

Autonomy of Aaland: a special case under international law

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The gruesome threshing floor in Udumbankulam

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February 19 is the the eighteenth anniversary of the Thangavelayuthapuram (Udumbankulam) massacre. The area that was uninhabited due to the counter-insurgency campaign by the military in the '80s and '90s is limping back to normal after the MOU. Here an original inhabitant of the village who has returned to build a daub and wattle hovel but is unabashed about her political affiliations Pic. by D. Sivaram

Slow pace to normalcy disappoints Tamils

By a Staff Correspondent

Civilians who are not trained to withstand the rigours of conflict and who hoped the Ceasefire Agreement (CA) would pave the way for a restoration of normalcy to their lives have been bitterly disappointed, said a Tamil National Alliance member of parliament reflecting on the CA's one year of existence.

"These people have not only been marginalized due to 20 years of conflict, but pauperised by it as well," said Gajendrakumar Ponnambalam, MP, (TNA - Jaffna District).

He said however that the other aspect of the CA - suspending the shooting war had been successfully accomplished by the Agreement.

The TNA said one of the main reasons for shortcomings in the restoration of normalcy is the continuing occupation of public buildings in the northeast by the military. The alone brought about a distinction between the 'normalcy' enjoyed by the citizens in the south and those in the northeast.

"As far back as February 2002 the TNA told the government to draw up a concrete plan for the vacation of the areas under occupation by the security forces. But they did nothing, perhaps thinking they were not under obligation to take advice from the TNA. But we see the results now," Ponnambalam continued.

The fourth round of talks in January came under strain due to a military memo drawn up by Major General Sarath Fonseka, security forces commander Jaffna, where he said

that the vacation of the High Security Zone (HSZ) would have to be accompanied by the a reciprocal disarmament by the LTTE.

The LTTE during talks with the government has stressed that it did not expect the security forces to vacate the HSZ entirely, but that it permits resettlement of persons who are now refugees.

"If the Tamils believe the peace process has given unequal benefits to the Sinhalese, the LTTE, which claims to represent the Tamils, cannot justify any reason to remain in the talks," Ponnambalam stressed.

He said the Tamils of the northeast were not deprived economically when they took up cudgels against the state. "Under these circumstances I believe at least they should be able to resume the lifestyles they enjoyed before the

conflict with the Ceasefire Agreement in place," he said.

Human rights have to be respected universally, but today when the word human rights is mentioned, people automatically associated it with child conscrip-

tion, extortion and forcible recruitment. "It should be understood that resettling refugees and giving people access to their lands should also be covered under a comprehensive granting of human rights," he concluded.

Skeletal remains discovered near Trincomalee beach

Skeletal remains were discovered in Trincomalee town on Wednesday morning when persons trying to build a retaining wall by the sea beach opposite the Trincomalee Public Library dug them up, sparking off speculation of whose they could be.

Informed sources told the Northeastern Herald that they

most probably dated back to the early 1990s. "It is very difficult to identify whose they could be without further testing for which they have to be sent to Colombo," said sources in Trincomalee who refused to be identified.

They said though it was based purely on surmise, the IPKF was

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Protest against Kantharodai Buddhist *vihare* construction

The Confederation of Valikamam South Public Organizations Wednesday conducted a protest march condemning the construction of a Buddhist Vihare at Kantharodai in Jaffna district by the Sri Lanka Army. The protest march, which commenced Wednesday morning from Kantharodai, arrived at Uduvil Divisional Secretariat around afternoon, sources said.

Hundreds of people participated in the march with slogans condemning the Buddhist dominated Sri Lanka Army engaged in constructing Buddhist Vihares in the Tamil dominated northeast province wherever they have camped, thus paving way for the distortion of the Tamils' history, sources said.

Later, a public meeting was held at the Uduvil Divisional Secretariat premises presided by the President of the CVSPO Mr.T.Kumaravelu. President of the Confederation of the Jaffna District Peoples' Organization Mr. S.Cyril spoke.

At the conclusion of the meeting a memorandum addressed to the Prime Minister was handed over to the Uduvil Divisional Secretary, sources said.

"The construction of the new Buddhist Vihare at Kantharodai under the supervision of the Sri Lanka Army is a violation of human rights. We are not against

Buddhism nor we are against the Sinhalese. Today, at places where there are army camps and wherever Bo trees are coming up the statues of Lord Buddha are placed. If such activities continue Tamils would be forced to cast doubts on the government's intentions and its commitment to the peace process. Hence we appeal to you to take immediate steps to cease such hostile activities", said the memorandum addressed to the Prime Minister.

Kantharodai is located near Chunnakam west of the main Jaffna - Kankasanture road.

Journalists busted for blackmail

A journalist from the Economic Times newspaper in Mumbai and another from an Internet portal were caught red-handed while accepting money from a blackmail victim.

In a page one statement, the newspaper from the Bennett, Coleman and Company stable, admitted that Rishi Chopra, deputy manager (research), The Economic Times Intelligence Group, was arrested for alleged extortion. Also arrested along with Chopra was Thomas Joseph Priju, channel manager, Satyam Infoway. Priju had joined the Internet Portal from the Business Standard newspaper, the Economic Times said.

According to police, the duo were trying to blackmail a prominent stock broker, Poonamchand Maloo for a sum of Rs 10 million. As per the First Information Report registered against the duo, Chopra had sent a questionnaire to Maloo with 25 questions.

The duo then allegedly demanded Rs 10 million from the broker to hush up the story about

some government investigation against him.

However after negotiations, the sum of Rs 10 million was reduced to Rs 2.5 million. The first instalment was paid to the journalists on February 3, according to the FIR. They were arrested from the lobby of a five-star hotel where they allegedly waited for Maloo to deliver the next instalment of the extortion money, police said.

Both journalists were produced before a magistrate who remanded them to police custody for a week.

In its statement, the Economic Times said Chopra's responsibility was to look at data and examine trends. "His job profile did not include writing about or dealing with individual companies. The Economic Times is committed to letting justice taking its own course. It has a very strict and detailed code of conduct and takes an extremely serious view of even the hint of an unethical practice.

101 Villages in NE selected for NIAP development

The World Bank assisted North East Irrigation and Agriculture Project (NIAP) officials said that under the 2003 program for renovating irrigation tanks in NorthEast, 101 villages have been selected in districts of Vavuniya, Mannar, Trincomalee and Batticaloa where implementation activities will begin in March, sources in Vavuniya said.

NIAP has signed agreements with non-Governmental Organizations (NGOs) FORUT, Seva Lanka, Village Development Organization and Sareeram which will implement the projects for NIAP. Officials of these NGOs and Mr.S.Rangarajan, the Primary Secretary North East Prov-

ince on behalf of NIAP participated in the sign-off of the agreements, sources said.

In Vavuniya district Seva Lanka is given responsibility to undertake rehabilitation efforts in 34 villages, Village development Organization 5 villages, FORUT 5 villages, NIAP officials said.

In Mannar Seva Lanka is to work in 7 villages and Village Development Organization is given authority to work in 2 villages.

In Trincomalee Seva Lanka will be the sole implementing organization in all 18 selected villages.

In Batticaloa district, in 20 selected villages implementation responsibility for NIAP projects is vested with Sareeram organization and projects in other 10 se-

lected villages will be carried out by Seva Lanka, NIAP officials said.

Officials added that the focus villages for NIAP projects were selected on recommendations by the Government Agents (GAs) of the respective districts.

FORUT, Campaign for Development and Solidarity, a Norwegian NGO, has been engaged in development cooperation in Sri Lanka and in several other South Asian countries and its main office is situated in the little town of Gjøvik in the southeastern part of Norway. FORUT receives a considerable sum of money from the Norwegian Government and from Norwegian and foreign partners, according FORUT's website.

Police should replace military says SLMM

SLMM To prevent future clashes, the Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka (GOSL) agreed to allow women LTTE cadres to wear any civilian type of belts when entering and staying in GOSL controlled areas, a press release issued Sunday by the Sri Lanka Monitoring Mission (SLMM) said.

The press statement further said "there is now an urgent need for a modern, well trained police force in order to gradually normalize the situation in the Government controlled areas in the North and East of Sri Lanka."

"Using military forces to maintain law and order can be justified during times of war, but is highly likely to lead to unnecessary violence and increased tensions during times of peace," the SLMM statement said.

Full text of the SLMM statement follows:

Subject: Military Uniform Type of belts worn by LTTE Cadres - Manippay Incident

To avoid future clashes between the forces of the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), over LTTE cadres using military uniform type of belts in Government controlled areas the following interim arrangements have been made by Sri Lanka Monitoring Mission (SLMM) and accepted by both parties:

LTTE cadres wearing military uniform type of belts, will voluntarily remove such belts before entering into Government controlled areas and will not wear them while staying in Government controlled areas. LTTE cadres that do not follow this procedure will be denied access to Government controlled areas. If LTTE cadres do not follow this procedure, the forces of the Government of Sri Lanka will immediately call for SLMM assistance. Such provi-

sion is also given to the LTTE. SLMM monitors will, on the spot, rule the situation and advise both parties to comply strictly with the above-mentioned procedure. It should be made very clear that these arrangements apply for military uniform type of belts only. Consequently, LTTE cadres may wear any type of civilian belts when entering and staying in Government controlled territory.

A clash over LTTE cadres wearing military uniform type of belts, took place between Government forces and LTTE cadres at Manippay in Jaffna peninsula on Wednesday 12th of February. SLMM ruled on the 16th of January that such belts were a part of the LTTE female cadre uniform. Therefore it can be considered a violation when LTTE cadres wear them in Government controlled areas. The decision of the Government, forces to forcefully remove the military uniform type of belts from the LTTE cadres on the

scene clearly created tensions which lead to a demonstration led by LTTE.

An anti-riot squad was deployed by the Government forces to disperse the crowd SLMM Monitors on the scene witnessed members of this riot squad attacking and beating innocent people that had nothing to do with this demonstration.

These actions of the anti-riot squad were hostile acts against the population and as such, constitute a clear violation of article 2.1 of the Ceasefire Agreement which states; "The Parties shall in accordance with international law abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment."

SLMM urges all Government forces and all LTTE cadres to show restraint and discipline and to avoid confrontations with each other at all times. It is the evalua-

tion of SLMM that there is now an urgent need for a modern, well trained police force in order to gradually normalize the situation in the Government controlled areas in the North and East of Sri Lanka. Using military forces to maintain law and order can be justified during times of war, but is highly likely to lead to unnecessary violence and increased tensions during times of peace.

In spite of numerous violent incidents during the Ceasefire period, there is no doubt that the Government of Sri Lanka and the LTTE leadership have shown a strong dedication for a negotiated settlement to the long conflict between them. SLMM is of the opinion that every time the parties overcome one more of those difficulties, they strengthen the ceasefire and gain more confidence in their own ability to move forward to a permanent peace.

'Airport insecurity' and other insignificant issues

By Rajpal Abeynayake

Security has become serious business in most of the world's busiest airports, and now, passengers emplaning from Sri Lanka have a bit of picnic at the Katunayake compared to the travails they need to face in other airports such as say Kennedy or Heathrow or O'Hare for instance.

But not even a whimper of protest can be heard from all those vociferous individuals who used to complain that flying into or out of Sri Lanka is a banana republic experience.

But even so tables have turned, and now it is safer and more secure in Colombo than it is in downtown New York – and it is certainly safer emplaning from Katunayake than it is from LA international.

But nothing seems to have changed for Sri Lankans who were harassed here in Colombo and who are now harassed out there in New York or wherever.

But 'airport insecurity' is one thing that has always been a more immediate problem for Sri Lankans and dark skinned people than it has been for others. Yet, curiously, there is nothing like a collective consciousness about this fact.

There isn't even comic relief. Af-

Some races are said to be rather passive or let us say less 'proactive' than others. But, for an entire collective of races, unified only by the colour of their skins, to be so, what shall we say – 'graceful' in the face of the evolving rules in the air seems to be a telling fact not just about dominance, but race colour and ethnicity in general in this day and age

ter 9/11 there is said to have been an upsurge in 'ethnic comedy'. Palestinians who are said to have been up against a fresh quota of scrutiny and surveillance after 9/11, replied with humour. They started various gigs, which were 'laugh at ourselves and laugh at the world' routines.

But, air travel has become so absurd that sometimes one does not need to invent a stand up routine to laugh. You laugh at the absurdity of it all when the event is happening.

For example a common question at customs especially at Western airports used to be "id you pack

your bags?" Now what do they do with Asian and Middle Eastern travellers? Or do you simply arrest them if they say "yes we packed our bags." Certain airlines in America are said to be going bankrupt due to the airport insecurity problem. But airlines used to function in this part of the world, even if there was a considerable security threat before the ceasefire was declared.

But nobody thought of rationalising the issue of airport security then. Now, they are training air marshals to be on guard, and there is also the sub-conscious ten-

dency to give all non-white passengers the once over.

But funnily, there has not been a whimper of protest in the air – or even once airline passengers hit terra firma. An Indian actress was questioned for over six hours at Los Angeles international airport, because another passenger had complained that she has been giggling and passing notes with a fellow Indian passenger in a different section of the aircraft.

International newsmagazines commented that she had been 'very graceful.'

Overall, it seems that not just her, but all coloured and non-white passengers have been graceful.

They have taken what is their lot – post 9/11 – gracefully. They have taken it as if it is a great relief and a favour done to them that they are indeed allowed to fly at all!

Some races are said to be rather passive or let us say less 'proactive' than others. But, for an entire collective of races, unified only by the colour of their skins, to be so, what shall we say – 'graceful' in the face of the evolving rules in the air seems to be a telling fact not just about dominance, but race colour and ethnicity in general in this day and age.

Airport insecurity is insignifi-

cant compared to the real race issues that are of import in various parts of the world. But therein lies the rub. What's deemed insignificant is not necessarily insignificant in terms of symbolism, and in terms of how supine and how powerless the non-dominant races of the world have become. It is something like this. If there is organised racism say in South London or wherever, it does not offer microcosmic picture of race relations.

But what more in terms of symbolism than airport insecurity, where carrying one type of passport means you are basically travelling 'steerage' even if you are first class and on the swankiest part of the plane?

It is no laughing matter of course – but then if there is no stand-up comic taking up the issue of airport insecurity, why is there no journalistic piece about it either. Not that I have read any! The thing is that commentators would rather comment about racism say in South London. Very often, this sort of racism is out there and it is happening to someone else. But when it is happening to most everybody – gosh, it is too much. It is best put down to 'inconvenience.' And of course 9/11.

Mass arrests of street children in Egypt

The Egyptian government conducts mass arrest campaigns of children whose "crime" is that they are in need of protection, Human Rights Watch said in a new report released today. Children in police custody face beatings, sexual abuse and extortion by police and adult criminal suspects, and police routinely deny them access to food, bedding and medical care.

More than 25 percent of all children arrested in Egypt in 2001 were children considered "vulnerable to delinquency" under Egypt's Child Law. They have committed no crime, and are typically homeless, beggars or truant from school. Police often use the charge as a pretext to clear the streets of children, extort money and information, force children to move on to other neighborhoods, and bring children in for questioning in the absence of evidence of criminal wrongdoing.

"The government says it arrests children to protect them," said Clarisa Bencomo, researcher in Human Rights Watch's Children's Rights Division. "The reality is that most of these children are back on the street within a week, in even worse shape than before.

Instead of protecting children, the police abuse them and steal whatever money they have."

The 87-page report, "Charged with Being Children: Egyptian Police Abuse of Children in Need of Protection," draws on interviews with dozens of Egyptian children living or working on the street, as well as police, prosecutors, social workers and judges in the juvenile justice system.

Human Rights Watch called on the Egyptian government to immediately end its policies of arresting children it deems "vulnerable to delinquency" and of routinely detaining children in police lockups. Egypt should also designate a full time position in the Ministry of Justice to oversee investigations of torture and ill-treatment of children in police custody.

Human Rights Watch found that police in Cairo routinely beat children with batons, whips, rubber hoses and belts, and transport them in dangerous vehicles, often with adult detainees. Children held in overcrowded and dirty adult police lockups must bribe guards or beg from criminal detainees to obtain food and bedding. Children who are transferred to the overcrowded al Azbekiya juvenile police lockup re-

ceive only marginally better treatment, and may be detained with children significantly older or who have committed serious crimes.

"Children are particularly vulnerable to sexual abuse, both in and out of custody," said Bencomo.

Police at adult and juvenile police lockups use degrading sexual language to humiliate both boys and girls, and do not protect children from attacks by adult detainees. In interviews, girls singled out police at the al Azbekiya juvenile police lockup and an adult police lockup as being notorious for sexual abuse and violence against girls detained there. Girls also reported feeling pressure to engage in sexual relations with police on the street as the only way to obtain police protection from sexual violence by other men.

Despite the widespread and systematic violations of the rights of children in police custody, Egyptian authorities do not routinely monitor conditions of detention for children, investigate cases of arbitrary arrests or abuse in custody, or appropriately discipline those responsible.

In many cases, children are detained illegally for days before going before the public prosecutor,

and in some cases children are arrested and released without ever leaving the police station. Police often do not notify children's parents about arrests, and children who have fled parental abuse or who lack guardians have no one to turn to for assistance.

"Ministry of Interior officials, prosecutors, judges, and government social workers all know that these children are being abused – but no one does anything to prevent it," Bencomo said. "The government would rather keep these children out of sight than address the underlying issues that forced children onto the streets in the first place."

Skeletal...

lodge at McHayzer Stadium that is adjacent to the place where the skeletal remains were discovered. The bones were found near a Bo tree by a shrine of the Buddha. There were a number of Cashuarina trees near the place they were discovered.

Interestingly Trincomalee Magistrate S. Thiagendran who was called to the place, pointed to another spot 20-30 feet from the original point where the remains were discovered and digging there more

The vast majority of children Human Rights Watch interviewed were lying or working on the street because they had no other choice.

Human Rights Watch calls on the Egyptian government to ensure these children receive the special protection and assistance they are entitled to under the Convention on the Rights of the Child, and to ensure that arrest, detention or imprisonment are used only for children charged with criminal acts, and should always be a measure of last resort, and for the shortest possible time.

(HRW)

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remains were found. "It could be anyone's remains – those who disappeared from the hospital, from the McHayzer Stadium," sources said.

The skeletal remains were deposited in the mortuary on Wednesday night and evidence is to be led on Thursday morning before the Trincomalee magistrate. Since there is no JMO in the area the remains are to be sent to Colombo for further forensic examination.

Rebels should act with more responsibility

By Bertram Bastiampillai

The unfortunate and tragic incident where three militants committed suicide by blowing themselves up when they encountered in a showdown the representatives of the Sri Lanka Monitoring Mission (SLMM) and the Sri Lankan navy, shocked many in the island — especially peace loving Tamils and Sinhalese.

A genuine sense of panic gripped civilians who feared a collapse of peace negotiations in Berlin between the Sri Lanka Government negotiators and the peace discussants of the Liberation Tigers of Tamil Eelam (LTTE). Fortunately, such a calamity did not wreck the negotiations.

The chief negotiator of peace from the LTTE Anton Balasingham reassured that the rebel militants were committed to the peace process and there was no question of returning to war. He reinforced this pledge by adding that, "we have had a bitter experience ... engaging in a bloody war without achieving anything substantial." This frank pronouncement prevented a derailment of peace talks because the government spokesmen too demonstrated understanding and calm.

The peril in which the passage of the peace process was placed owing to the hasty act of the few militant rebels in the seas off the northern peninsula passed away.

Confidence in the rebels and their intent has been impaired and may even be forfeited if such an occasion occurs again. The facilitators also can grow even more suspicious of the rebels, their ends and interest in peace. Additionally, even if the government is magnanimous, the Commander-in-Chief of the armed forces can take unkindly to the activities of the rebels who she believes are using the truce to re-arm

But one cannot expect such luck always. Already, the consequences of the incident have been damaging to an extent. The foreign monitors of the truce between the rebels and the government forces rejected the denials of the LTTE and affirmed that the rebels had been detected smuggling arms and ammunition thereby unilaterally violating the terms of the ceasefire arranged by Norway, the peace facilitator. What is worse, according to media reports foreign diplomats have opined that the international community may not be so eager to financially support the island's rehabilitation and reconstruction process. This will be a lamentable blow on rebuilding of the war-ravaged north and east of the island. The civilians will suffer and their expectations will be belied. Moreover, much goodwill and trust of well-intentioned nations have been reduced.

To muddy the situation further after the mishap on the seas, it is also reported that the foreign monitors

may not intervene in similar incidents hereafter. If this happens it will be the Sri Lankan Navy that would carry out inspections of the vessels of the LTTE rebels at sea. This is ominous and may hamper the chances of the peace negotiations coursing calmly and without hindrance. Confidence in the rebels and their intent has been impaired and may even be forfeited if such an occasion occurs again. The facilitators also can grow even more suspicious of the rebels, their ends and interest in peace. Additionally, even if the government is magnanimous, the Commander-in-Chief of the armed forces can take unkindly to the activities of the rebels who she believes are using the truce to re-arm. She has made her disapproval of the rebels' conduct clear and criticized the government's indulgence shown to the 'militants.'

While the civilians await eagerly and impatiently the end of the negotiations between the government and the LTTE and pray it ought to be suc-

cessful, it is the responsibility of the 'rebels' not to stifle the chances of it happening. The civilians in the north and east have suffered so much in loss of lives, limbs, property and the opportunity to live peacefully, and those who claim so much to represent the Tamil peoples of Sri Lanka from the northeast should in no way endanger the prospects of a quick and honourable peace dawning in the island. The sacrifices of the civilians in the north and east over so many years should not be in vain. It strongly behoves the rebels to deliver on the expectations that the chief spokesman of the rebels Balasingham at the negotiations hitherto had repeatedly aroused.

The recent untoward incident caused grave concern among the Sri Lankans, more particularly Tamil people of the north and east that the ongoing negotiations may be prematurely wrecked. Already, there have been nearly three similar incidents that had occurred in the eastern seas off Trincomalee, which have driven into the minds of the Sri Lankan naval cadres and the facilitators of the peace process an element of doubt as to whether a few of the rebels are seriously keen and dedicated to ushering in peace. So there is little love lost between the Sri Lankan security forces and the rebels and this alone should make the rebels to be more positive towards peace and not create any qualms in the minds of any.

There are a few in the south in particular who have been critical of the

government's pursuit of peace and any fruitless misadventure of the rebels will only fortify this criticism and also add to the government's problems in working to create peace and stability once more.

The Chief Spokesman of the rebels at the peace talks candidly admitted that the LTTE's image has been severely damaged owing to the continued recruitment of children into the rebel cadres. Furthermore, he confirmed at a press conference in Berlin that a few of the regional leaders of the rebel cadres had contravened the orders of the LTTE leader and their conduct was contrary to discipline. This admission alone makes it essential that the acts of the rebels should now on be above board.

Much talk of levies weigh heavily on the Tamil and other civilians of the north and east and the media has reported of them. It is time that even the few recalcitrant rebels recognized they should behave responsibly and be disciplined if they are to claim to be sole 'representatives' of the Tamils. The rebels should also realize that the Tamil people from the north and east of Sri Lanka and the refugees elsewhere, look to them not to let them down. Sick of pain, fear and uncertainty, the Tamils as well as other peace-loving Sri Lankans yearn only for peace and undiluted peace and stability that follows. Oliver Wendell Holmes truly declared, "The peaceful are the strong."

SL waiting to taste peace dividend

By Anthony Spaeth

Exiting the international airport in Colombo can be alarming: uniformed men tote guns, and there are acres of razor wire. Colombo's quaint commercial center is clogged with police checkpoints. President Chandrika Kumaratunga lives there; having survived an attempted assassination bombing three years ago, she's not taking any chances. In fact, there's little to fear. Nobody worries about bombs going off in Sri Lanka these days. You can travel just about anywhere on the island: to the northern peninsula of Jaffna or to the eastern beaches near Trincomalee, areas that were off limits for most of the past 19 years of civil war. The government and the separatist Liberation Tigers of Tamil Eelam (LTTE) signed a truce a year ago, which, to everyone's amazement, has held.

Twelve months is a good long time to breathe easier, but Sri Lanka isn't out of the jungle yet. After five rounds of highly productive peace talks—in which

the LTTE formally abandoned its goal of secession—the two sides are only now facing the core issues that will make or break a deal, including a rewriting of the Sri Lankan constitution and the delicate issue of when and how the fanatical Tigers will hang up their suicide suits, dispose of their cyanide capsules and surrender their guns. As a result, Sri Lankans are living in unaccustomed security—but they've yet to earn much of a peace dividend.

Some 30,000 Sri Lankans who fled their homeland in the 1980s and '90s came back on visits last year to see if the place was livable again. But foreign investors have been less eager to return. 'We need to sign a document with the LTTE,' sighs Arjuna Mahendran, chairman of the government's Board of Investments. 'That's what people are waiting for.'

The prime mover of the peace talks, Prime Minister Ranil Wickremasinghe, is acutely aware that talks could be long-winded: he often cites the failed peace process between Israel and the Pales-

tinians. 'What I'm trying to do,' he says, 'is move it fast this year to make it irreversible.' Wickremasinghe is hoping that a year of normalcy will convince Sri Lankans on both sides of the ethnic divide that these talks, unlike many in the past, must succeed. 'It became clear the LTTE could not throw the Sri Lankan armed forces out of the North and East,' he says. 'Neither could the armed forces crush the LTTE. It was a stalemate. We would have been fighting for 20 years more.'

For most Sri Lankans, life is already returning to normal. Colombo's clubs are hopping and its hotels are 90% full. Tourists from mainland China sniff suspiciously at local specialties served on banana leaves and gamble the night away in casinos. Local Romeos on the southern coast prowl for free-spending lady tourists—gentlemen, too—who may be looking for a fling. The country hopes to get 500,000 tourists this year, more than in any year since the war began in 1983.

Just about everyone seems to

be wondering how deep is the Tigers' desire for peace. Sept. 11 was a turning point: the U.S. had already declared the LTTE a terrorist organization, and the group has clearly decided that pursuing a deal is better than becoming a target like al-Qaeda. Some in Colombo speculate that Tiger supremo Velupillai Prabhakaran may be losing the fighting spirit, or that he's worried about the future of his teenage son. In the past, the LTTE has used truces to rearm and train, which is disturbing. And yet none of the previous ceasefires has lasted more than a few weeks.

Less murky is a political tangle that threatens the peace process. Wickremasinghe is in charge these days, but technically the head of government and commander in chief is President Kumaratunga, who has as much love for her Prime Minister as she does the Tigers. (Her own negotiations for peace concluded with the 1999 assassination attempt that cost her the use of one of her eyes.)

Kumaratunga and her political

allies are playing the spoilers, whining about being frozen out of the talks, lambasting the LTTE for every violation of the truce, and claiming that life is getting harder under Wickremasinghe. On a recent trip to the ancient capital of Anuradhapura, Wickremasinghe woke at dawn to visit the holy Bo tree, a Buddhist pilgrimage destination. When the Prime Minister's convoy neared the ruins, the walkie-talkies started chattering with a surprise: Kumaratunga was already at the site. The convoy detoured and the Prime Minister wandered around the back of the ruins for half an hour. Finally he aborted the trip and went back to his hotel for breakfast. Foreign diplomats worry that the squabble will pull apart the peace talks.

On his relationship with Kumaratunga, Wickremasinghe says: 'It's a rough ride, but we're holding on.' Going along on that ride is a nation of 19 million people—and what may be their best chance for peace.

(Time Asia)

• Reopening of the Jaffna Public Library

Do we begin the *Esala Perahera* with the *Randoli*?

By Professor Karthigesu Sivathamby

Post-Ceasefire Agreement politics in Sri Lanka brings up charges and counter-charges blaming one party to the agreement or the other. These litanies vary with the language used by the press. The latest has been on the failure of the Jaffna Public Library to be reopened last Friday. From Her Excellency the President to His Worship the Mayor of Jaffna, every one has had their say.

The voices of the students of the Jaffna University, those of the NGOs concerned, as well as the general public that are always suspected of repeating their Master's voice – the LTTE's – have made their contribution. The *Demala Santhanaya* about which the Sinhala press created a mystique, is virtually ripped open with the TULF having to face much of the criticism, and also the praise of some though from very unlikely sources.

The problem is the reopening of the public library of Jaffna is a matter of grave concern. As one interested in the study of Sri Lankan Tamil society and who has had the pleasure or pain of going through a quarter century of war between the security forces and the Tamils (not the militants alone), it is my duty to share with my non-Tamil friends the importance of the Jaffna Public Library and its history.

In the Tamil psyche the burning of the Jaffna public library in 1981 constitutes a major symbol of what was aimed at them – a total annihilation of all their intellectual resources. If one makes a careful study of the Sri Lankan Tamil literature during this period of resistance, one would find 1981 as a major dividing line. The burning of the library mobilizes the entire population against the oppressive actions of the State. A poet described it as "Fire on the clouds" and one of major South Indian painter Veerasanthanam has depicted this on canvas.

It is also one of the early incidents of vandalism that shocked many Sinhalese. They just could not condone this act by the security forces. Many of those who believed in the oneness of the country offered their personal libraries for redeveloping the burnt institution. In his last will, Peiter Keuneman mentioned donating his books to the Jaffna public library.

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 was also the night when efforts were made to stifle a free and fair election. Government Agent Jaffna, Yogendra Duraiswamy, was searching for six lost ballot boxes in all the likely places they could have been hidden, including where those who had come to 'work' for the elections were lodged. The six ballot boxes were never recovered. To me, this unsung incident is of equal importance as the burning of the intellectual materials in the library. For democracy proper to come back to Jaffna, there should be no such threats hereafter.

This was also an incident that shocked the conscience of the world. No civilized society would take the burning of a library as an inevitable part of military war or strategy.

In fact, it is the burning of the library that really looms largest in the minds of discerning Sinhalese about the horrors of the ethnic war. This incident gnaws at the roots of their being and disturbs them tremendously. The earlier we do something to erase that bitter memory, the better it will be.

I am in total agreement that the new phoenix that has arisen from the ashes should sing not of the bloody past but of the charming future for an equal, just and united Sri Lanka. But this has to be done properly. This should not be hurried. We should not try to whitewash nor should we sweep the past under the carpet.

Before I go into the arithmetic of this problem, I wish to emphasize another aspect of the of the library's destruction. The night it was burnt was also election night – elections to the District Development Council, Jaffna. Those who were charged with the burning of the library were the additional 'resources' that were brought to Jaffna and temporarily stationed at Duraiappah Stadium that lies to the northeast of the Library.

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To come back to the library, one should not take it as any municipal library. Those who know its history and the calibre of the people involved in its planning will realize that it was to be an intellectual core housing all the possible data relating to Knowledge.

As one who used it, I know how meticulously it was planned and how effectively it worked. I remember the steel cupboards containing donations from various learned men of Jaffna. I cannot to this day forget the collection of Cumaraswamy, the renowned father of the late TULF Leader C. Vanniasingam. Two other cupboards contained all the known literary source materials of the Tamils of Sri Lanka. That loss can never be replaced. There were also cupboards with books gifted by Christian priests. (If I remember right, there was also some material on which Rev. Fr. Gnanapragasar worked). Rev. Fr. H.S. David, the lean slightly built man with sparkling eyes, was

usually seen brooding carefully over those volumes.

No wonder the destruction of the Jaffna Public Library looms so large. But we got to come out of this, come out of this in such a manner that will assure us of a greater unity and the need to be fearless about any further incidents of this type occurring, not only in Jaffna but also in any other part of our country. Such a task must be undertaken with foresight and a sense of thoroughness leaving nothing to chance.

The truth is the building was not complete. *Sunday Veerakesari* of 16 February has published a report stating that Rs.23 million was needed to complete the renovation and that on the day of the reopening, the building did not have fire extinguishers, air-conditioning and the lift has not been installed, the roof and the cafeteria were not completed and the purchase of generators had not been done.

They had only furnished 80 % of the building. Telephones had not been fixed nor could there be any use of the Internet. To add to these, there is a major cry against the inadequate stock of books. My student told me impishly that one section of a rack was full of social studies readers published by the NIE (these are the books about which the Ceylon Tamil Teachers Union protested for giving a distorted version of the history of Tamils in Sri Lanka).

Jokes apart, any decent reopening should have publicised the names of the donors and institutions that had helped the library with books. I think we owe it to those people – Sinhalese, Tamils, Muslims and even foreigners. There has been accusation that the municipal council took the books from two branch libraries and brought them here. What happens to users in those branches?

There are graver problems if one knows the geography of where the Jaffna Public Library is situated. The environs of the library that lie on the east, south-east and south are in ruins. The once busy Main Street is an area with broken walls and overgrown shrubs. It is a picture of desolation. The Rest House is not there, the former Town Hall, an example of exquisite Victorian architecture, is rubble. On the northern side however, Veerasingham Hall has been renovated and the Jaffna Central College lying almost opposite the library is also functioning.

It was not many days ago that Minister T. Maheswaran openly indicted the government for not yet voting a single cent for the rehabilitation of Jaffna. I do not for a moment doubt the sincerity of the government to rebuild Jaffna. But the question is: what are the priorities. Refugees are getting back voluntarily, renovating their houses, re-demarcating their properties and trying to start a new life. In a situation like this, we should start by restoring basic needs first and work gradually toward retrieving the lost grandeur of Jaffna. There is no point in producing more heat than light.

It is true (I hope) that peace has finally arrived. If so, let us proceed from the first to the last and not last to first. Any Buddhist knows that the *Randoli Perahera*, the pageant that demonstrates the grandeur of the Kandyan culture comes at the end, or as the grand finale to the *Eseala Perahera* that begins with the more basic rituals and ceremonies. Similarly, in Hindu temples the *therr* (chariot) and *theerththam* festivals do not come at the beginning of the season.

The reopening of the Jaffna Public Library with its facilities to cater to the information and knowledge society of the 21st Century should come as the grand finale. Given the present environs of the library, no one is going to make use of this in the manner it is intended. This does not mean however that the work on the library should be delayed. It is not that the Jaffna library is not functioning now. Thanks to the efforts of the former Municipal Commissioner D. Balasingam there are branches of the library distributed in the various parts of the town. The one at Naval Memorial Hall has a wonderful collection on the fine arts. So it is not the case of denying the facilities to people, it is a case of honoring a symbol.

I believe on the day it is earmarked to be reopened in full pomp and pageantry, we should not fail to invite the vice chancellors from all the universities in Sri Lanka, the great Buddhist scholar monks and all those who have been involved in librarianship from Ian Goonatileke to Eashwary Corea and to Kamaldeen.

In the meanwhile, let us not start the *Esala Perahera* season with the *Randoli*. It is wise to begin at the beginning.

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HR key for transition to 'positive' peace

Tomorrow Sri Lankans commemorate the first anniversary of the Ceasefire Agreement. The government and the peace lobby have proposed various ceremonies to celebrate the Agreement's achievements.

The UNF looks upon the signing of the agreement as a huge diplomatic triumph and its celebrations will no doubt be flavoured with more than a tinge of self-glorification, which is perhaps understandable.

But for those who do not quite look upon it from such partisan angles a more dispassionate estimate of the ceasefire and its achievements are in order. If only proper stock is taken of the past 12 months will it be possible to charter a practical course for the future.

Vilified or extolled, it must be understood the Ceasefire Agreement is what it says - a ceasefire agreement. It was signed to ensure that both sides to the conflict stopped shooting. It was designed only to ensure the suspension of hostilities and to set up processes that dissuaded their resumption.

The peace process however should not have stopped with that document. What should have followed at its wake was a steady progress towards normalisation.

It may well be asked what is meant by 'normalisation.' The brief but fairly comprehensive answer would be the restoration of an environment that ensures the respect of the whole range of human rights. The question is: has this taken place?

Even a cursory glance at the progress made over the past year reveals a very poor performance on this score. The result has been what peace and conflict resolution experts call a 'negative peace' where the fighting has stopped and the guns have been silenced, but the process has very little else to claim credit for.

It is precisely 'negative peace' that has led to undue focus and much exaggeration of the violations of the Ceasefire Agreement. If the peace had been a 'positive peace' and other processes and institutions built on the substructure of the Agreement, these violations would not have been seen as potential peace wreckers.

This is why moves to transform the 'negative' peace governed by the Ceasefire Agreement and adjudicated by the SLMM that merely ensures restraints on military aggression, into a 'positive' peace where the whole range of human rights is respected is important. And it is here that one wonders whether the discussions on human rights at the last round of talks in Berlin is of much relevance to the Tamils.

Restoring the right of refugees to resettle, their right to property, as well as their right to physical security is as important as much as ensuring the rights of children are not violated through forced conscription or the public's financial security imperilled by extortion.

It is vital that the present 'negative peace' is transformed into a 'positive' one. Any move towards this end will mean recognising the whole range of human rights and not those that can be used to politically and militarily undermine the opposition. But if this is to be achieved the exercise towards strengthening human rights has to be genuine and unbiased. Anything short of that will only be a fraud and will be shown up as such.

Challenges Tigers face in the Ceasefire agreement

By D. Sivaram (Taraki)

This weekend is the first anniversary of the cease fire agreement (CFA) between the Prime Minister Ranil Wickremesinghe's government and the Liberation Tigers.

This is the longest period of formal peace that the island has enjoyed since the beginning of the Eelam Wars.

The UNF government and the foreign powers that are backing it quite obviously believe that the agreement would be the basis for containing the LTTE in the long term and for eventually co-opting it into the Sri Lankan polity.

To achieve this, they have to 'progressively' evolve the CFA to include matters that would have the cumulative effect of drawing the LTTE inexorably into the Sri Lankan system or within the parameters of the state.

Many attempts have been made officially and unofficially to impress upon the LTTE the need to build on the current CFA, to expand its scope further.

The LTTE, however, appears to believe with a some justification that modifying or expanding the CFA in the terms suggested by 'experts' are subtly aimed at undermining the ability to sustain its conventional fighting capability.

This is perhaps why the many rounds of peace talks and continuous nudging by the US led coalition of countries, have failed to activate Article 4.3 of the Memorandum of Understanding between the UNF and the LTTE. (4.3 states: "This agreement may be amended and modified by mutual agreement of both parties. Such amendments shall be notified in writing to the Royal Norwegian Government")

Expanding the CFA's provisions in such a manner as to eventually impede the collection of taxes by the LTTE in the name of comprehensive respect for human rights, on the grounds of the argument against subjecting people to double taxation in the northeast could be viewed with suspicion.

This is so because the LTTE's oft stated position is that its armed forces constitute its main, if not sole, bargaining power; and hence any overt or subtle attempt to undermine the financial system necessary to maintain its armed forces in readiness would reduce its ability to secure a fair deal for the Tamil people.

Expanding the CFA to include confidence-building measures (CBMs) suggested by sundry foreign experts might also be viewed by the LTTE in the same manner.

Just as much as the LTTE needs money from the Tamils to sustain its conventional fighting capability, it also requires, quite essentially, their undivided support, their collective will and morale to keep the overall political environment necessary for maintaining its armed forces and administrative structures.

Also the LTTE has to maintain the collective political will of the

majority of the Tamils to bargain with the Sri Lankan state.

If that political will were to be undermined in any manner and thereby Tamils get inured to the idea of settling within the unitary state, then the LTTE's political and military structures may be faced with a 'creeping redundancy'.

LTTE officials say they are wary of CBMs being introduced into the ceasefire process that are designed to achieve this goal.

Therefore the LTTE would not be inclined to welcome moves to expand the CFA in terms of CBMs. "We have studied such CBM's introduced into ceasefires in other conflict situations. And it is clear to us that some CBMs are flagrant pacification and psy ops instruments", a source close to the LTTE said.

For example, there are calls by the various peace experts to create an environment conducive for all political parties to operate freely in the northeast.

Now this mainly includes groups that have been specifically trained and developed to carry out counter insurgency operations against the LTTE and to assist the Sri Lankan military in gathering intelligence and carrying out deep penetration operations. Therefore any attempt to promote these groups in the name of expanding the democratic space could be viewed with great suspicion by the LTTE.

The promoting civil society groups in the northeast and increasing their number is also suggested as a means to strengthen and expand the ceasefire agreement further.

This has to be viewed in the context of the LTTE's position that increasing the number of direct stake holders in Sri Lanka's unitary state system without securing a satisfactory political settlement could undermine the Tamil people's bargaining power and their collective political will to demand an honourable solution to meet their "legitimate aspirations as a distinct nation".

Most 'independent' civil society groups are registered as NGOs with the Sri Lankan state and are bound by certain regulatory and financial terms prescribed by the government in Colombo.

Therefore the suggested 'proliferation' of civil society groups with a view to strengthening the peace process and the ceasefire in the northeast might be viewed as a measure calculated to increase the number of direct stake holders in the unitary state of Sri Lanka.

On the other hand there are two things in the CFA working in the LTTE's favour, retarding the CFA's long-term effect of diluting the collective political will of the majority of Tamils.

One is the procedure set out in the agreement to restore normalcy in the northeast and the other is the temporary suspension of the Prevention of Terrorism Act (PTA).

Politically, these two aspects of the CFA have helped the LTTE to

maintain a 'reality check' on the Tamil political psyche, shaped over the years, essentially as it were, by the deprivations caused by the PTA and the unmitigated intrusion of the Sri Lankan armed forces into their private and public spheres of life.

Despite the passage of 12 months and the vast opportunities at the Sri Lankan state's disposal to inure the Tamil population irreversibly to peace and the status quo, has been able to sustain this 'reality check'.

Incidentally, we have to point out here that the PTA and the provisions dealing with restoring normalcy in the northeast (such as the military leaving places of worship, schools etc.) are matters that came to the fore due to the efforts of the Tamil media. One should consider this in the light of the fact that these were not issues in the ceasefire agreement between the PA and the LTTE in 1994.

The CFA, as long as it lasts, would be the basis for tension between those of its provision that are patently aimed at strengthening the Sri state and those which continue to lend credence to LTTE's political, military project.

The broad parameters of the CFA are, in the final analysis, designed to stabilize the basis of the Sri Lankan state's sovereignty and territorial integrity, both of which were under serious challenge before it was signed.

Article 1.3 of the CFA states: "The Sri Lankan armed forces shall continue to perform their legitimate task of safeguarding the sovereignty and territorial integrity of Sri Lanka without engaging in offensive operations against the LTTE" while Article 1.7 states: "The parties shall not move munitions, explosives or military equipment into the area controlled by the other party".

This means that the LTTE cannot move arms supplies into Sri Lanka's official maritime zone. If it does, it would be a violation of 1.7 of the CFA.

Read together, the two provisions establish the Sri Lankan state's undisputed sovereignty over the territorial waters of the country - a fundamental aspect of Sri Lanka's legitimacy that the LTTE was determined to challenge during the Eelam Wars.

The two provisions in effect provide the basic framework to the Sri Lankan state, supervised by international monitors, for containing the LTTE militarily in the long term without fighting a war.

Can the LTTE resist this containment into which it finds itself locked as it may have discovered recently during the incident in the Nedunthivu seas while keeping a reality check on the Tamils so as to sustain their collective political will against the encroachments of the unitary state?

This is the challenge that the Tigers face in the CFA.

Autonomy of Aaland: a special case under international law

This is the second part of a two-part article on the special status of Aaland Islands under international law. The first part appeared last week titled: 'Flexible solutions to conflicts: the case of Aaland Islands.'

By V. T. Thamilmaran

The Aaland Islands have had autonomy for as long as 80 years. The autonomy of Aaland is one of the best-functioning autonomies in the world. It has set an example for the autonomy of a number of territories. Such a unique and successful system has become possible because of the underwriting of the political arrangements ensuring Aaland's autonomy by the League of Nations following the recommendations of the International Committees of the Jurists in 1921.

The Council demanded certain guarantees from Finland regarding respect for the autonomy and Swedish character of the Islands. These guarantees were formulated in more detail in an informal agreement between Finland and Sweden and subsequently accepted by the Council. It was the Council, which became the international supervisor of the guarantees consented to by Finland. According to the agreement and in order to implement the decisions of the Council, Finland passed the Guarantees Act No. 89 of 1921.

Even after the dissolution of the League of Nations, and the breakdown of its minority protection system, Finland has continuously reaffirmed its determination to respect the principles of the solution reached in 1921. In fact, Finland has in practice not only respected the autonomy and Swedish character of the Aaland Islands, but has also worked for the further development of that autonomy. It is evident from the amount of legislation the Finnish Parliament enacted from time to time to satisfy the growing political demands and needs of the Aalanders.

New laws for the development and clarification of the autonomy of the Aaland Islands were enacted by the Finnish Parliament and the Aaland Provincial Parliament in 1951 and 1991 and amended in 1994 and 1996. The 1991 Act, as amended twice later, has strengthened the autonomy of the Aaland Province and increased the legislative powers of the Aaland Provincial Parliament.

The Swedish-speaking population of the Aaland Islands is ethnically and linguistically part of the Swedish-speaking people of Scandinavia. Under Sec.14 of the Constitution, Finnish and Swedish are national languages of Finland and the State must meet the cultural and economic needs of the Finnish-speaking and Swedish-speaking populations on an identical basis. Considering that

the Swedish-speaking population of Finland is a minority, this could sound meaningless. However, the 99 percent the Swedish-speaking population of Aaland presents a totally different case.

The territory of Aaland Province is regarded in Finnish law as *sui generis* (a special kind on its own), which has its basis in international law according to the guarantees given to the League of Nations.

The arrangements involving an extensive devolution of powers made under the Autonomy Act of 1991 reflects another dimension of the difference in protecting individual rights and group rights.

Individual rights of the Swedish-speaking population of Finland are protected under the constitution but the group rights of the Swedish-speaking population of Aaland is protected under the international guarantee given by Finland. The latter one is covered by international law. The territorial autonomy of the Aaland Province cannot be compromised for the equal status enjoyed by the Swedish-speaking people of Finland who reside outside this Province. Though this is possible in the territorial state of Finland and no Finnish citizen is foolish enough to argue that the sovereignty and territorial integrity of Finland have been seriously eroded by these arrangements.

What it clearly shows to us is that there may be situations where the territorial implications of group conflicts would demand special treatment in considering solutions for conflicts between dominant and non-dominant groups within a territorial State. It is nothing but the degree of autonomy guaranteed for the Aalanders, in the form internal self-determination that disqualifies them for external self-determination. In fact, while Prof. Hannum admits that international law has not created a clear distinction between those peoples who have the right to internal self-determination and those peoples who have the right to external self-determination. Prof. Tomuschat maintains that the argument that there is no room for external self-determination holds water only in the case of Western European States.

In other words, one can argue that the distinction between internal self-determination and external self-determination becomes meaningful if the system of governance of the State concerned is similar to a Western European model of democracy. Hence, the autonomy arrangement made for the Aalanders fits well as the exercise of the right to internal self-determination.

Now, let's look at some of those unique provisions of the Autonomy

The territorial autonomy of the Aaland Province cannot be compromised for the equal status enjoyed by the Swedish-speaking people of Finland who reside outside this Province. Though this is possible in the territorial state of Finland and no Finnish citizen is foolish enough to argue that the sovereignty and territorial integrity of Finland have been seriously eroded by these arrangements

Act of 1991. It specifies the spheres in which the Aaland Legislative Assembly, the so-called *Lagting*, has the right to pass laws. These include: education and culture, the police service, local district administration, health and medical services, social legislation, the postal service, promotion of industry, internal communication, and local broadcasting and telecasting.

There are some other spheres where the Finnish Legislative Assembly and not the Aaland *Lagting* has competence concerning Aaland. In these areas of legislation, the laws of Finland apply just like in the rest of the country. These areas of federal legislative powers that include: constitutional laws and deviations from them, customs and monetary services, labour legislation with the exception of collective pay agreements, and foreign service and frontier guard service.

Section 2 of the Act speaks of sovereignty over the territory of Aaland Islands. The next section vests the administration of Aaland with the Government of Aaland.

The second chapter of the Act, which consists of three sections (6,7 and 8) speaks of right of domicile and is one of the unique arrangements known in any similar autonomy arrangements in the world.

According to Section 6, the right of domicile in Aaland shall belong to

a. a person who at the time of the entry into force of this Act had the right of domicile under the Autonomy Act for Aaland;

b. a child under 18 years of age who is a citizen of Finland and a resident of Aaland, provided that is father or mother has the right of domicile.

Section 7 exclusively vests the power of granting the right of domicile with the government of Aaland. It further prescribes the requirements for obtaining the right of domicile as follow:

Unless there are persuasive reasons for not granting the right of domicile, it shall be granted on ap-

plication to a citizen of Finland:

a. who has taken up residence in Aaland;

b. who has without interruption been habitually resident of Aaland for at least five years, and

c. who is satisfactorily proficient in the Swedish language.

Section 8 speaks of the circumstances under which forfeiture of the right to domicile of a person may take place. Even participation in elections and eligibility for office are restricted to those who have the right to domicile in Aaland. Section 10 is more interesting. It provides for a special legislation to lay down the limitations to be imposed on those who want to acquire real property, or property of a similar nature in Aaland with full legal title, or with the right to enjoy it. In fact, such legislation was enacted in 1975.

The legislative authority of Aaland, under Section 18 covers the areas of public order and security, the protection of nature and the environment, the additional tax on income for Aaland, education at all levels, farming and forestry, and internal trade.

Further, the Government of Finland, upon receiving request from the Government of Aaland shall present initiatives on matters earlier belonging to the federal government for consideration to the Parliament of Finland (Sec.22).

Moreover, any amendment of constitutional provisions or another State Act (federal) shall not enter into force in Aaland without the consent of the Aaland Legislative Assembly if those provisions relate to principles governing the right of a private person to own real property or business property in Aaland (Sec. 28).

According to Section 36, which declares Swedish as the official language of Aaland, all judgments and decisions of the Supreme Court of Finland in matters related to any provisions of the Autonomy Act shall be written in Swedish.

Letters and other documents between Aaland officials and the State

officials in Aaland shall be written in Swedish. This is so with the any correspondence between the officials of Aaland and the State officials (Sec.38).

Under the amended (1996) Section 44, the Legislative Assembly of Aaland shall confirm a budget for Aaland. Section 45 provides for annual the State funds to be channeled to the Government of Aaland to cover the cost of autonomy. The total amount thus to be paid is determined according to what is called as *amount of equalisation*. This amount is calculated by multiplying the State income for the appropriate year, not including new State loans, as established in the final State accounts, by a certain index (generally the basis for equalisation is 0.45 per cent).

The governor of Aaland is appointed by the president of Finland with the consent of the speaker of the Legislative Assembly of Aaland. In the absence of such consent the governor is appointed from among five candidates nominated by the Legislative Assembly. The governor cannot be dismissed without obtaining the opinion of the speaker.

An institution called Aaland Delegation is also established under Section 55 of the Autonomy Act for mediation. The Delegation consists of five members, one of them being the governor, the other four are elected by the Council of State of Finland and the Legislative Assembly of Aaland - two from each body.

The Government of Aaland is empowered to propose negotiations on a treaty with a foreign State to the appropriate State officials. The Government of Aaland shall be also reserved the opportunity to participate in the negotiations in those matters of special importance.

In 1994, a Chapter to the Autonomy Act was introduced to ensure the membership of Aaland in the European Union (Chapter 9a). Under the provisions of this Chapter, a candidate designated by the Government of Aaland shall be nominated as one of the representatives of Finland in the Committee meetings of the EU.

There are certain other features, which are not commonly found even in some of the highly advanced federal systems. For example, the Aaland province has its own flag and ships, which are registered with Aaland government, are entitled to fly the Aalandic flag. From 1983, the Aaland government has been issuing its own stamp with the word 'Aaland' stamped on it and from 1993 passports issued in the Aaland islands include the word 'Aaland' with that of Finland.

(Concluded)

India's clear animosity towards Tamils

A review of Indo-Lanka relations since the assumption of office by Indira Gandhi as prime minister of India and the present regime under Prime Minister Vajpayee gives a clear indication that India is supporting all elements in Sri Lanka who are determined to follow the policy of ethnic cleansing of all Tamils in Sri Lanka.

Gandhi followed a strong anti-Pakistan policy, which led to the Indo-Pakistan war in 1971. The ethnic Bengali Muslim population of East Pakistan were under the tyrannical rule of West Pakistan leading to the flow of thousands of refugees into India, and Gandhi utilized her skill and obtained Russian support and sent the Indian army into Pakistan and inflicted a crushing defeat thus creating a new nation as Bangladesh. During the conflict, Sri Lanka's Prime Minister Srimavo Bandaranaike gave all support to Pakistan against India. Pakistani troops were granted facilities through Katunayake airport to be ferried into battle in East Pakistan. Sri Lanka's representative at the U.N. castigated India in support of Pakistan. Finally, Sri Lanka was the last country to recognize Bangladesh. These actions were clear and visible policy of pro-Pakistan and anti-India by Sri Lanka.

However, today, by an irony of change, India has turned out to be an ardent apostle of the Sri Lanka Freedom Party and our

president as well as the present regime of Ranil Wickremasinghe. However during the regime of J.R. Jayawardena from 1977 the relationship between J.R. and the Indian leadership was always strained. J.R. had even made very strong and unpalatable remarks against Gandhi and her son. J.R. opposed the policy initiated by Gandhi where she wanted the Indian Ocean states to follow a non-aligned policy. J.R. however supported U.S.A. to establish a base in Diego Garcia. Thereafter, when the nonaligned countries condemned the aggression by the UK in the case of the Falklands, Sri Lanka was the lone supporter of British aggression. When the J.R. government sponsored the pogroms of 1983, which left an orgy of destruction Gandhi sympathized with the Tamils and threatened to intervene and halted the mayhem. Subsequently Indira raised this act of genocide by Sri Lanka at the U.N. She also supported and helped Tamil militants to be trained in India to ensure that the Tamils be able to stand up against state-aided aggression. J.R. sent for military assistance from U.K. and U.S.A., which failed. This was the policy of successive governments in Sri Lanka and India was the only bulwark supporting the Tamils.

The situation has now taken a dramatic change where India has now become the trusted partner with the Sri Lankan government in all respects, helping not only the

government but also the chauvinists. However the prime and ministers of the Sri Lankan government has become a constant and regular partners in making very frequent visits to India to discuss the peace process. In return, Indian service chiefs - both serving and retired - pay regular visits to advise Sri Lanka. These actions makes us to surmise as to whether Sri Lanka is becoming an appendage of India with the subtle purpose of derailing the peace and to help the Sri Lankan government, in a manner to destroy the spirit and existence of Tamils.

The attitude and the statements of Indian government spokesman is visibly changed, India at one time supported the LTTE and even invited Prabhakaran to Delhi, but now refuses permission to Anton Balasingham even to transit through India. In the past, Indian declaration regarding our ethnic problem was clearly to the effect that as long as Tamil aspirations to live as free and equal citizens in the land of their birth are denied there can be no peace. The present tune of the Indian government is a different melody. India now declares that the aspirations of all communities should be satisfied for peace.

This twist that reflects the change. This change started after the untimely demise of Indira Gandhi and the arrival of a young and arrogant Rajiv who made life difficult for foreign secretary A.P. Venkatesan and advisor G. P.

Parthasarthy. Rajiv became a willing tool of J.R. leaning towards the Sinhala community little realising the damage he was doing to the Tamils. Rajiv signed the Indo-Lanka peace accord repressing Tamil interest since no Tamil was prepared to sign it. It was a virtual signing off of Tamil aspirations but safeguarding Indian interest. However despite such favourable aspects to the majority community, protests led by the S.L.F.P and J.V.P. opposed the pact vehemently.

The J.V.P. went on a murderous campaign of killing of shopkeepers who sold Indian goods. The cream on the cake was when Rajiv Gandhi was assaulted by a naval rating at the guard of honour ceremony. India swallowed that insult like a frightened schoolboy being thrashed by a school bully. The J.V.P. has now become a friend and companion of India along with Sinhala Urumaya both of which are violently against the peace process. India pays lip service to peace but promotes those who are against peace in Sri Lanka. This is the stark scenario, India has granted U.S. \$200 million interest-free loan to Sri Lanka but has not had the heart to even spare a penny to help starving children in the Vanni.

This reflects the humanitarian policy of Indian polity. India has forgotten the amount of relief collected by Tamils in 1941-42 to the famine stricken area of Bengal. Tamil students who wish to study

in India have to languish encountering enormous obstacles to obtain a visa whereas India grants lavishly scholarships to others. All these contribute to the conclusion that India, which gave a friendly protection to Tamils against onslaughts by the majority, has now become the friend of the aggressor to suppress their erstwhile friends.

Buddhism has now lost its place in India where 83% of India are Hindus and the Buddhists form a very small minority. Islam is becoming the second largest religion. Following Buddhism's spread to South India from where it spread to Ceylon (lankai), there were a large number of Tamils who became Buddhists and there are great Tamil epics mainly concerned with Buddhism. This is evident in Dravidian artifacts found in Kandarodai along with Buddhists artifacts. Even the present Nagatheevu is referred to in Tamil literature as Manipallavam.

India has granted money and archaeologists to help in archaeological research. This is commendable. But at the same time there are thousands of Hindu kovils, churches, schools, hospitals destroyed by the Sri Lankan army, but India has not thought to spend even a small amount for restoration. This speaks of Indian policy that is again clearly visible.

C.C. David
Colombo

What Tamils expect from plantation leaders

When Saumiyamoorthy Thondaman won the 1977 General elections and became a Member of the Parliament, the expectations of all Tamils in the country in general and that of the Tamils of recent Indian origin in particular ran high. It rose further to new heights when the then Prime Minister J. R. Jayawardene made Thondaman a minister.

These reactions could only be called natural, for the vast majority of the Tamil of recent Indian origin lost its citizenship and thereby its franchise under the provisions of the Ceylon Parliamentary (Elections) Amendments Act of No.48 of 1949. At the time that the bill was passed the Tamil of recent Indian origin had 09 members representing them in the parliament. These MPs were allowed to continue until the next paramilitary elections and they did so until 1952, when the elections were held.

Since this election and up to that of 1977 a member chosen by the government party to suit their whims and fancies, from time to time represented the Tamils of recent Indian origin. These MPs did nothing or very little in promoting the interest of the community that they were supposed to represent.

These Appointed MPs were keener in holding on to the position and enjoying the perks and privileges that went along with it than on promoting the interest of the community. This was because their entering Parliament did not in any way depend on the votes of the people but, on the goodwill of the party, which came to power.

Now, after a lapse of 25 years Tamil of recent Indian origin were able to elect their own Member of Parliament. Thondaman was elected third member of the Nuwara Eliya - Maskeliya multimember electorate.

He, was often described as the Moses of the line rooms by some and they were hopeful that he was the man who would lead his people out of bondage and slavery, but in his own time, in his own way. The task, they felt was not an easy one but Thondaman, being a veteran trade unionist, with long years of experience behind him would achieve this goal.

His election victory also saw the traders and the landed proprietors belonging to the Tamils of recent Indian origin emerging out of their shells and organising the political wing of the Ceylon Workers Congress (CWC) in the town areas and promoting their interests.

Thondaman's election victory

nor his elevation to the level of a minister provided him with a magic wand with which he could change the sorry plight to the workers on the plantation, overnight. But he had to fight many odds.

Gamini Dissanayake was always breathing down his neck. He did not want anything done in the plantation areas, without his having the last word. Cyril Mathew would cry foul, every time that Thondaman put his foot forward.

In spite of all this, it was Thondaman entering parliament that paved the way for the youth from the plantations to become teachers, police constables and seek employment in other government departments.

While credit must be given to Thondaman for all these and many more, it must also be emphasized, that a handful of youth joining government service could not and therefore did not change the overall sad picture to the community that had been neglected for so long, without proper education, health care, housing and employment.

Where schools are concerned, many new buildings have come up but educational standards have gone down. The contributory factor towards this state of affairs in some instances has been the lack of qualified teachers. There is little in-

terest shown to recruit even the few who are qualified. Many obstacles are placed on their way as if the hurdles they had to cross to qualify were not by themselves enough.

Stories like getting teachers from India are confined to the news reports of the media only. Nothing concrete has emerged from these statements. The irony of this that the only time teachers from India came here, was to take part in the 'talk shows.'

Nationalizing a few estate hospitals have done very little to improve the health conditions on the plantations. What could the hospital staff do when there is no regular supply of drugs? When we know that there is even a shortage of Disprin on the estates, why go any further, to know the situation of the nationalized estate hospitals?

Workers on the estate have been terminated from their contracts of employment on the charge of 'encroaching on estate land.' This, they are compelled to do since no new line rooms are being built for them by the management. There should be moves to get a piece of land for them to build a house and assistance to obtain loans to build houses. If the worker is going to wait for the politicians to build him a house, then he may have to wait

a thousand years.

PREDO, a non-governmental organization working among the plantation workers informs me that more than a 100,000 youngsters are employed as domestic servants in the towns. This will go a long way to prove the condition of a worker family. The financial constraints experienced by them coupled with the lack of proper educational facilities have placed the plantation child in this vulnerable position.

The voter never had it so bad and the voted never had it so good, but things cannot go on this way. They will have to change and change for the better. The leaders representing the plantation community must have a mission and a vision. Those who contest elections should be persons who are able to deliver the goods and not those who build castles in the air for the masses and for themselves on the ground.

There must be a set goal and plans to reach the goal. These plans must slowly but surely free the plantation community from its deplorable state. This is what is expected of them; but will they deliver the goods? Let us hope so.

C.M. Navaratnam
Newara Eliya

SLMM's proposals to build façade of normality?

By J. S. Tissainayagam

An SLMM press statement issued last Sunday suggests there is an urgent need for a modern, well-trained police force "to gradually normalise the situation in the government-controlled areas in the northeast." The statement goes on to say "Using military forces to maintain law and order can be justified during times of war, but is highly likely to lead to unnecessary violence and increased tensions during times of peace."

This follows an incident in Manipay last week where a confrontation between soldiers of the Sri Lanka army and female fighters of the LTTE over the waist belts of the latter led to the hospitalisation of three LTTEers and an attack by a riot squad on civilian bystanders, who even the SLMM statement says were "innocent people that had nothing to do with this demonstration."

The SLMM's suggestions come in the wake of the last round of talks between the government and the LTTE in Berlin where, according to a statement issued by the Royal Norwegian embassy, it was decided that government and LTTE members will be trained in human rights and humanitarian law, while police and prison officers will be trained as well.

It should also be bourn in mind the Ceasefire Agreement completes its first anniversary tomorrow and returning to normality is an integral part of the Agreement. Most Tamil civilians in the northeast feel they have been cheated of a return to normality due to violations of the Agreement by government forces in the northeast and their occupation of public buildings and private property.

The question is what the SLMM is trying to achieve by putting forward this suggestion. The argument appears to be that the police it is better equipped to handle civilian law and order matters because it is trained to do so, whereas the military is primarily a fighting unit, which might be allowed to engage in civilian law enforcement duties during times of war, but is best excluded from doing so in peacetime.

If what the SLMM says is indeed correct, the proof of the pudding should be in the eating. There should have been demonstrable proof the police has had a better record in the past in handling civilian relations than the military. This however is certainly not the case. The past 20 years are dotted with examples of police brutality, which has

One wonders whether faced by such a barrage the SLMM is trying to use cosmetic devices such as introducing the police to look after law and order in government-controlled areas, so as to demonstrate that we are closer to normality now than in February 2002

been as barbarous and blood-thirsty as those of the army, navy or the air force.

The history of the acts of discipline by police goes even beyond the outbreak of formal armed hostilities between the Sri Lankan state and Tamil rebels. Let us look at some examples. Two incidents will suffice. The International Tamil Conference as far back as in 1974 ended in disaster with undisciplined policemen running riot in Jaffna leading to a stampede and the electrocution of four persons. Seven years later police and Sinhala thugs were instrumental in burning the Jaffna library, the reopening of which caused a huge brouhaha last week.

The police instead of the military were deployed in both these instances because the Sri Lankan government was not at war with Tamil rebels at that time. The police being a civilian institution was therefore deemed the most appropriate body to perform the task of upholding law and order.

If we feel these incidents were more than 20 years old, all we have to do is to turn our minds to Nellyyadi a few weeks ago where the police deliberately opened fire at shops and injured innocent civilians during a protest against the EPDP, which was clearly a civil disobedience campaign and not a military or guerrilla attack at all.

Therefore a deeper analysis is needed to understand what makes the police and military officials act in the way they do. Their unprofessional behaviour goes much beyond what they were or were not taught after joining the establishment they work for. It goes back to the conditioning and socialising they have been subjected to, which no amount of professional training seems to be able to eradicate.

The first and perhaps most important determinant of this behaviour is ethnic exclusivism. Both the police and the military contain an overwhelming number of Sinhala-Buddhists to the detriment of other ethnic and religious

groups. This is completely unacceptable in a multiethnic, multi-religious society. What is more, it has been the deliberate policy of successive governments that no amount of persuasion has altered. Therefore, as long as an overwhelming number of either policemen or security forces personnel come from one ethnic group, the assaults on the dignity and physical security of members of the other ethnic groups cannot be prevented.

Till 1962 when the non-Buddhist elite attempted to wrest control of governmental power through a coup and failed, there was little outright discrimination on ethnic grounds displayed in recruitment for the armed forces and the police - especially to the officer corps. Alarmed by the coup however, the SLFP government of that time tried to swell the ranks of the military and police with Sinhala-Buddhists. This was followed by the 1971 JVP insurrection and by successive Eelam wars from 1983.

The 1962 coup galvanised the establishment into realising that as long as the officer echelons were filled with a homogeneous elite (such as in Pakistan) there could be coups in the future too. Therefore, safeguards were taken to dilute the entrants. But the need for the massive expansion of the military after 1971 led to governments abandoning virtually all criteria in their recruitment policy, except taking in individuals willing to join. In a war that was naturally targeting Tamils, there was no hope of persuading members of that community to join the military or police either, which resulted in a more or less homogeneous Sinhala-Buddhist army.

The second factor is educational-ideological. Sri Lanka's high school curriculum, especially in the social sciences, is replete with texts and commentaries of Sri Lanka being a Sinhala-Buddhist country into which the 'minority' Tamils and Muslims came in at different times as intruders and invaders. They have been portrayed as demons and marauders who violated

Sinhala civilisation. Such stereotypes are pumped into Sinhala children almost from the time they enter *Daham pansala* and have not radically changed despite agreement that it is the root cause of ethnic hatred.

All militaries work on collective psyches. When children brought up on such myths are herded together in groups and trained to using force and violence, you get a military and police, which look upon themselves as representing the interest of one community, despite society being a mosaic of different cultures, creeds and caste groups.

Furthermore, the indoctrination the military and the police undergo that is part of any outfit if it is to fight effectively, is a reinforcement of the high school stereotypes. This is evident in the innumerable massacres, disappearances and arrests of innocent Tamils over the past 20 years.

What is forgotten is that even today, the ICRC teaches the armed services human rights law and its application. Has there been improvement? If the ethnic and educational-ideological factors have been so overwhelming that it has hardly altered the behaviour of the army, what difference will it make merely because the police is going to handle law and order concerns?

Therefore even if the police were to handle civilian law enforcement matters they will have to be trained to overcome the prejudices they have been immersed in from childhood, which up to now has met with conspicuous failure. In other words, the police is in no way equipped to deal with law and order matters better than the armed forces. The indoctrination that goes into them is so intense that teaching human rights or humanitarian law is unlikely not help.

On the contrary if there is any preventable cause for human rights violations it has been impunity. Impunity has encouraged human rights violations in the police and the military. There are different factors that encourage impunity among the security forces of which the judicial system and the attorney general's department are perhaps the most notorious.

A few examples will suffice. The jury system in Sri Lanka has been found wanting because as in the Mylanthanai case a Sinhala-speaking jury decided to acquit Sinhala-speaking soldiers charged with massacring Tamil villages disregarding the judge's obvious displeasure. The 18 accused soldiers are free men today.

Second, there are hardly any qualified judicial medical officers (JMOs) in the northeast. DMOs to whom forensic examinations are usually referred to in the absence of the JMO, have on numerous oc-

casions reported that torture had not taken place while there is evidence of it, thereby misleading court. It is only in the past few years that judges have thrown out cases when re-examination of the medical evidence has proved torture and/or rape. When re-examination did not take place the police and military enjoyed impunity.

Successive attorneys-general have displayed unbelievable arrogance when it has been under their power to discipline errant police and military personnel. In the Mylanthanai massacre the AG could have appealed against the jury verdict but he did not do so citing legal conventions. Under the Convention Against Torture (CAT) the AG can appeal to international jurisdiction when all domestic remedies have been exhausted. Despite Sri Lanka having signed the Convention in 1993, successive AGs have not used the provision more than six times thereby giving an 'all clear' for torture.

These are among the many shortcomings in the judicial system, which encourages impunity. They are all set against the background of the PTA and emergency regulations that allow a variety of transgressions against internationally accepted standards of human rights to take place under the guise of strengthening the security of the state. In fact Emergency Regulations in the late 1980s gave immunity to officials by allowing disposal of bodies without post-mortem, but the law has, mercifully, now been repealed.

Introducing the police to replace the army to look after law and order in the northeast does not seem to have the potential to resolve much. It has been tried in other parts of the world where liberation struggles have been going on, such as in Northern Ireland by making the Royal Ulster Constabulary to be more sensitive in responding to the civilian population of the area. As far as this writer knows the results have been ambiguous.

Sri Lanka is about to celebrate the first anniversary of the Ceasefire Agreement. A well-founded criticism has been that there has been no return to normalcy in the northeast in the past 12 months. One wonders whether faced by such a barrage the SLMM is trying to use cosmetic devices such as introducing the police to look after law and order in government-controlled areas, so as to demonstrate that we are closer to normality now than in February 2002.

These cosmetic devices do not work - bringing in laws that curb military and police immunity will be far more effective and less hypocritical.

ANC escalates privatisations and economic restructuring

By Barbara Slaughter

On 14 January President Thabo Mbeki gave his state of the nation address before the South African parliament, which was heralded with an air force flypast and a 21-gun salute.

In his speech Mbeki made vague and unsubstantiated promises that in the next year the government would increase the "social wage," especially of the poor, the old and young children; reduce unemployment; improve public services like hospitals and clinics, schools, roads, access to water and electricity. He also promised to work to eradicate malaria, tuberculosis and particularly to "continue to focus on the treatment of sexually transmitted infections."

These assurances were empty demagoguery, intended to stem the growing tide of opposition to the government of the African National Congress (ANC).

A clearer assessment of the intentions of Mbeki's government can be made from his speech at the 51st Conference of the ANC held in December 2002, in which he spelled out his intention to drive forward the IMF-dictated policies of restructuring and privatisation at the expense of the working class.

Mbeki insisted on the acceleration of the privatisation process and called for the formation of public-private partnerships. "We must implement all outstanding decisions with regard to this restructuring process," he said.

He said the ANC had "various programmes to reduce the cost of doing business in our country.... We should encourage the investment community—the private owners of capital—to participate in the accomplishment of the objectives of the transformation charter.... To achieve this result, we will have to provide the necessary incentives to encourage the involvement of this investment community in the process of meeting transformation goals."

This was well received by the business community in South Africa, who have already benefited from the policies of the government. According to a recent report given to the Swiss South Africa Chamber of Commerce by economist Mike Schussler, labour costs in South Africa have fallen by 6 percent in the last 10 years.

Mbeki speaks in particular for a layer of aspiring black bourgeois who are seeking personal enrichment in return for imposing the policies of big business. Thus he called for expansion of the programme of "black economic empowerment" (BEE), a policy that has resulted in the creation of a tiny elite of black businessmen and government officials which the ANC portrays as some

Mbeki speaks in particular for a layer of aspiring black bourgeois who are seeking personal enrichment in return for imposing the policies of big business. Thus he called for expansion of the programme of "black economic empowerment" (BEE), a policy that has resulted in the creation of a tiny elite of black businessmen and government officials which the ANC portrays as some kind of "democratisation" of the economy

kind of "democratisation" of the economy.

Mbeki claimed that a new empowerment charter was needed to give a much bigger stake to black people. He cited the government's Mining Charter, which has set a target of 13 percent black-ownership of the mining industry within five years rising to 25 percent in ten years.

Harry Oppenheimer, a major shareholder in Anglo-American, the mining company that dominates the South African economy, was present at the ANC conference. Both Anglo-American and De Beers have indicated they would be prepared to sell off a percentage of their assets to black businessmen over the next five to ten years. However doubts have been expressed about the ability of black empowerment companies to purchase mining assets, which would cost billions of rand.

Because in the past many empowerment deals were financed through debt rather than from income, some black-owned companies have foundered, especially after the stock market collapse of 1997/98. Since then black share ownership on the Johannesburg Stock Exchange (JSE) has fallen by 75 percent.

Two years ago the government passed the Preferential Procurement Framework Act, under which the government can favour "black" bids for tenders in the public sector. To protect the interests of BEE companies, Mbeki has called for a special government fund of R100 billion. At the same time he has made it clear that, in order to survive, BEE firms must adhere ruthlessly to the rules of the market. He said, "We will have to work to spread the understanding that black economic empowerment is not a synonym for a less efficient economy, nor for less returns relative to investment made."

At the conference, Mbeki made it clear he would tolerate absolutely no opposition within the ANC to his policies. He attacked the "ultra-lefts", accusing them of disloyalty and charging them with using the party to promote their own interests. This was a reference to elements within the two other partners in the ANC tripartite alliance, the South African Communist Party (SACP) and the Congress of South African

Trade Unions (Cosatu), with whom the ANC has been ruling South Africa since 1994. Both play a special function in selling the ANC to the working class and preventing opposition getting out of hand by confining it to occasional and largely ineffective protests.

In an attempt to maintain some credibility, Cosatu, supported by the SACP, has organised a series of one-day general strikes against the government's privatisation policy—the issue that has created tensions with Mbeki. But more recently both organisation have shifted to a more low-key campaign for a Basic Income Grant (BIG) of R100 a month for the unemployed, insisting that the campaign has to be limited to "awareness raising" through discussions at church services and the distribution of pamphlets. When on December 11 *The Star* reported that

There is an ever-widening gulf between the privileged minority of black entrepreneurs and the mass of the population. A recent survey by Statistics SA shows that poverty in South Africa is worsening. More than 70 percent of the population live in poverty—below the monthly \$41 to \$46 poverty threshold recognised by the government and aid workers. Many families are poorer now than they were under the apartheid regime

Cosatu was organising a series of protests and marches in support of the BIG campaign. Cosatu President Willy Madisha vehemently denied it and accused the paper of "provocative reporting".

Mbeki's response to even such ineffectual protests has been consistently aggressive. In the Eastern Cape, a stronghold of Cosatu and SACP, he recently purged the leadership and asserted central control. Provincial party elections, which had been won by the ANC, were annulled amid claims of corruption and mismanagement. An ANC task force was set up to "assist" the branches with nominating candidates for the

top party positions.

There has been some press speculation about the possibility that a section of the SACP and Cosatu may split from the ANC and form a new party. However, neither of these organisations or any breakaway formation from them can provide a way forward for the working class and the peasant masses.

There are no differences of principle between the alliance partners. All three organisations fully support the market economy. An SACP statement issued on January 22 on a Telkom share offer and BEE said, "The SACP accepts the inevitability and in certain well-defined circumstances, even the potential advantages of an emerging black capitalist strata."

The SACP's response to Mbeki's conference threats was to praise the "wide range of progressive resolutions" tabled by the ANC and said the resolutions "once more affirm the ANC as a political movement of the left". Cosatu offered its "Congratulations to the National Office Bearers on their elections. Our movement is safe in their hands under your collective leadership.... We have made democracy, political and social freedom a reality for our people."

Both organisations welcomed Mbeki's acknowledgement of their continuing role in the tripartite alliance. Cosatu president Willie Madisha said, "Whatever the differences between us, we must never forget the critical challenge facing us all to take forward the

erty in South Africa is worsening. More than 70 percent of the population live in poverty—below the monthly \$41 to \$46 poverty threshold recognised by the government and aid workers. Many families are poorer now than they were under the apartheid regime.

At 30 percent, unemployment has almost doubled since 1995. A recent poll conducted by the South African Catholic Bishops' Conference showed that 55 percent of the unemployed and 34 percent of the employed are unable to afford food. Only 1 percent of the unemployed received government social grants, whilst the majority have to depend on money from family or friends.

The AIDS epidemic affects the most economically productive age group in the population, with approximately 4.5 million people infected with the AIDS virus, most with no access to lifesaving antiretroviral drugs.

Support for the ANC is falling significantly among the South African working class. Less than half of people between the ages of 18 and 25 voted in the 1999 election. At the same time support for the government is growing among the white population, with 45 percent expressing approval compared with 12 percent only five years ago.

Recent by-election results showed a reduction in the ANC's share of the vote, even in its election strongholds. Discontent in the Eastern Cape is said by the press to be so deep that the province is "practically ungovernable".

The government is afraid that this discontent will erupt in a widespread rebellion. In an attempt to strengthen the state, Mbeki has invited members of the New National Party (NNP) that ruled South Africa under the repressive apartheid regime to become ministers in his government. In November 2002, senior ANC cabinet minister Steve Tshwete declared, "There is a closer affinity between the ANC and the NNP than with any other party in this country."

ANC-NNP collaboration has been established at every level of government. The coalition has recently taken control of Cape Town and many other town councils in the Western Cape. This was done under a 15-day "window of opportunity" sanctioned by the Constitutional Court, which allowed hundreds of NNP councillors elected in 2000 under a Democratic Alliance ticket to cross the floor and rejoin the NNP without losing their seats.

NNP leader Marthinus van Schalkwyk said the parties aimed to establish a strong political centre in the country, a development he said would prevent the kind of lawlessness seen in Zimbabwe in the past few years. (WSWS)

The gruesome threshing floor in Udumbankulam

Nineteenth February marked the 18th anniversary of the Thangavelayuthapuram massacre where the security forces murdered 128 persons in cold blood. After years of wondering and privation, a few families are returning taking advantage of the Ceasefire Agreement

By our Amparai Correspondent

Thangavelayuthapuram, a village in the Thirukkivil Divisional Secretary's area, was formally known by the less pretentious name of Udumbankulam. Names changed in 1969 when an affluent farmer and influential denizen of the area, Arambai Gnanamuttu, pioneered a settlement in the dense dry zone jungles of Udumbankulam with people drawn from areas such as Chenaikudy, Natputtimunai, Central Camp, Chavalakadai and Naavithanveli.

A large number of these settlers were originally from Thuraiyelavanai and Kurumanveli in the southern corner of the Batticaloa district.

Many of them had lost their traditional grazing lands and paddy fields to state-sponsored, armed Sinhala colonists in 1956. Pollution and silt from the Gal Oya scheme salinated cultivable land around Thuraiyelavanai and Kurumanveli and killed off many varieties of fish in the lagoon, leading to rampant unemployment and landlessness.

The Kanchikudichiyaaru Scheme, under which Tamils were offered forestland clearing and cultivation in the late sixties, was a big boon to families driven to destitution in the southern parts of Batticaloa due to the direct and indirect consequences of state sponsored Sinhala colonization in 1956-58.

The late 1960s are well known for the 'grow more food' campaign of Prime Minister Dudley Senanayake's government, which initiated the programme in the hope of attaining self-sufficiency in rice production. Victor Unantenne, government agent, was instrumental in bringing vast areas in the eastern region under the programme.

Though the environs of Thangavelayuthapuram were alienated for cultivation only with the restoration of the Kanchikudichiyaaru tank in 1969 as part of the 'grow more food' drive, land in other areas of the present Amparai District had been a matter of contention between the Tamils and the Muslims from at least a decade before. M. Mustapha, MP, once a member of the Federal Party, after crossing over to S. W. R. D. Bandaranaike's MEP pleaded that Muslims of the area were landless cultivators exploited by the Tamils and demanded they be given land of their own.

C. P. De Silva, ever willing to pour fuel into the fire of ethnic rivalry, agreed to alienate 7000 acres to the Muslims. The Tamils, who perceived the changes in land ownership in the area as a subtle way of undermining their traditional economic and demographic status in the region, also demanded alienation of land for cultivation to counterbalance the recent acquisitions by the Muslims.

In the wake of this, a swathe of 3000 acres including areas between Akkaraipattu and Pottuvil was alienated to Tamil farmers under the Land Development Ordinance where each settler got five acres. However, though they did receive allotments, the Tamil villagers delayed settling there. The overall rivalry for land between the Tamils and the Muslims has to be kept in mind if the drama going to unfold is to be correctly understood.

To come back to the newly set up Thangavelayuthapuram, the village was prospering by 1971. There were 349 families comprising 1326 persons.

New settlers from Karaitheevu, Akkaraipattu, Kolavil, Thambattai and Thambiluvil joined the earlier settlers. In the early days however the farmers practiced slash and burn (chena) cultivation in the area since the land that was claimed from the forest was littered by tree-stumps that created obstacles to drive the plough. The crops cultivated in the first two-three years were maize, kurakkan, plantain, groundnut and vegetables.

In 1973 an Agrarian Service Centre was set up in Thangavelayuthapuram, which spearheaded the sinking of wells and the restoration of tanks and other irrigation works. These efforts, coupled with the soil becoming more obstacle-free and conducive to the cultivation of rice led to the area coming under paddy. The industry of the cultivators and the bounty of the earth resulted in overflowing granaries. The seasons permitted both rain-fed and irrigation-assisted cultivation.

There was encouragement for domestic paddy production due to the import substitution philosophy of the SLFP government (1970-1977).

It helped the yield and the farmers. Markets were created for paddy and the village once produced 40 tons of manioc, a staple in those trying times. Flowing from the prosperity, a village school and a cooperative society came up.



Villagers gather the harvest at Udumbankulam Pic. by D. Sivaram

Such times were to continue despite the new government that came into office in 1977 emphasising export promotion rather than domestic agriculture production, and the 1983 anti-Tamil pogrom, which transformed the Tamils' peaceful struggle for their rights into an armed conflict that had led to widespread violence in the northeast.

The latter was to however result in Tamil guerrillas from nearly all the groups setting up training camps in the remote interiors of the northeast, including the jungles of Kanchikudichiyaaru, from where limited sorties were launched on the military and police.

In paddy cultivation it is customary for sowing to take place in October and harvesting by end January. In the year 1985, farmers began harvesting by 1 February. As is usual agriculture labourers from Batticaloa and Amparai were engaged for the task; though mostly Tamils, there were among them a sprinkling of gypsies from Aligambai, a hamlet east of Thirukkivil.

Around 10.00 a.m. in the morning of 19 February a group of soldiers and an armoured vehicle arrived at Thangavelayuthapuram. Informed sources in Thirukkivil say that the soldiers were from the Kondawattuwan army camp near Amparai and that they had trekked through the thick jungles that separate the Kanchikudichiyaaru region from the Sinhala settlements of

Ignyigala scheme. Residents who escaped the massacre, however, believe that the soldiers were from the Special Task Force (STF) camp in Lahugala near Pottuvil.

The military did not ask many questions. It merely rounded up the agricultural labourers, beat up some, tied their hands and made them sit huddled on the threshing floor. When the soldiers ran short of rope to tie up, they pulled off barbed wire from the fences of the paddy fields and wound up the feet and hands of the victims.

"The soldiers told the women to remain in the huts. They ordered many of them to lift up their sarees and beat them on their genitals with sticks as they screamed in pain and begged to be spared of the humiliation", said Velmurugu Manoharan, 30, who escaped the round up and hid in the jungle. He was a boy of 13 who had gone to harvest paddy with a relative.

Then the soldiers mercilessly hacked with machetes and beat up with logs the men of Udumbankulam. Some were knifed to death. Skulls were cracked with heavy blows from thick logs. The men were helpless, as their hands and feet had been carefully tied up.

Women who heard the death screams of their men tried to run up to the threshing floor, shouting for mercy. They were shot at and chased away. Before returning to camp the marauders set the threshing floor on fire and left a

mangled pile of smouldering human entrails. People in the adjacent areas were too scared to get close to Udumbankulam.

"One of the boys who fled with me into the jungle recognized his father's body in the pile when we returned the following morning. The man's burnt hands were still wound up with barbed wire. Later the boy went with the LTTE and we heard that he became a Black Tiger," said Manoharan.

The army (and STF possibly) did not come through the jungle unaided. They needed a guide or a tracker. The survivors identified the guide as Saheed from the Muslim village of Addalachenai.

One of those killed was Arumugam Nallathambi, a kulak of the area who owned a tractor. His sons were also in the fields and died with him. Nallathambi's daughter-in-law had gone to Karaitheevu on some matter and was returning to Thangavelayuthapuram when she saw clouds of smoke from the grotesque 'harvest' on the threshing floor hanging in the evening air. Villagers Thandiyadi told her there had been a massacre and urged her to keep away from the village. It was through her the Citizens' Committee of Batticaloa got to know about the incident. They informed the District Coordinating Officer who was the superintendent of police.

Contd. on page 12



The lush fields of Udumbankulam as with a resettler

Pic. by D. Sivaram

The gruesome...

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The government initially tried to suppress all information from leaking to the world outside. One of earliest accounts to appear was in *The Hindu* of either of 20 or 21 February 1985. It had referred to around 50 persons killed that were much less than the actual number - 128.

Faced with a political embarrassment of gigantic proportions and with the United Nations Human Rights Commission sessions to be held but a month later, the government assisted by its duplicitous national security minister, Lalith Athulathmudali, attempted to refute the truth by concocting a story the essence of which is as follows: EROS had wrested control of a large extent of land from Muslims of the area and was cultivating cannabis there. The STF had come to investigate the complaint and had been resisted. In the ensuing melee 40 terrorists had been killed.

The villagers visited the site of the harrowing ordeal. Among them were members of the

Batticaloa Citizens' Committee including the late Sam Thambimuttu MP, and the late Chandra Fernando. Rev. Fr. Mariyadas who was then stationed in Thirukkivil and in charge of Pottuvil and Komari parishes accompanied them.

Here are extracts from the diary of K. N. Tharmalingam, a well-known human rights activist in Amparai on the account Dasan Luxmi (20) from Devanagar (Aligambai) gave him. "I was married to Ramalingam Arulnathan. My son is one year old. My husband left with seven others from Aligambai including Massan Paul, Dasappu Selliah, Massan Jeyaraj, Dasappu Samithambi, Dasappu Sebamalai, Mahalingam and Vengattu Kulatheva.

"I heard on the 19th evening that my spouse had been killed by the STF. On the following day (20th) we went to Thangavelayuthapuram and found half-burnt bodies and bones on the choodu (threshing floor). I recognised my spouse by his clothes. We gathered the limbs

and burnt them there." She went on to say that the landlord who had hired her husband was also killed and his tractor burnt. "I have every reason to believe that my spouse was killed by the STF," she concludes.

In 2001 Tharmalingam met Luxmi. Her son was 13 years old now. But no compensation had been paid.

Interestingly, the STF camp in Thirukkivil was set up only a few weeks previous to the incident. Though they were initially suspected of having a hand in the massacre, it was later proved the dastardly deed was not the doing of the STF of Thirukkivil camp.

The Sri Lanka Army appointed a commission consisting three military officers, but the Tamils boycotted it and refused to give evidence on the grounds it was biased and the government had deliberately deceived the public by lying about the roots of the incident. Needless to say nothing ever came of the commission.

It is believed Saheed's involvement is due to long-standing dis-

putes between the Tamils and the Muslims over land. However, informed sources in Ampara, familiar with the counter insurgency tactics of the STF, insist that Saheed was a calculated 'invention' to further exacerbate tensions between the Muslims and Tamils in the district.

They alluded to the notorious SLA killer in Batticaloa identified by the Muslim name 'Munaz'. Justice Souza as a Sinhalese called Richard Dias later identified the man. That a Muslim was responsible for gruesome massacres in Batticaloa enraged many Tamils and led to incidents that rent sunder and deeply divided society in the east to the advantage of the Sri Lankan military.

The manner in which the STF instigated Muslim attacks on Tamil villages in the coastal parts of Ampara 1985 has been documented by independent observers who investigated the conflagration.

The fact of the matter was that though he could be identified, since the Tamils were refused to

lead evidence or make representations before the commission he was never punished.

The massacre at Thangavelayuthapuram heralded round after round of counter-insurgency measures unleashed by the STF and the security forces in the Amparai District.

The repression was so intense that it led to an exodus not only from Thangavelayuthapuram, but also from many other areas from 1985 onwards reaching its apogee in 1990 when the STF forced people to leave the region en masse following the resumption of the Eelam War. Villagers were barred by the STF from returning to their lands or herding their cattle. Those who dared to break the order were detained, tortured or were shot on the spot by STF patrols.

With the exodus there disappeared the bountiful harvests too and it is only now more than dozen years later that people are returning slowly and cautiously to resettle and begin life again.