosnia, Major General Nash “wanted to use the power of the world press to influence compliance

by the former warring factions with the Dayton Accords.” The world could witness confrontation or compliance firsthand.

Media reporting can have a positive effect on US soldiers as well. At a 1991 MIT symposium on “Reporting the Gulf War,” a Marine Corps representative “argued that the press coverage acted as a ‘force multiplier’ by keeping marines motivated and keeping US and world opinion firmly behind the marines.” Major General Nash also recognized this potential of the media to “enhance the soldiers’ morale” when he decided to embed the media in the 1st Armored Division in Bosnia.

Two other important roles the media can play are to provide intelligence to the military and to report as a part of a deception plan. General Schwarzkopf’s use of the media to obscure his famous left hook maneuver in Desert Storm is well documented. However, the media’s role as a source of intelligence is perhaps less obvious. The media can be an important source of information for two reasons. First, they may be in a country before operations begin, as in Haiti, Bosnia, Somalia, and Afghanistan. This gives them important firsthand knowledge of the people, their culture, the landscape, and events leading up to the operations. Second, because of their mobility, reporters can frequently move about the area of operations more freely than uniformed military can; consequently, they can be an important source of “open intelligence.”

In short, the military should use the media as an important strategic enabler. The media provide the military the means to ensure the American public is informed and engaged. The media provide the military with a global stage to send its message and aid in executing its mission. And they have great potential as a force multiplier, a source of intelligence, and a resource for conducting PSYOPS.

The military and the media have improved their relationship since the days of the Vietnam War, America’s first television war. Satellite technology and the proliferation of 24/7 news networks have created and increased the so-called CNN effect on strategic-level decision-making and on how war fighters direct their commands. The military needs to understand, anticipate, and plan for this new dynamic. Friction between the military and the media will continue to some degree in the future.

In spite of this friction, strategic leaders and war fighters should harness the increasing power of the fourth estate as a strategic enabler while hedging against operational risk.

(Parameters, Autumn 2002, pp. 100-14)

Searching for water

While the protagonists of the peace process clink glasses and rub shoulders in the salubrious climes of Thailand's Pattaya bay and promise to get aid to rehabilitate the northeast, thousands of refugees who fled their villages north of Vavuniya five years ago to escape the fury of Operation Jaya Sikurui continue to languish in dilapidated shelters.

Their dry-ration supplies have been slashed, water supplies are dwindling and there is little sanitation in the camps worth talking about. The Poonthottam Welfare Centre is the largest refugee shelter for the people who had to abandon their villages in the face of Operation Jaya Sikurui and the series Operation Rana Gosha.

There are nine units in the Poonthottam welfare centre. More than 10,000 live here in miserable, subhuman conditions. Most of them want to go back to their villages, reclaim their lands and start life again as the prosperous folk they once were. Electricity to the camps has been cut. Crimes inside the welfare centres are increasing as a result. Many refugees lament that they didn't get their dry rations after June this year.

The Ministry of Rehabilitation and Reconstruction says it has little money from the treasury to dole out to the refugees in the welfare centre. Inmates say that they will face disaster when the monsoon sets in because the roofs of the shelters are crumbling.

The roof over the only school for the children of the refugees in the camp is also falling apart.

Refugees and local rehabilitation activists say that Tamil National Alliance MPs for Vanni are not doing enough to alleviate their suffering or to bring pressure on the govern-



IDPs at Poonthottam camp jostling each other for water Pic. by Buddhika Weerasinghe

ment to expedite a viable solution to their problem.

Meanwhile, a team comprising government officials, officers of the Sri Lanka Army, officials of Liberation Tigers and civilians visited Iranai Illupaikulam and Kalmadu in northern Vavuniya district on Tuesday to make an assessment for resettling of internally displaced persons and to recommence paddy cultivation in fields in the region abandoned

due to military operations.

The team visited these areas following a decision taken at a conference held Saturday at Vavuniya district secretariat presided by the Defence Ministry Secretary Austin Fernando. At this conference it was decided to allow the IDPs to cultivate their lands 100 meters away from the defence line of the SLA. However the army officials who are responsible for these areas have told the team that the decision cannot be implemented,

as it will be detrimental to the security situation, sources said.

Army officers said they could allow sixty eight displaced families from the Kalmadu village to resettle in their lands and start cultivation and that they can open Kalmadu Unit 1 government Tamil school. However army officers said that they will not leave the library building they now occupy at Kalmadu and only two hundred acres of the four hundred acres of paddy fields in the village can be allowed for cultivation.

They said that IDPs will not be allowed to go to their paddy fields crossing the defence lines of the SLA. Most houses in Kalmadu are destroyed. Sources said that the army has increased the number of troops camped in the Kalmadu public library and temple since the MOU was signed.

Army officers in the area said that IDPs could cultivate sixty acres at Chalampankulam and 25 acres at Sinnakulam. Cultivators will not be allowed to take their bicycles beyond a certain point and they should produce their national identity cards before they go to paddy fields in the Kalmadu area. Army officers said they are not in a position to effect any changes under the present circumstance.



The team is to visit Omathai area Thursday to assess the ground situation there for resettling the IDPs and recommencing paddy cultivation.

The team that visited Iranai Illupaikulam and Kalmadu comprised Vavuniya Divisional Secretary S. Sathiaselan, Madhu Divisional Secretary S. Moraes, Vavuniya district LTTE political head S. Elilan, Vavuniya LTTE administrative head Kaanan, Mannar district LTTE administrative head Iynkaran, Tamil Rehabilitation Organisation Vavuniya head Moorthy, All Ceylon Tamil Congress Vavuniya district head A. K. Senthilnathan and army officers from the Pampaimadu and Iranai Illupaikulam army camps.

