



Mines and other unexploded ordinance cleared by the Humanitarian De-mining Unit of the Tamil Rehabilitation Organisation at Elephant Pass Pic. by D. Sivaram

Army cussedness obstacle to speedy resettlement of IDPs

By a Staff Correspondent

A top Tamil NGO official in charge of de-mining in the north charged that resettlement in the Vanni is unable to proceed at the pace de-

sired by IDPs because the Sri Lanka army is refusing to provide maps of the minefields it left behind in the region while retreating in 1999 and 2000.

Meanwhile Tamil NGO activists in

the north claimed that international agencies are contributing to the woes of returnees by prolonging the de-mining process for financial gains and personal benefits.

"The army has left behind thousands of mine fields in the Vanni consisting of lethal devices such as T 72, P 4 MK 1, P 3 MK 1 Jumping Mines and US made M -15 vehicle mines. But we do not know where these are because the Sri Lanka military is refusing to give us the minefield maps," P. Yogan, the head of the Humanitarian Demining Unit of the Tamil Rehabilitation Organisation told the Northeastern Herald.

The HDU had communicated with the Sri Lanka army through the UNDP, requesting the maps of the minefields it had left behind, when it abandoned its sprawling camps and long FDLs in the north. But the SLA has declined to part with the maps indicating the location

of the areas where it had sown mines and set up booby traps.

"The SLA's refusal to give us the maps of their mine fields is today the greatest impediment to resettling refugees in all parts of the Vanni and to ensuring their economic security. Thousands of acres of fertile agricultural land still remain out of bounds for resettling communities because we have to carefully scour every

Cont. on page 2

Massacre witness fears for his life

The sole witness in the Mirusuvil massacre and the relatives of the deceased are requesting they be provided special security to be present at the trial scheduled to begin in the Colombo High Court Wednesday, 29 January, informed sources told the Northeastern Herald.

In their communication with the Human Rights Commission (Jaffna) they have said in the event they could not be provided

security, the case should be transferred to the Jaffna High Court.

The massacre that occurred in December 2000 at Mirusuvil, in the southern part of the Jaffna peninsula, is singular for its sole witness, who is also the sole survivor. He has sought refuge in Jaffna with the EPDP in fear of his life.

The massacre took place when eight persons who were residents of Mirusuvil, but who were displaced due to the military occupa-

tion of the area, went to visit their old homes. They were accosted by the military and done to death and dumped in a lavatory pit.

The sole survivor P. Maheswaran, escaped with injuries and was able to return home. But due to fear the military would kill him so as to dispose of material evidence, he has now sought refuge with the EPDP.

"The witness is worried

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ANNOUNCEMENT

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Families await rehab. in Vavuniya District

1795 families displaced from Sri Lanka Army (SLA) controlled areas and Liberation Tigers (LTTE) controlled areas in Vavuniya district have requested assistance to resettle in their villages and details of these families have been collected by the Vavuniya civil authorities, sources in Vavuniya said.

702 families from SLA controlled high security zones cov-

ering Grama Sevaka divisions of Thandikulam, Notchchimodai, Kallikulam, Puranattakal, Poovarankulam, Salambaikulam, Pampaimadu, Maruthamadu and Maruthankulam, 795 families from LTTE controlled areas covering Grama Sevaka divisions of Panrikeithakulam, Arumukath-anputhukulam, Semammadu, Ilamaruthankulam, and Malikai and 298 other families have expressed their desire to resettle.

Army...

Cont. from page 1

inch of the soil to locate hidden minefields. And it is a slow process," Yogan said.

"There is tremendous pressure on us from the thousands of IDPs who want to resume their livelihoods in areas where they have begun to resettle. But expediting our work to keep pace with the speed of resettlement in the Vanni is difficult without the SLA maps," Yogan said.

Informed sources said that the UNHCR had suggested that the SLA minefield maps could be obtained towards the successful conclusion of the peace talks.

However, a senior NGO worker in

Jaffna, when asked about the suggestion, condemned the idea. "The army's refusal to hand over maps of its abandoned minefields in the LTTE controlled Vanni - in places where people want to resettle - can mean only one thing today. It is totally reprehensible that minefields which kill and maim people should be used as indirect bargaining chips in the talks," he said.

A government official in Jaffna said that there are many SLA minefields in areas where people are resettling in the Thenmaradchi Division. The SLA has not permitted de-mining in many of these parts so far.

Massacre... *Cont. from page 1*

because if he is eliminated the case will be on very flimsy grounds," said Ruwan Chandrasekere, co-ordinator, HRC-J.

The HRC-J contacted its head-office in Colombo, which in turn was expected to inform the High Court, Colombo through its registrar.

In the event the witnesses cannot be present in court, they have to sign an affidavit before a justice of the peace stating their reasons.

"It appears unlikely the case will be taken up on the 29 January because there is very little

time to organise extra security to escort witnesses to Colombo or to transfer the case to Jaffna," said Chandrasekere.

"All this while we have had security forces personnel requesting their trials be transferred from courts in the northeast to Colombo apparently because they feared for their lives in Tamil-dominated regions. Let's see how the government responds to a reverse situation," said a human rights activist who declined to be named.

The case is being heard before trial-at-bar comprising justices M. I. Imam, Sarath Ambepitiya and Eric Basnayake.

Little done to boost production in the northeast says economist

The government and the Liberation Tigers of Tamil Eelam (LTTE) are banking on the rehabilitation and resettlement process to pump finances into the northeast, but this may not necessarily lead to long-term development of the area because it is unlikely to boost vitally-needed production and manufacture, say economists.

Both the government and the Tigers should encourage economic enterprise by giving tax concessions and other benefits to those interested in investing in the northeast and helping its development, rather than hoping international donor funding would sustain the economy of the northeast, said Muttukrishna Sarvanathan, a research fellow with the International Centre for Ethnic Studies (ICES), where he specialises on development issues in the northeast.

Sarvanathan is to address a seminar at the University of Jaffna, Saturday, where he will speak on the impediments to development in the northeast.

"The fault lies with both the government and the LTTE for not providing an adequate environment for the promotion of private enterprise that is absolutely vital for the long-term economic success of the northeast," insisted Sarvanathan.

Sarvanathan told the *Northeastern Herald* he proposes to put forward 10 recommendations addressed to both the government and the Tigers to revitalise the economy of the northeast.

"The security forces should reduce the extent of the HSZ because

even when the security forces were only confined to Palaly there was no threat to security to Jaffna," Sarvanathan pointed out.

He said the HSZ placed restrictions on agriculture, which was unfortunate because it straddled the red soil area in the peninsula. It also impeded fisheries due to the restraints authored by the military to strengthen security along the seacoast. Similarly, the restricted hours during which the A9 was open contributed to limited trade between Jaffna and the south.

Sarvanathan said though the HSZ limited the rice production there was an advantage for farmers now because they could now send their stocks to markets in the south, which had been limited to the local markets before the ceasefire agreement was signed.

He said he believed the ports of Kankesanthurai and Pt. Pedro should be allowed to engage in direct import-export trade, which today was limited only to the import of cement through an Indian line of credit.

He said the LTTE-imposed taxation was a disincentive for investment and economic growth of the northeast. "Instead of taxation the LTTE should ask for sponsorship from business houses to finance their community and social development enterprises," Sarvanathan said.

He said it was imperative the LTTE remains accountable and publishes a set of accounts to help transparency and encourage public confidence in the organisation, which would be lacking as long as

it functioned without accountability.

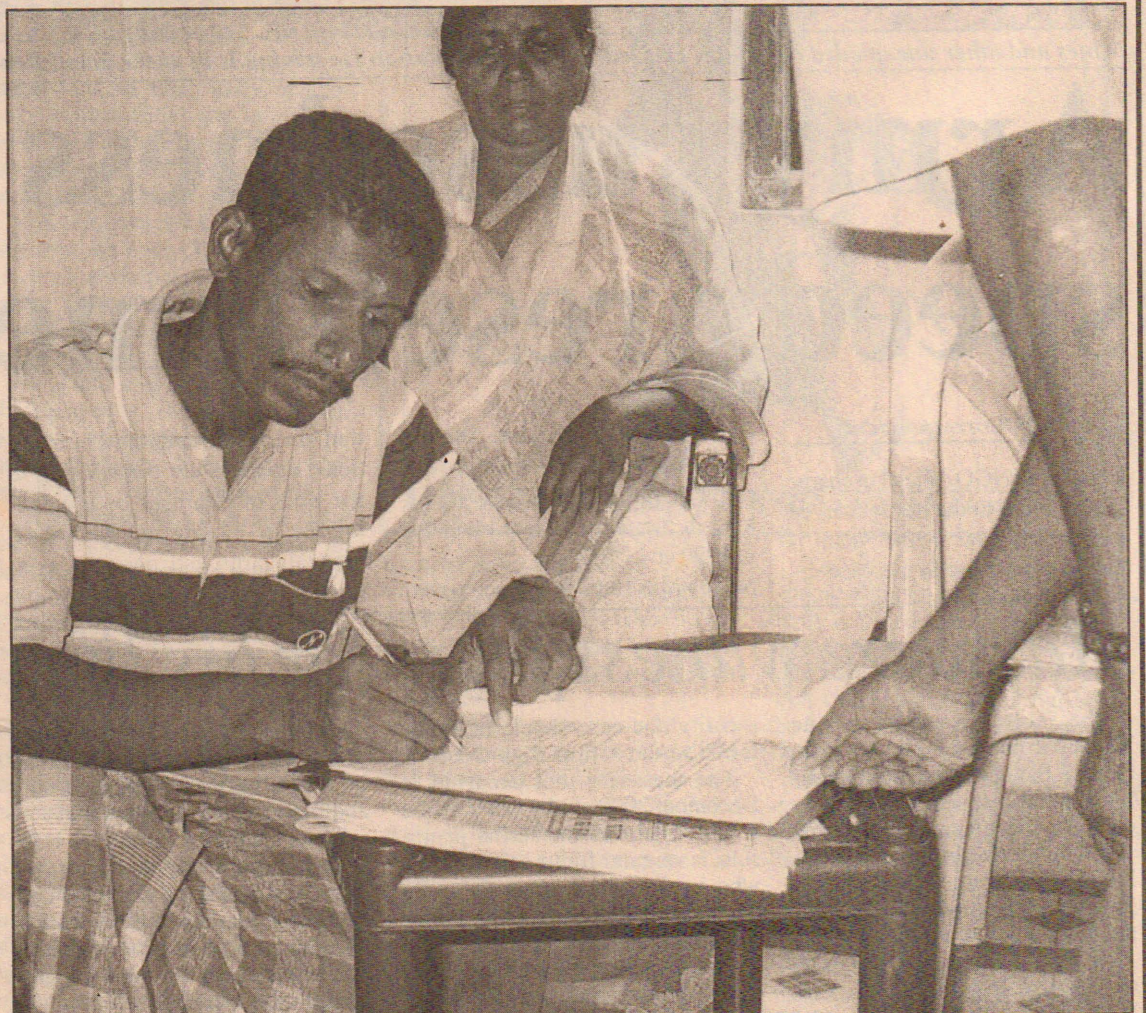
He said trade was thriving after the signing of the Ceasefire Agreement, which was a non-productive activity that does not encourage production, thereby increasing long-term investment and employment.

"Commercial enterprise in the northeast concentrate on drawing on savings and not on lending for production. The banks ask for a large collateral for lending, which is much larger than what they demand in other parts of the country," Sarvanathan said.

He said though it is understandable that due to the uncertain political atmosphere banks and other enterprises were strict on lending they should have more social responsibility in viewing commercial and productive enterprise in the northeast.

Speaking on the chambers of commerce in Jaffna he said the Yal Chamber of Commerce was doing good work on upgrading skills of masons, electricians and others involved in the construction industry due to the demand expected of their skills when the reconstruction and resettlement phase begins in earnest.

"The private sector is hoping for the post-conflict phase to begin soon. But in countries emerging from long drawn out conflict there are long interim periods where there is uncertainty. The private sector should be enterprising enough to see how they use this situation creatively," Sarvanathan said.



An underage boy signs documents before the LTTE released him to his parents in the presence of the SLMM in Batticaloa. Pic. by S. Jeyandamoorthy

Thinking aloud about the promising start next-door

By Rajpal Abeynayake

Hundreds of homeless died in New Delhi in a cold spell last week. It was coolly stated in news despatches that the cold is cruel for some Delhiites. So, life goes on.

Some two million people also rode the new metro in Delhi, even though the trains were meant to carry only 100,000 or so. In Delhi everything is writ large, even dying from the cold.

All this news was coming to me via television, and of course via the international newsmagazines, even as I was browsing the internet and seeing Delhi writ large in all kinds of rather abstruse (abstruse to me) reports about how the markets were playing in Delhi and other major locations in the Indian business map.

I suppose one needs to cry, but a lot of people are laughing in Delhi too, because Information Technology is doing good and there is some 'forward movement' they say of the economy, that is making India a technology-savvy business moksha.

But in Delhi everything is writ

But, I thought this is the India that the reforms are leaving behind? Perhaps it is a case of India taking a very long time to leave these mythic things behind, despite the reforms. In which case, I haven't understood anything. Does it mean to say that on the way to prosperity, there are necessarily going to be a lot of gumdrops - you know, people dying of cold? Besides, people sometimes die of cold in America also, one or two here and there, but you need to consider it or proportionally, they would say?

large, and hundreds dying of cold in the capital city is a blip, given that Delhi has a population that is almost half of this country's or more.

Business-wise, that is a blip. It is a statistical inevitability and anybody who makes up the news about how the Delhi stocks played will be able to tell you that.

A recent paper written by Marshall M Bouton, executive vice president of the Asia Society says "the two most important objectives of Gandhi and Nehru in 1947 have been met." Political viability and national integrity are these two objectives. "The recent political reforms, if successful, strengthen the Indian body politic and improve the living standards of a close to a billion citizens," he goes on.

What body politic, what re-

forms? Well, these questions are harsh, they are unfair. India is going through reforms and everybody knows it, and of course there is national integrity... despite the riots.

This is not being snide, nor is this vilifying India, but somehow doesn't national integrity seem like a bit of an aside when one considers that hundreds die of cold in Delhi in the streets, even as the economic reforms currently ongoing are ratiocinated and sized up?

Marshall Bouton says in his paper that few observers would have predicted that India would have come as far as it has. I wouldn't know how to argue with the fact that India has come far. It has come far in terms of potential I suppose, and it has image to boot - the image of a coun-

try on the make. But when hundreds die of cold in one night in Delhi, I wonder how far is far?

But India is big, it is a functioning anarchy as John Kenneth Galbraith famously said, and it is a miracle that India is surviving as India at all. In the Indian myth, people can die of cold in the hundreds in Delhi, but that's poignant, and yet so what? India is India for god's sake?

But, I thought this is the India that the reforms are leaving behind? Perhaps it is a case of India taking a very long time to leave these mythic things behind, despite the reforms. In which case, I haven't understood anything. Does it mean to say that on the way to prosperity, there are necessarily going to be a lot of gumdrops - you know, people dying

of cold? Besides, people sometimes die of cold in America also, one or two here and there, but you need to consider it or proportionally, they would say?

They say the reform agenda is seeing resistance from both right and left. Sometimes, in India, one does not know the difference. Somehow, when hundreds of people are dying of cold in Delhi, there is a question whether all this resistance is for the right reasons? The right resists because their monopolies on business are disappearing. The left resists because the left it left.

But this writer is being needlessly rhetorical about these people 'dying in the cold in Delhi' business. Isn't there some way in which reforms would have found a means of salvaging elementary human disaster? But this is not disaster, it is not in Delhi. So they will tell me. Human disaster management is for places with smaller numbers, such as Sri Lanka perhaps. In India everything is big they tell me, and when the reforms succeed, so the Americans were heard to say for instance, it is going to be very big indeed.

US insists on right of 'hot pursuit' in Pakistan

By Sarath Kumara

Following a shoot-out involving the US military on the Afghanistan-Pakistan border on December 29, Washington is insisting that its troops continue to be permitted to cross into Pakistan in "hot pursuit" of alleged Taliban and Al Qaeda fighters.

Details of the incident are hazy. According to media reports, a Pakistani Border Scout approached US soldiers patrolling for Al Qaeda members inside Afghanistan. When asked to return to the Pakistani side of the border, he allegedly turned and fired, wounding an American soldier. A firefight ensued during which US forces called in air strikes. An F-16 warplane dropped a 500-pound bomb on a deserted Islamic religious school, where the Pakistani border guard had fled. Two people were killed.

According to US military spokesman Major Stephen Clutter, it was not known whether the shooter was a Border Scout or a person just wearing the uniform. The US military claim that the clash, including the bombing of the school, occurred on the Afghan side of the border. Pakistani officials, however, insist that the bombed building was in the village of Burmol, in Pakistan's South Waziristan province.

In an email response to a reporter's question, Clutter declared that US soldiers have the Pakistani government's permission to engage

in "hot pursuit" across the border. "US forces acknowledge the internationally recognised boundaries of Afghanistan but may pursue attackers who attempt to escape into Pakistan to evade capture or retaliation," he said.

Pakistan's information minister Sheikh Rashid Ahmed publicly denied that any permission had been given. "Absolutely not," he said. "The Americans cannot cross the Pakistani border to chase what they say are vestiges of Taliban and Al Qaeda." But senior Pakistani intelligence officials privately conceded that the US had been given tacit approval to pursue militants across the border.

Sensitive to growing anti-Washington sentiment inside Pakistan, Islamabad has tried to play down the incident. No details have been released about the two men who were killed or the circumstances that led to the clash. A Pakistani army spokesman said the clash was the first of its type. "The matter has since been resolved bilaterally, and a mechanism has been devised to prevent recurrence of such incidents," he said.

At the same time, Pakistan has reassured Washington that US forces can proceed. According to a report in the *Dawn* newspaper on January 6, Pakistan's military ruler General Pervez Musharraf and US Secretary of State Collin Powell "have agreed that hot pursuit of the Taliban and Al Qaeda fighters across the Pakistan-Afghan border will continue but quietly."

Hostility to the US military is particularly strong in the tribal areas of Pakistan on the border with Afghanistan. An estimated five million people, predominantly Pashtuns, live in these regions and have strong ethnic ties to tribes in the south and east of Afghanistan. Historically these groups have been fiercely independent and have enjoyed a degree of political autonomy.

In December 2001, Pakistani troops, at the urging of Washington, poured into the tribal areas to seal the border to fleeing Taliban and Al Qaeda fighters. Currently there are about 60,000-70,000 Pakistani troops along the Afghan border but the US military has called for a greater presence. A number of reports indicate that US Special Forces and the CIA have been engaged in covert operations inside Pakistani tribal areas, gathering information and possibly targeting suspects.

As a result of local animosity to US military actions, Islamic fundamentalist parties made major gains in Pakistan's national election last October. The Muttahida Majlis-i-Amal (MMA), a six-party alliance, now holds power in the North Western Frontier Province (NWFP) and Balochistan—the two provinces that border Afghanistan.

On January 1, the NWFP assembly passed a resolution condemning the border clash and air raid on the school. It accused Washington of violating Pakistan's sovereignty and demanded the national government

"strongly protest" the incident to the Bush administration.

On January 3, several thousand people participated in anti-US demonstrations in Lahore, Multan, Quetta, Peshawar and other cities in Pakistan, condemning US preparations for war against Iraq. The MMA organised a rally in the NWFP city of Peshawar on the same day. MMA secretary-general, Maulana Fazlur Rehman, said: "We declare jihad against America that has stationed its forces in Pakistan to do away with our sovereignty."

There is, however, growing consternation among the Pakistani ruling elite at the political costs of Islamabad's support for the US "war on terrorism". Shireen Mazari, director general of the Institute of Strategic Studies, warned on January 8 that it was "imperative for Pakistan to not only assert the parameters of the co-operation very clearly but also to ensure that these parameters are respected by the US. Otherwise, incrementally, the US forces may present a direct threat to Pakistan's strategic assets."

A commentary in the *Dawn* newspaper on January 5 declared that US-Pakistan relations had already assumed a "tense dimension" and that "intemperate and arrogant assertions [by the US] can only further exacerbate it." A further editorial on January 12 urged the Pakistani regime to use the country's geographical position to extract concessions from Washington. "Situated in proximity

to Central Asia and the Gulf region, Pakistan can contribute to peace and stability in a region where America has vital economic and geopolitical interests," the newspaper stated.

Musharraf is not in a strong position to bargain. Under pressure from Washington, he withdrew Pakistan's support for the Taliban regime following the September 11, 2001 terrorist attacks and backed the US invasion of Afghanistan. His administration allowed the US military to use several Pakistan military bases, gave authorisation for overflights and permitted the FBI to hunt down suspected Al Qaeda members in Pakistan.

In return, Pakistan received limited US financial aid as well as US-approved loans from the international donor agencies to prop up the country's failing economy. But Musharraf's compliance with Washington's dictates has left him increasingly isolated as anger against US policies continues to grow. Thomas Homer Dixon, an academic at the University of Toronto, commented in the *Washington Post* on January 5: "Pakistan balances on a knife's edge between simmering unease and total upheaval."

The Bush administration's imminent invasion of Iraq, which has already provoked widespread demonstrations in Pakistan, could well be the trigger that tips the balance in the direction of "total upheaval". (WSWS)

A.J. Canagaratna who gave a new direction

By Tamilavan

A.J. Canagaratna, doyen of English writing in Jaffna, was one of the founders of Saturday Review in the 1980s. He was also a prominent contributor to the literary debate of the time. Canagaratna was a well known journalist and now teaches English in Jaffna

Even today, when I look back to read A.J. Canagaratna's Tamil article *Marxiyum ilakkiyamum* (Marxism and Literature) which appeared as an original article along with his other translations in the book *Marxiyum Illakkiyamum: Sila Nokkukal* (Perspectives on Marxism and Literature) I am reminded of the intellectual background of the 1970s both in Sri Lanka as well as Indian Tamil writing and critical thinking.

I am well aware of the impact of K. Kailasapathy's Tamil book *Thamil naaval ilakkiyam* published in the 1970s on the minds of young party intellectuals and students, as I too was a student of a university Tamil department. Perhaps that was the first Tamil book, which tried to introduce Marxist method of literary criticism in a systematic way to the readers of Tamil Nadu.

As it was a period of resurgence of Tamil mini magazines, after the DMK came to power, this book was in the limelight and many took note of it. Kailasapathy's method of deterministic interpretation of Marxist literary criticism, whatever be its effect on creative writing of Marxist writers of these two countries, appeared to be a trend-setter in emphasising the economic factor of a social formation.

The debates around the emergence of New Poetry (*puthukkavithai*) during 1970s also raised the question whether creative writing should follow the dictates of leftist parties and their intellectuals. To be short, at this point of time of emergence of 'new poetry' in Tamil, people like me who were of the opinion that this poetry was the product of genuine Tamil tradition, thought of the need for an alternate method of Marxist criticism, which would go to probe into the deeper reason of why such pessimistic poetry without the usual metrical rhythm was born in Tamil in a particular period of Tamil history.

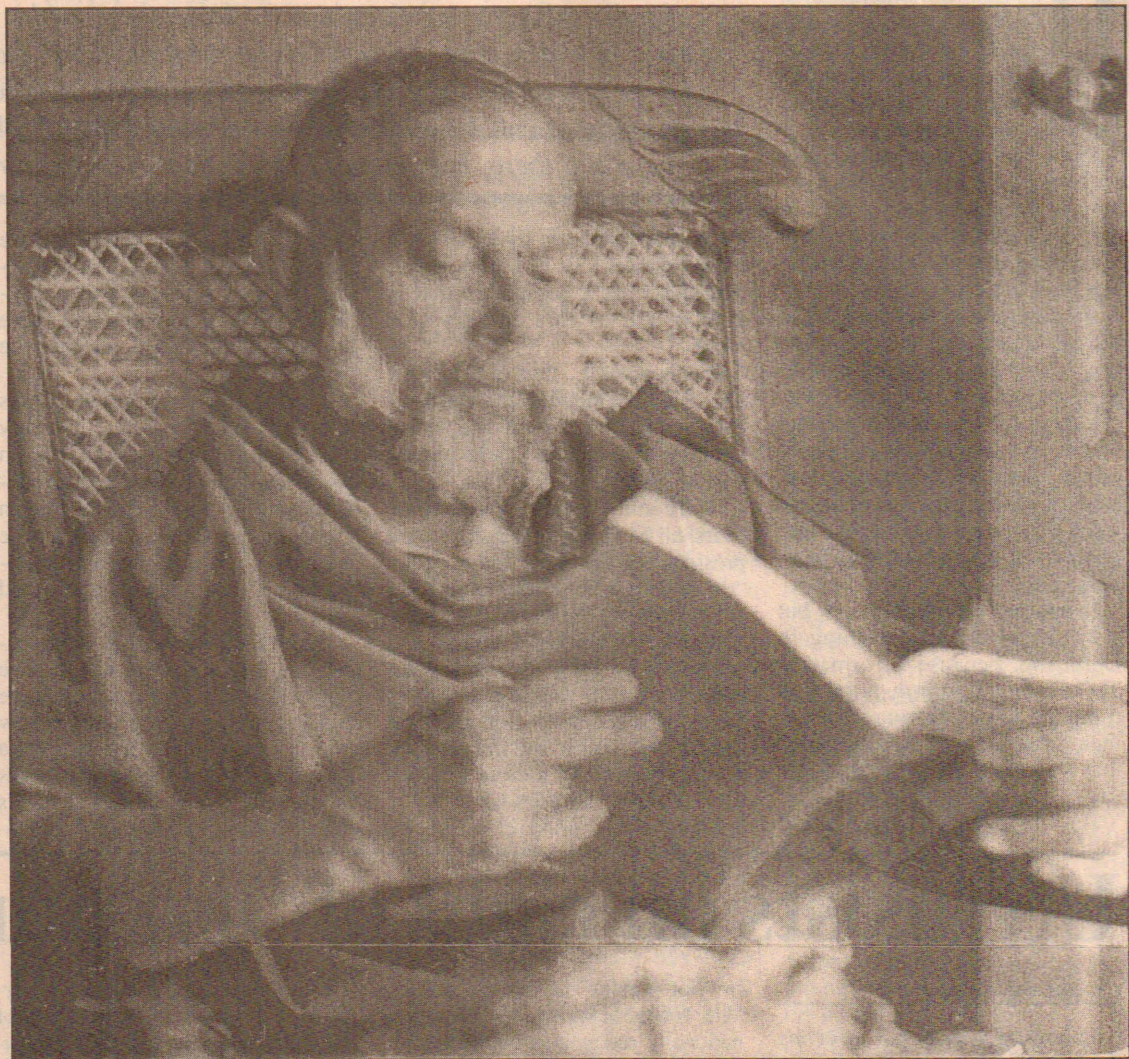
This leads us to go in search of Western, alternate Marxist tradition of literary criticism, which would give more freedom to creative writers. Freudian Marxist interpretation was one such school, which gave scope for inner probing as a legitimate

method of creative writing. This naturally made us aware of Frankfurt Marxists and another group of thinkers who wanted to highlight alienation as an accommodative Marxist concept, which would salvage Marxism from the damages caused by economic determinism. These new trends, one should remember, provided a possibility of an interpretation, which went counter to the arguments of Kailasapathy and a host of others who toed the deterministic line of criticism.

Much could be said here to prove what I have elaborated above by quoting different magazines and books which appeared in Tamil Nadu those days; but as my aim, is not academic writing. Let me pass on to the other point of how A.J. Canagaratna, through a single article wanted to change the course of events in the literary scenario of Sri Lanka and Tamil Nadu. The significance and the future potential of this article was not reported so far and I feel taking note of this lone article in the midst of a lot of deterministic writing is very important for anyone writing the history of literary criticism in Sri Lanka and Tamil Nadu.

Actually, when some of us published the Tamil literary journal, *Padikal*, in 1985 from Bangalore, we used to receive *Alai*, the Sri Lankan Tamil journal, the editorial board of which I learnt was much influenced by the views of A.J. Canagaratna. This book of translation edited by AJ, which was mentioned at the beginning, came to our attention at that time. The important article he wrote that I referred above, was an original piece written by AJ and included in this book as the fourth article. It was written as early as 1966, when we could not get the writings of many Marxist literary critics who also held these views.

The publication of this book, I want to emphasise, was a part of a polemic. *Alai* stood on one side and its stand was well represented by its editorial board in its selection and publication of different items of creative writing and criticism. I was also aware of the polemics Reggie Siriwardene had with Samudran who upheld the views of the other side, large part of which would well go with the literary perspective of K. Kailasapathy. Reggie's article that appeared in the *Lanka Guardian* (1980) was translated and published as one of the four essays of *Marxiyamum Ilakkiyamun*. There are ample reasons to say that the *Alai* publishers brought out this book only as a part of the polemic with Kailasapathy's school of literary criticism; even AJ's use of certain words and indirect references to Kailasapathy made in his



introduction to the book would show the bitterness with which the polemic was conducted; or, at least, we from Tamil Nadu, thought so.

Although these debates were the result of, or a sequel to the hegemony of Kailasapathy over Marxist criticism in Sri Lanka, at the introduction of the book made out, we, in India, had another need for the articles of the book. A different kind of Marxist criticism in the wake of the advent of a new kind of Tamil poetry of Tamil Nadu was then necessary to accommodate this young genre. We could not use the arguments of the translated pieces of this book directly as most of these were on the genre of the novel; but we made use of the freedom these arguments gave us to move towards a new direction of literary understanding.

This was, I felt, perhaps the greatest contribution of AJ to literary criticism. Through that he gave a new direction to the growth of literature both in Sri Lanka, with regard to its fresh output of rebellious poetry in the wake of their struggle against racial domination, and in Tamil Nadu, with the growth of new schools of literary criticism and the enthusiasm that ensued in the field of new poetry. In particular, I want to say that my book on structuralism in Tamil was pub-

lished in 1982 and I found a supportive voice in this article. I felt confident as my views have been gaining momentum within me during the 10 years preceding 1982, as a necessary background to support the new genre *puthukkavithai* with its multifarious manifestations.

It could be a fertile area for some future research scholars to gather all the material that were published during this period in both Sri Lanka and Tamil Nadu to study the different twists and turns of ideas of Marxist criticism to prove how they were inextricably linked with the creative writing of these two countries. In this context, it should be mentioned that only one critic who used to write in Communist Party papers in Tamil Nadu, using different pen-names of course, gave critical support to the New Poetry movement of Tamil Nadu - C. Canagasabapathy who in 1975 joined Madurai Kamaraj University where New Poetry was for the first time recognised officially when C.S. Chellappa's first collection of these New Poems were prescribed for students. But he had never tried, as far as I could remember, to give theoretical support from the framework of tenets of Marxism for the emergence of the New Poetry movement.

Although AJ did not give any support (or this is what I believe)

as C. Canagasabapathy did to the emergence of New Poetry of Tamil Nadu, I think, his small article had the potential to give enough courage to explore reasons to justify the emergence of the New Poetry movement in Tamil. Particular mention must be made of the augment pertaining to the relation between super structure and basic structure and AJ wrote clearly that neither Marx nor Engels had ever delineated the relation in clear terms though they have given a thought to their relation. Another important quote of his article could be from Trotsky's book *Literature and Revolution*; Trotsky says that only after a book is evaluated on the basis of its literary merits should we apply Marxist yardstick to measure its Marxian merits. But the irony is that as AJ largely uses Arnold Kettle's ideas to trace the social history of the origin of the English novel and thereby to evolve his own understanding of Marxist criticism. Kailasapathy also mentions the same author in the bibliography of his book *Thamil naaval ilakkiyam*.

But I could say, in hindsight, that had we adopted AJ's emphasis of Marxist aesthetics in Sri Lanka and Tamil Nadu instead of the ones followed by the parties, Tamil literary contributions could have been more fertile.

Negotiating peace while CBK tries to capture government power

By Bertram Bastiampillai

The fourth session of peace negotiations between the Sri Lankan government and the LTTE has taken place. Justifiably there were fears expressed in the prognosis of these talks in Thailand. The cardinal issue of the High Security Zones (HSZ) and their future was to rise in the course of discussing the resettlement of displaced peoples in northern Sri Lanka. The representative of the Sri Lanka army had already pronounced that it was neither feasible nor practicable to disband, or even diminish in capacity and size the HSZs till the LTTE executed a notable decommissioning and discontinuance of its military apparatus.

The executive president of Sri Lanka endorsed the view announced by the army officer and the president who is head of state, head of the executive and of the government, is also commander-in-chief of the armed forces. Hence the view became non-negotiable.

The LTTE, on the other hand, could not subscribe to the army officer's behest. A militarily weakened LTTE, naturally, would be in no commensurate bargaining position if it were to decommission weapons. It would be reduced to be a recipient of concessions alone. The chief spokesman of the LTTE made it clear that decreasing its military strength was not acceptable to it presently, and the matter could not be hence discussed. All the trumps would have fallen into the hands of the army and the president if this happened.

However, deft handling averted the likely head-on clash on this sensitive issue. There were several people dis-

placed from outside the HSZ and it was decided that these displaced could be first resettled in the non-contentious areas away from the HSZs

Significantly the LTTE also made it clear that it will not take part in the Subcommittee on De-escalation and Normalization (SDN). This instrument while giving room to concerns of security of both discussants, the State and the LTTE, was to explore the possibility of resettlement, giving back property to original owners and beginning economic ventures with members from both negotiating sides expected to contribute positively towards gradually defusing the conflict.

There is yet some ambiguity about the functioning of the SDN because while the State seems positive about it, the LTTE has made it obvious that it will not participate in future proceedings. A little hope still lingers when it was concluded that co-chairmen of the SDN from the State and the LTTE would meet every month to review security matters. However the LTTE's decision to boycott the SDN does provide room for concern, despite the compromises and buoyancy. This is regretted by the more discerning of the many wishing peace.

In the meantime the controversy has been tided over by appointing a senior and experienced former Indian army lieutenant general to examine the issue of 'de-escalation' and report on a reasonable means of executing it. The inexorable facts one has to contend with arise out of the 20-year 'no holds barred' belligerent combat. Many are the residual problems that such a long conflict interspersed with 'start and break' peace talks has bequeathed. To

The constitution has vested much power with the president and left the government relatively weaker and dependent on the support of small parties such as the Muslim, the plantation Tamil and some of the northeastern Tamil members of Parliament. In such a context where the president is a competitor out to capture Parliament, her absolutely necessary support for the peace negotiators seems to be very unlikely.

deal with them, almost infinite prudence and patience are indispensable.

The hold of the armed forces on successive governments has intensified over the past 20 years. Today it is lucidly obvious that those politicians in power are beholden to the security forces, which have taken upon themselves powers that in many other countries the political leaders in charge of the State alone would exercise. Power, authority and with hardly recognizable accountability have transformed the leaders of the security forces to reckon with in governance. Privilege is their lot and gone are the times when war was considered to be too serious to be left only to generals.

Therefore, in the days to come the president's blessings have given an exceptional vitality to leaders in armed forces and peace

negotiators cannot easily ignore their opinions.

The long drawn out conflict has also left behind many other issues, which the peace negotiators have to tackle. So many left the island with no proper or adequate travel documents. Hastily abandoned houses by fleeing residents have been occupied by others.

They have to be recovered and restored to rightful claimants. People deserted their jobs and left elsewhere since they feared bombing and the fall out of the violent conflict, not least the excruciatingly humiliating treatment by the security forces.

Aerial bombing targeted people indiscriminately and civilians scurried away to safety. Children lost their schooling, youth suffered without employment as patients did without medicines. One can compile an endless catalogue

of woes that with the advent of peace will necessitate immediate remedial attention. These and much more are the grave concerns that the peace negotiators have to attend to.

Another distinctive problem that confronts those who negotiate the terms of the peace is the settlement of the Muslim people who complain of expulsion and dispossession from Tamil areas. There are several such knotty questions that need answers so much so that the peace negotiations can provide no quick fix to matters. To make a whole out of a polarized populace who had been committed on both sides to violence and embitterment is not easy. It calls for much understanding, accommodation and compromise from both sets of negotiators. And moreover the president has to be convinced that decisions of the negotiators are the most palatable.

That is a formidable obstacle to be overcome. The constitution has vested much power with the president and left the government relatively weaker and dependent on the support of small parties such as the Muslim, the plantation Tamil and some of the northeastern Tamil members of Parliament. In such a context where the president is a competitor out to capture Parliament, her absolutely necessary support for the peace negotiators seems to be very unlikely. But if the people who are supposed to be sovereign according to the constitution get their wishes for peace counted, then peace can be striven for quicker and more successfully. Meanwhile, one has to keep one's fingers crossed expectantly hoping and wishing that one can be at peace and free.

India: Break the cycle of impunity and torture in Punjab

"Torture and custodial violence continue to take place in Punjab, despite the end of the militancy period in the mid-1990s", Amnesty International said today in a new report on torture in the Indian state.

Torture in Punjab persists as a result of the continuing culture of impunity developed within the criminal justice system in the state during the militancy period.

"Unless this trend is reversed and the procedures and attitudes which facilitated abuses during that period are dismantled, custodial violence will continue to take place in the state", the human rights organization said.

In the new report, "India: Break the cycle of impunity and torture in Punjab", Amnesty International shows that impunity for past abuses and the continuation of torture today are caus-

ally linked.

"There is an urgent need to break this cycle and the recommendations contained at the end of the report are made as a contribution towards this objective", the human rights organization said.

Armed opposition ended in Punjab a decade ago, resulting in a marked decrease of human rights violations in the state. However, thousands of families are still waiting to know the fate of their relatives who "disappeared" during that period.

"Until justice and truth is delivered to these families, the wounds left by the militancy period will remain open," Amnesty International added.

Only a small minority of the police officers responsible for a range of human rights violations - including torture, deaths in custody, extra-judicial executions and "disap-

pearances" during the militancy period — have been brought to justice. This has led some state officials to believe that they can violate people's fundamental rights with impunity even today.

Some police in Punjab often use torture as a substitute for proper investigations, to extort money or for personal motives. Workload, lack of resources, intimidation or disinterest facilitate the recourse to custodial violence.

"Victims of torture today are most often those who are socially and economically disadvantaged, including women, dalits and the poorer sections of the community. Human rights activists are often victims of harassment and ill treatment," the organization explained.

"Action is rarely taken against the perpetrators due to the tolerance of other elements of the criminal justice system, such as public

prosecutors, the courts, the legal aid system and the doctors", Amnesty International continued.

The Punjab Human Rights Commission has so far not been given the powers, resources or institutional autonomy to function effectively as a check on torture and ill-treatment in the state.

Punjab today should serve as a warning to states in India presently effected by armed conflicts, such as Jammu and Kashmir and states in the northeast: perpetrators of human rights violations must be held to account in situations of widespread and prolonged violence, if long-term repercussions for the enjoyment of human rights are to be avoided after the end the conflicts.

The report is part of Amnesty International's global Campaign Against Torture. During this campaign the organization has ex-

pressed concerns about the use of torture in other Indian states, such as West Bengal, Uttar Pradesh and Rajasthan, as well as in a wide range of countries, including Brazil, China, Pakistan, the Russian Federation and the USA.

The decade of violent political opposition in Punjab — which lasted from the mid-1980s to the mid-1990s — started when a movement within the Sikh community in Punjab turned to violence to achieve an independent state for the Sikhs. During that period armed opposition groups targeted and killed police officers, elected representatives and civil servants. The security forces resorted to unlawful and indiscriminate arrests, torture and extrajudicial executions. Thousands of civilians were the victims of the violence on both sides.

(Amnesty International)

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A timeframe for talks might help

Are we seeing a sense of drift in the peace process? Ever since the fourth round of talks came to an end in Thailand earlier this month the rhetoric and the oratory, which sought to convince the sceptical that the quest for peace was moving forward, appears slightly muted and off colour, while the euphoria of the peace-walas is less pronounced.

One could attribute it as the result of the last round of negotiations, which has convinced no one the government and the LTTE are seeing eye-to-eye on security matters surrounding the High Security Zone (HSZ), on the efficacy of the Sub-committee on De-escalation and Normalisation or on the decommissioning of weapons.

This is not the first time however disagreements have arisen. Earlier, the government was unable to agree on an Interim Administration, or on the Joint Task Force to implement rehabilitation and re-settlement. But the LTTE decided to compromise. This time too the LTTE agreed to defer resettlement in the HSZ and take up less controversial resettlement in areas outside the zone. And though the LTTE did oppose vehemently the idea of decommissioning weapons before a final settlement, there were no heated exchanges or threats of pulling out.

But despite such compromises the fact is that the shine has worn off the peace process.

For the Tamils, one important reason for creeping pessimism is that nothing concrete is being offered by the south. The knee-jerk reaction to this is after 20 years of fighting one cannot dream of a solution overnight. However, it is not a solution but the lack of commitment from the south that is worrying the Tamils.

For example, though the government (and the LTTE) went on tour to study different quasi-federal, federal and con-federal constitutions, what seems to have taken up Professor G. L. Peiris' fancy from the number of times he repeated it, is devolution in Scotland and Wales. Devolution to these regions in the United Kingdom is within a unitary system and the fact that people make serious statements about even aspects of it being suitable to resolve the ethnic problem in Sri Lanka is a joke.

There could however be a sinister truth to Peiris' words. According to constitutional experts, the Sri Lankan constitution is drafted in such a way there is no mechanism whereby the present unitary system may be transformed into even to a federal model, let alone a structure that satisfies the Tamils' right to self-determination.

While Tamils see this as a profound disappointment, it could be borne with fortitude if at least their existential difficulties were in the process of being taken up and resolved. This was exactly why resettlement and rehabilitation in the northeast was a plea from their very gut, which the government has denied due to security considerations.

It is blatantly unfair when the south celebrates a peaceful Christmas and a reviving economy and as Peiris sits around pronouncing the Scottish model as a possible solution, that desperation in the refugee camps, the question of a lack of schools for Tamil children and that the police can open fire on peaceful demonstrators is a palpable reality for the Tamils.

If this is the reality Tamils experience, it is high time for them to demand a timeframe for the talks. It was a device used by President Chandrika Kumaratunga earlier, though she has quietly dropped it now. But to the Tamils the sense of drag in the talks is passing irksome, a bother which is growing rather than diminishing. And unless the elements interested in dragging this peace process are told where they get off, Tamils might find themselves cheated not only of an eventual settlement, but also being in vastly worse circumstances than when the peace process began.

Making a nation and the role of judiciary

By V. T. Thamilmaran

"National integration is born in the hearts of the citizens. When it dies there, no army, no government, no constitution, can save it. States of mind precede states". - Nani Palhiwala, We the Nation, 1994

It is a well-settled political and legal principle that sovereignty in a state lies with the people. A constitution is, theoretically, a social contract whereby the people agree to submit themselves to the power of the state. Government is the instrument through which the sovereignty of the people is exercised and the constitution prescribes the manner of distribution, exercise and limitation of that power among the three organs of the instrument. Thomas Paine explained the fundamental feature of a constitution: It is a thing antecedent to a government, and a government is only a creature of a constitution . . . A constitution is not the act of a government, but of a people constituting a government."

The constitution must, as a prerequisite, make sure that the government is formed on the will of the people and it represents the will of all the people. In the modern state, societies are rarely homogenous but plural in nature and hence, it is important that the government reflects that pluralist aspect as well. Representative government in this sense really means representing the different interests of the diverse population of a society.

Governments function through three organs i.e., the legislature, executive and the judiciary. Equally, these three organs also can't be free from having members representing the diversity of the population over which the powers of the government are sought to be exercised. There was a time during which it was thought that the judiciary is the least dangerous out of the three branches or organs of government. This is so because in those days there wasn't much need for the judiciary to go into virtually almost all the functions of the government and regulate them according to constitutional requirements. Today, it is the judiciary that needs to ensure that all governmental functions are performed according to the limitations imposed by the constitution in the name of the sovereignty of people.

It was Chief Justice Oliver Wendell Holmes of the American Supreme Court who said as far back as 1899 that whenever the judge has to clarify uncertainties he has to exercise 'the sovereign prerogative of choice'. President Theodore Roosevelt, in his message to the Congress on 8 December 1908 said that 'the chief lawmakers are - - judges because they are the final seat of authority and they give direction to all lawmaking.'

To put it in the words of Prof. G. L. Peiris, "there has been a spirit of withdrawal, of abdication, of irresponsibility, rather than a desire of making use of the tools now available in their hands (Supreme Court judges) to achieve the objectives which were contemplated by the new constitutional provisions (of the Solbury Constitution)".

If arrangements are to be made in a constitution for sharing sovereignty with the purpose of building a nation among peoples of diverse interests, the judiciary is expected to play a dual role. It has to be, on the one hand, be sensitive to the diverse interests of the peoples who make up the nation and on the other also be the guardian for protecting the very system of shared -sovereignty.

If the judiciary is insensitive to the basic elements of the social contract, then it would certainly lead to the total collapse of the nation making process.

In a plural society, it shall be the fundamental task of the judiciary to make sure that all lawmaking powers are exercised within and conform to the sacred terms of the social contract, i.e., the constitution. In fact, the role of the judiciary in a given political society is determined by the nature of that society. If the judiciary tries to change the nature of the society, in that process it becomes inevitable that the judiciary subjects itself to the same degree of change. To put it another way, the expected social reform could demand a radical change in the attitude of the judiciary. At the same time, the 'changed judiciary' becomes ideally suitable to create a reformed society in accordance with the changing conditions. This is what is called judicial activism and social engineering.

There is greater space for judicial activism in a country where the constitution has supremacy over the legislature than in a country with parliamentary supremacy.

But this doesn't mean the judiciary shall remain totally impotent when it comes to interpreting constitutional provisions in a country where Parliament is supreme.

Now the question remains as to what extent the judiciary in Sri Lanka has stood up to the task of strengthening the social contract and thereby doing its best to prevent the total collapse of the polity. Above all, has it had any idea of the very nature of the society for which it had to 'deliver justice'? Has it been sensitive to the diverse interests of the people of this country?

In this regard, there are enough counts on which an indictment can be served on the judiciary of

this country. Although it seems funny, from time to time members of the judiciary, at least in their retirement, have acknowledged this failure on their part. Whatever the reasons for the failure, as an end result, the country has become polarized.

Right from the beginning, the judiciary was without any clue about the direction in which it had to move. The Solbury Constitution of 1946 didn't contain any bill of rights provisions but instead had the well known minority protection clause in Section 29. In deciding the appeal in Kodakkanpillai case filed under section 29 of the Constitution, Lord Oaksey expressed the view of the Privy Council that community means race. It reflected the dismal failure of the law-lords to appreciate the fundamental difference between British and Ceylonese societies and the plural nature of the latter. It was just the beginning.

To put it in the words of Prof. G. L. Peiris, "there has been a spirit of withdrawal, of abdication, of irresponsibility, rather than a desire of making use of the tools now available in their hands (Supreme Court judges) to achieve the objectives which were contemplated by the new constitutional provisions (of the Solbury Constitution)".

Citing the judgments in the cases of Kodakkanpillai (54NLR) and Mudanayake (53NLR), Prof. Peiris has questioned the wisdom of the courts in deciding that the provisions of the Citizenship Act of 1948 couldn't be construed as having the objective of depriving a particular community of the franchise. It was a rather insular and myopic attitude in discharging the function of judicial construction, lamented Prof. Peiris (vide-Ideas for Constitutional Reform, ed. Chanaka Amaratunga).

When Kodeswaran (70/72NLR) challenged the constitutionality of the Sinhala Only Act under section 29 of the Constitution, the Supreme Court got the golden opportunity to engage in judicial activism necessary for nation building. But again, the court took a very narrow view and decided on a technical ground,

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(Un) reasonable (ab) use of Tamil at the SLBC

By Professor Karthgesu Sivathamby

The Kottihanda controversy still rages. There have been, not altogether unexpected, protests against the State giving permission for the L T T E to run its radio broadcasting in Tamil and Sinhala.

It is significant that in this whole debate not a single voice was raised about the adequacy of Tamil programs broadcast over the SLBC. We do not know what the Voice of Tigers is going to broadcast. It would be an act in political communication. But the vast majority of non-Tamil speakers do not know what is broadcast from both the Tamil Service of the SLBC and even the private stations of a serious content is not even one per cent of what goes over the Sinhala Service both public and private.

It is important to highlight this continued neglect by governments in giving the Tamil listener wholesome broadcasts.

I think it is now the 77th or the 78th year of broadcasting in this country. Till about early 1970s the Sinhala and Tamil services were parallel both qualitatively and quantitatively.

The shift from the Colombo Broadcasting Station at Cotta Road, Borella to the new building at Torrington Square first called Radio Ceylon and subsequently the SLBC had made history in Tamil broadcasting as much as it has been for the Sinhala Service too. There are only a few of us today who can look back at this history especially from the early 1950s when broadcasting began at the Torrington Studios. With the release by the British Government to Ceylon of its very powerful transmitters used during the Second World War (SEAC) - South East Asia Command - Radio Ceylon's reach was much wider than that of any other radio station in the region. [The term South Asia has not come into vogue then].

It was said that when Sir Edmund Hillary climbed the Everest and tuned in his radio, he first listened the voice of the legendary Jimmy Barucha, the famous English announcer over the Commercial Service. Radio Ceylon at that time had the National Service and the Commercial Service and each of these services were manned by people who have left their imprints very deep in the history of broadcasting in this country. For the National Service, there were Thevis Guruge, H.M. Gunasekera, P. Welikala and others. In the Western Service were Livy Wijemana, Pearl Ondaatje and in the Tamil Service were such unforgettable

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.

Now the question is what prevents the SLBC authorities to open its Tamil Service for at least minimum level of discussion and listener participation? If there is fear about an open political debate, at least why not have debates on cultural and social issues. This is a very unreasonable use of Tamil.

names as Sivapathasutharam, V.N. Balasubramaniam, S. Shanmuganathan, K.S. Balasubramania Iyer, M.S. Ratnam and V.S. Namasivayam. The announcers were no less reputed. Senthimani and Kunchithapatham were well known names. On the Sinhala side Karunaratne Abeyskera was reigning supreme. S.P. Mylvaganam, the Commercial Service's the first full time Tamil announcer was the legendary figure for the Tamil Cine-goers and listeners. The great MGR and Sivaji Ganeshan had to go to his small house at Vivekananda Road, Wellawatta to meet him.

All the sections worked as a team and there was a wonderful understanding especially between the Sinhala and the Tamil services. This cordial relationship went down up to the artistes and I remember discussing matters with Alwis Perera, the poet.

The bickering between the services began to creep in and the Tamil service had the additional problem of having to deal with the listener-ship whose overall politics was considered an anathema to any government in power.

The Tamil Service had to cater to two different groups - the Muslims and the Tamils. The Muslim broadcast was accommodated within the Tamil National Service and that too began to develop with ease and understanding. Dr. Uvais Kamil Marikar and V.A. Gaffoor though in charge of the Muslim broadcast at different times were also unforgettable Tamil broadcasters. Gaffoor was one of best Tamil announcers Radio Ceylon ever had.

There was the creeping fear that some political enthusiasts from among the Tamil staff might use the radio for subtle political propaganda. The governments

were oversensitive and in early 60s the practice of appointing a competent authority to whet and supervise the Tamil programs began. The first was A. Selladurai recommended by Felix Dias Bandaranaike. During the early 70s an attempt was made to reorganize the Tamil Service with particular concern for improvement in the quality of broadcasting, but that attempt failed and from about 1974 the accent was more on controlling broadcasts. From 1977 onwards, the political control over the Tamil Service was virtually complete. They wanted only trusted people who would not create any problem.

This led to a severe restrictions in selection of staff especially for the executive posts. The broadcasting authorities virtually stopped recruiting staff direct to the programs' executive posts. People who joined as relief and part time announcers were soon given permanent appointments and promotions. Junior staffers became senior ones and they had to remain even after retirement age. There was virtually no young blood coming in.

This restriction had a disastrous effect on the programs. Artistes from Jaffna and Batticaloa could not be given programs. With Torrington Square SLBC building becoming more and more inaccessible, even those from Colombo preferred to avoid going there to be treated as prospective miscreants.

What happened after 1983 is known to everyone. Within the SLBC the Tamil Service came under sever control. The Commercial Service and the National Service were brought together as one unit. While the Sinhala service was expanding itself in 80s and 90s in regional broadcasting

services nothing of like that was done for the Tamil areas. The regional broadcasting station for the north was operating from one of the Islands of Jaffna and understandably it came under the military control. So much so, in the mid and the late 80s the northern station was used to do propaganda for the security services.

When the 1994 change came, there were great expectations and SLBC Tamil Service was becoming slightly more visible. By this time the notion of having political loyalists at the top had become one of the standard prescriptions of administration in this country. SLBC, including its Tamil service had to follow suit. There was talk of new recruitment, but somehow or other, except for one, no other new appointees were able to continue. This of course was due to the internal politics of the unit, but there was now the potential for the state-initiated Tamil broadcasting to regain its earlier popularity. Though Colombo-based, many activities were taken to involve the Tamil listeners.

Tragically this was the time when National Service's broadcasting hours in Tamil were slashed. Without going into details we could say there is only 1-½ hours in the morning and 5¼ in the evening daily. If we take off the news and announcements, the BBC broadcast and the Muslim service broadcast from 8.00 - 9.00 p.m., there is virtually no time for any serious broadcasting. For the weekend there are broadcasts during noon too. The programs have been planned in such a manner that rural programs are broadcast between 5 and 6.00 p.m. and dramas between 6.00 and 7.00 p.m.!

All the Carnatic recitals have been stopped for the simple reason that Tamil National Service does not have a convenient 45 minutes to one hour time-slot to broadcast musical programs by senior musicians.

The awful and pitiable position of the current Tamil National Service broadcasting is best seen when compared with the purpose with which broadcasting is going on in Sinhala. Today, for the average Sinhala listener, radio is an important medium of political and social communication. Leaving aside the giggles that is associated with FM broadcasts let us consider programs like *Subharathy*, which outwits even the popular *Janahanda* of the TNL in its openness. Take also into account the number of broadcasts that take up public issue for discussion. I was particularly impressed by the discussion program on keeping the natural environment of Adam's Peak (Sri Pada)

safe and intact. There is not a single program now over the Tamil service comparable to what is going on in the Sinhala service. The Muslim service itself has very relevant programs. In the morning broadcast there is a slot for news and views (*Naal Mahal Arangam*), but it is nowhere near what goes on in the Sinhala service.

To add to this regional broadcast meant for the up-country Tamils is also no more in existence.

The question is what prevents the SLBC authorities to open its Tamil service for at least minimum level of discussion and listener participation? If there is fear about an open political debate, at least why not have debates on cultural and social issues? This is a very unreasonable use of Tamil. Perhaps the broadcasting authorities could take a tip what is happening at Lake House, how *Thinakaran* is struggling quite successfully to catch the attention of all Tamil readers.

The tragedy is all the more because of what is broadcast on the Tamil service of the private radio stations. The two Tamil private broadcasts provide better news, but even they do not follow what their Sinhala counterparts do. The *Hiru* and *Sri* stations are coming out with very useful discussions. Both the private Tamil stations have only succeeded in getting calls from unmarried girls in the early night programs. Of course this is part of the FM tradition, but at least they should consider stepping in to provide listeners a complete broadcast. Repeating the omissions of the state in matters relating to Tamil is really a painful task. But it becomes the duty to tell many of our non-Tamil friends who often ask the questions: What are the problems you face? Are you not equally treated?

From what is going at SLBC any Tamil listener would say the he or she is thoroughly dissatisfied and disappointed. That a government which seeks to find a lasting solution to end the political war continues to overlook the more obvious inequalities that hurts a community's soul and its spirit is mystifying. The English Service is able to go on till 11.00 p.m. whereas Tamil service closes doors at 10.30 p.m. depriving the discerning Tamil listener to listen to soulful music. If the Tamil listeners want to listen to South Indian stations please do not blame them.

Four million visible minorities called Canada home in 1990s

Nearly two million new immigrants in a decade and a deepening spectrum of visible minorities: not since the Great Depression has Canada looked so colourful — and so crowded.

New census numbers on immigration and ethnic origin released today by Statistics Canada suggest the country is living up to its reputation as a place where diversity is embraced, not erased.

In Toronto, the picture is even more diverse. Visible minorities represented 43 per cent of the city's population when the 2001 census data was collected, up from 37 per cent in the 1996 census. The largest visible minority population in Toronto is Chinese (259,710), followed by South Asian (253,920) and Black (204,075).

But if the latest signs of ethnic tension are any indication, those numbers — four times as many visible minorities in the 1990s, a percentage of foreign-born residents second only to Australia and several areas where minorities are now the majority — also indicate a growing need to get along.

Four million visible minorities, 13.4 per cent of the total population, called Canada home during the last decade of the 20th century, compared with 1.1 million or 4.7 per cent in 1981, the numbers show.

All told, 5.4 million people reported being foreign-born, comprising 18.4 per cent of the total Canadian population — the highest since 1931 and a full percentage point higher than the ratio five years ago.

Only Australia has more foreign-born residents — 22 per cent. In 2000, 11 per cent of United States residents were born outside the country.

"What struck me is how immigration is shaping the mosaic," said Statistics Canada analyst Jane Badets.

Despite the growing influence of Asian countries on Canada's face and voice, the impact of decades of European immigration is still plainly visible, Badets said.

"When I look at the mosaic, I still see the British, the French, the English, the Irish, the Scottish — all those top 10 ethnic origins of all Canadians," she said.

"But I also see the European immigration that's come — the Germans, the Italians, the Ukrainians, and I see the new groups . . . emerging among the top 10 ethnic origins."

The trend suggests Canadians will find out in the coming years just how racially unified their country is, said Jeffrey Reitz, a professor of immigration studies at the University of

In 2001, there were 1.8 million immigrants in Canada who arrived during the previous decade, 6.2 per cent of the total population, compared with 1.1 million — 4.3 per cent — in 1991. Of those, 61 per cent reported speaking neither English nor French most often at home; a surprising 9.4 per cent reported having no knowledge of either official language.

Toronto.

"Race relations is going to become a more central issue in Canadian society in the future; I think that's really a foregone conclusion," Reitz said.

"Where in the last 30 years or so gender has been a big topic, I think that's going to eventually be replaced by race relations. That just seems to be inevitable."

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Of those, 61 per cent reported speaking neither English nor French most often at home; a surprising 9.4 per cent reported having no knowledge of either official language.

Visible minorities represented a towering 73 per cent of the immigrant population who arrived during the 1990s, a huge jump from the 52 per cent of those who arrived in the 1970s, the agency said.

If that trend continues, one in five Canadians will be a visible minority in 2016, up from 13 per cent in 2001. In some places, minorities are already the majority: 59 per cent in Richmond, B.C. and 56 per cent in Markham, Ont.

Canada has long nurtured its reputation as a peaceful, welcoming champion of multiculturalism, home to the mosaic instead of the melting pot, a country defined by its people rather than the other way around.

But Reitz said recent history is full of examples that suggest Canada's no less prone to racism and hatred than anywhere else.

"Race problems, when they really come to the surface, have usually been around for so long that at that point it's really diffi-

cult to do much about it," he said.

"I've had the impression that the public has really turned away from this issue in the last five to 10 years."

Take Toronto, which now boasts one of the highest percentages of foreign-born residents in the world, according to Statistics Canada.

Social workers there say it's often difficult to overcome the barriers that exist between ethnic communities and the agencies that are in place to assist newcomers.

Sometimes, when new immigrants already have an ethnic community to turn to, it often feels as though they're not interested in participating in anything else Canada has to offer, said Jane Rogers, who works with Toronto's WoodGreen Community Centre.

"But when you start to work with them and get to know them as individuals, you realize that's not the case," Rogers said.

"I think people are just basically people, and if you give them an opportunity to know them on an individual basis, you can do a lot to sort of break down those barriers."

There are still those trying to build those barriers back up.

On Monday, Toronto police said they'd been monitoring a Jan. 11 concert in a west-end suburb hosted by neo-Nazi white supremacists and featuring a variety of so-called "hate rock" bands.

Even the police themselves are embroiled in racial tensions with members of the city's black community — an issue experts expect more Canadian cities to wrestle with in the coming decades.

A legal dispute has already erupted between Canada's largest municipal police force and

Canada's most widely circulated newspaper, the Toronto Star, over a recent series of articles that suggested police treatment of visible minorities is consistent with racial profiling.

And then there was the jarring vandalism — fires, smashed windows, spray-painted epithets — that marred several Canadian mosques and synagogues in the wake of the Sept. 11 terrorist attacks in the United States.

"It shook some Canadians out of their complacency, to realize just how close to the surface racism really was," said Karen Mock, executive director of the Canadian Race Relations Foundation.

"There was this veneer of treating people's neighbours and colleagues with respect, but suddenly, Muslim women . . . were afraid to go out of their homes."

Funding for educational programs that promote human rights and anti-racism efforts has been declining in recent years, the result of complacency about racism in Canada, Mock said.

She cited a Hindu temple in Hamilton that was razed by fire in the days following Sept. 11 — police say the arsonists mistook it for a mosque — as the sort of ignorance those programs are designed to deal with.

"I think people realized that the programs had eroded in some areas; they said, 'Uh-oh, we still need this,' because there's another generation of people who haven't been exposed to human rights education," she said.

"We need to continue these kinds of initiatives and not just fall back on our laurels, because of the human nature to fear the stranger."

The incident in Hamilton proved so disconcerting that the city launched Strengthening Hamilton's Community, an initiative with community leaders to develop long-term strategies to repair some of the damage.

For its part, the federal government is straining to keep up with Canada's ever-evolving tapestry of ethnic backgrounds.

Heritage Minister Sheila Copps, who's hosting a diversity and culture forum next April to help revamp Canada's cultural policies, has vowed to help the "visible majorities" earn a higher profile in corporate boardrooms and the public service, where they represent just six per cent of employees.

"When it comes to achieving full equality, we are falling far behind," Copps told the National Council of Visible Minorities in a speech last year.

"When it comes to being told we just can't find the qualified people, I have no patience. When it comes to institutional road blocks for visible minorities, I do not and will not understand."

Of the more than 200 ethnic ori-

gins in Canada, the three largest visible minority groups in 2001 were Chinese, Asians and blacks, accounting for two-thirds of the visible minority population.

The Chinese were the largest visible minority group in 2001, surpassing the one million mark for the first time with 1,209,400 people, 3.5 per cent of the national population and 26 per cent of all visible minorities.

Some 860,100 people identified themselves as Chinese in 1996.

There were 917,100 people who identified themselves as South Asians in the 2001 census, up from 670,600 in 1996. They comprise 3.1 per cent of the total population, and 23 per cent of the visible minority population.

The number who said they were black was 662,200 in 2001, up from 573,900 in 1996. Black people comprised 2.2 per cent of the total population, or 17 per cent of visible minorities.

A large concentration of Canada's black population is on the east coast: 57 per cent of all visible minorities in Nova Scotia are black, as are 31 per cent of those in Prince Edward Island.

Many are descendants of black immigrants who arrived along with the French, British and Scottish settlers of the British colonial era, as well as slaves who escaped along the Underground Railroad or were freed by the British in colonial America in return for their labour or willingness to fight in the Revolutionary War or the War of 1812.

"Although North Americans don't often see it this way, from the perspective of many people around the world, race is a big deal," said Reitz.

"It will be interesting to see whether Canada as a country is able to resolve racial issues that are arising here better than the world as a whole does it."

Not even the census-takers themselves are immune from modern-day sensitivities about race.

Some of the ethnic origin questions on the 2001 census were rephrased as a result of complaints from some people of mixed heritage, said Secretary of State (Multiculturalism) Jean Augustine.

But no major organizations have ever objected to the collection of the data, said Augustine, who defended the practice as necessary to an accurate portrayal of Canada and its people.

"I think that Canadians realize that we need to have that information," she said. "We need to know who we are, we need to know where we live, we need to know where we congregate . . . All of those things are important to us." (*The Toronto Star*)

Federalism: the last chance for peace

By C.D. Chinnakone

The change of government has brought in its wake an end to the war and for over one year the guns have been silent and not a single death has been reported caused by an act of war. The daily death toll continues to burgeon due to murder, road accidents, police firing on civilian demonstrations and protests, gang warfare and contract killings, which have become a way of life caused by prolonged conflict.

There has been a degree of mutual trust and confidence between the two sides, which have contributed so far to progress. However, there appears to be cold winds blowing over the peace horizon. This is a pattern in all post-independence negotiations, a feature in the attempts to solve the ethnic crisis through negotiated settlements such as the B-C Pact, D-C Pact, the Thimpu talks and the Indo-Lanka Accord. In each and every agreement, the same pattern emerges – the pact is signed and then it is negated. Agreements solemnly made but not implemented is a clear and unambiguous sign of pure and simple cheating and buying time.

It is unfortunate that even now with all the fanfare of peace and the pongal celebrations and messages from the president, prime minister and the rest, there are signs of the same ugly pattern reappearing. Take a simple example of the rehabilitation and resettlement of internally displaced persons who are still languishing in refugee camps, when their houses are occupied by the service personnel living in splendor, free from the fear of war and enjoying home comforts in houses built by the sweat and toil of the owners living in hovels in unsanitary conditions exposed to disease and prey to disenchantment.

The primary requirement in the peace exercise is reestablishing normalcy. It is paramount that people go back to their villages and homes to start building a new life in peace and to live without fear. This is where the government is making a cardinal mistake when it allows the army to dictate to the government. It is the sacred duty of any genuine, peace-loving government to tell the army it has a political agenda to usher in peace

The JVP and those who are hell-bent on disrupting the peace process are carrying on a vicious and malicious propaganda against the federal concept having little or no thought or compunction to the disaster that will follow. What is the alternate proposal they have? Just no thing! If they succeed, the repercussions will be destruction on an unprecedented scale not only in the northeast but also in the rest of the country

through negotiations and not by war, because the army failed in its task to establish military supremacy for which it was given every requirement at great cost to the country. The government should not make the mistake of using the army as a cat's paw and engage in procrastination tactics. It is bound to boomerang and lead to disaster.

This time the international community is fully involved in the peace process, with over 40 countries participating in the recent conference. The LTTE has climbed down from its policy of separation and confederation to a federal form of administration with internal self-determination. There are a number of federal systems in different countries, each system to suit its individual requirements. In a multi-racial, multi-lingual society with individual cultural and historical backgrounds, a federal system with realistic autonomy is visibly the panacea. However, the word "federal" has been given a deliberate, twisted explanation and meaning by interested parties describing it as a step towards separation or even a form of separation itself.

There has been a virulent propaganda misleading the Sinhala masses on the concept of federalism. The people who are involved in such an exercise appear to have no genuine feeling for the motherland. The pathetic irony is that even educated people get involved in such dissemination of propaganda, let alone politicians who are vile and who deserve nothing but contempt. A question should be asked from such people whether they have an alternate proposal for settling this vexed problem that has ravaged our land for the past 54 years. There is a silver lining that is evident in the majority of people who are endorsing peace having tasted its benefits since this government assumed power.

The prime minister should articulate the benefits of peace more forcibly by explaining to the people at public meetings and through the media. The president on the other hand is having her own agenda with subtle overtones of disruption. If such a situation is permitted and prolonged it will be disaster by default. The people at large have to be told the truth against falsehood. This is vital.

The widely spoken subject at the peace talks was the LTTE renouncing separation and opting for a federal form of government with internal self-determination for the northeast. The government has readily agreed to such a proposal. But there is once again the lack of explanation of the federal concept and the accruing benefits that could bring about a viable solution to the vexed problem that has led to a war and destruction. The JVP and those who are hell-bent on disrupting the peace process are carrying on a vicious and mali-

Latin is "foedus" meaning covenant or compact. A covenant has to be voluntary and not thrust or imposed, which is not identical with equal partnership. Consequent to World War II, there was a clear case of imposed federalism in Russia, Yugoslavia, and Czechoslovakia. They were all under Soviet type Communist Party rule where the concept was imposed by force. It has been seen that such an imposed federalism is bound to fail in all countries as it did in Russia and Eastern Europe. Take the case of India where consequent to independence the Madras state (Tamil Nadu) agitated for separation and Pandit Nehru gave it federal recognition and saved the situation; other examples are Quebec where there is increased autonomy.

The Tamils of Sri Lanka possessed a separate identity, culture, a territory and historical kingdom prior to foreign rule, but after independence Sinhala

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cious propaganda against the federal concept having little or no thought or compunction to the disaster that will follow. What is the alternate proposal they have? Just no thing! If they succeed, the repercussions will be destruction on an unprecedented scale not only in the northeast but also in the rest of the country.

The meaning of "federal" in

governments imposed every possible impediment and finally started a genocidal and sanguinary war of attrition, which has failed.

If a genuine sharing of power based on equality and extensive autonomy in a federal form of government is denied to the Tamils because of insincerity in the implementation of agreements, there is then a real threat

of separation looming large. The present atmosphere of peace backed by the international community is the appropriate time for a solution and if the delaying tactics are not arrested, they will bring about disaster.

The Tamils have bitter experience of the past 54 years of clear and unambiguous cheating by successive Sinhala governments. This cannot and should not continue. We have seen a year after the ceasefire and the M.O.U. were signed. What have we achieved? The first request for establishing normalcy in the northeast is yet to be achieved. The army is still occupying 3500 private houses, public buildings, schools, hospitals and temples outside the so-called high security zones.

Further, the government in power issues directives to the armed forces and not vice versa. The armed forces cannot dictate to the government, especially in the light of its total failure to accomplish the task entrusted to it despite bring given all the armaments, facilities as well as assistance from powerful countries around the world.

India did not participate in peace talks and is apparently not happy with the progress of the peace process. It has openly stated it would not participate in the talks when one maverick, Swamy, filed action in its Supreme Court. But now suddenly India is sending one Nambiar who is seconded as an expert in defining high security zones to help Sri Lanka. A simple question may be asked as to why this expert Nambiar could not advise his own military intelligence to prevent a debacle at Kargil where the Pakistanis built bunkers for 150 kilometers and attacked the Indian forces. Still worse a few Pakistani-trained militants allegedly breached the heart of the Indian army at Red Fort in Delhi and worse still, they attacked the very seat of power – the Indian Parliament.

Sri Lanka should stand up together as one nation unified by the fact of two communities in one country. When we are divided, we fall prey to outside interference. "We are capable of managing our own affairs" – that is what we should declare. Let us come together to build a strong and united country and face the world.

Zimbabwe: talks on land

By Lewis Machipisa

International donors Wednesday said they understood and supported Zimbabwe's land reform programme, but they did not immediately back their statements with money.

At the opening of the three-day international donors conference September 9-11, donors and the Zimbabwean government spent time exchanging views on how to create a land reform programme that begins to alleviate poverty and benefits a wide section of Zimbabwe's population.

A representative for the European Union (EU) said although the draft-programme prepared by Zimbabwe presented an ambitious framework for land reform and resettlement, there are a number of issues, which need to be further addressed.

"In our opinion, the implementation of a land reform programme of the proposed scale would have to be spread over a longer period of time," Peter Leitenbauer told the conference.

The government intends to acquire five million hectares from the large-scale commercial farming sector over a period of five years on which it plans to resettle 150,000 households.

"Land acquisition, selection of beneficiaries and project implementation should be part of a transparent, integrated and consultative process which increases production and alleviates poverty," said Leitenbauer, who is the Austrian Ambassador to Zimbabwe.

Forty-five out of the more than 60 invited local and inter-

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national donors are attending the conference, which seeks to raise 40 billion Zimbabwe dollars.

About 25.5 billion dollars or 60 percent of the amount required for the exercise is being sought from the international community. The government will provide 15 billion Zimbabwe dollars or 35.8 percent, while about 1.5 percent will be met by other beneficiaries.

This week's conference had initially been billed for June 24-25, but was postponed amid speculation that very few donors were willing to subsidise the land reform.

The World Bank, often at loggerheads with the government over its lavish spending, Wednesday said it supported the reform exercise, because it is "incontestable on equity, efficiency and poverty reduction grounds."

"We are delighted that the government has called this conference as a key step in our working together to make sure that Zimbabwe reaps the results it deserves from its land reform programme," said Barbara Kafka, the World Bank Country Director.

"Nevertheless, we must not be naive. The downside risks are high. There is abundant international experience to show that poorly executed land reform can carry high social and economic costs," cautioned Kafka.

"For instance, a programme that does not respect property rights or does not provide sufficient support to new settlers, is underfunded or is excessively bureaucratic and costly, or simply results in large numbers of displaced farm workers, can have very negative outcomes in terms of investment, production, jobs and social stability," noted Kafka.

The World Bank immediately said it will offer technical and financial support and is willing to cooperate with other development partners in completing the design and initiating the implementation of a successful land reform programme in Zimbabwe.

Eighteen years after independence, prime arable land remains a privilege of Zimbabwe's white minority. In the few cases where it has been redistributed, it has not been done fairly, or where people were resettled, no infrastructure was made available.

Last November, the govern-

ment designated 1,503 mostly white-owned commercial farms for take-over. Whites constitute two percent of the population, yet they still own half of all the prime land, while a million black families are still settled on barren land after being forced to vacate their original fertile areas by the colonial rulers.

"The victims of expropriation have suffered humiliation and impoverishment throughout several decades to the present day," President Robert Mugabe told the conference Wednesday.

The average population density in the communal areas is 35 people per square kilometre and rising to 50 per sq metre in the most congested districts, he added.

"The recent spate of occupations of large-scale commercial farms by communal farmers desperate for land, reflects their deep-seated anger and mounting frustration with the present pattern of unequal distribution of land ownership, and the pace at which resettlement has been conducted since independence (in 1980)," Mugabe told delegates.

"Government cannot afford to betray the faith and trust reposed in it by the people to de-

liver land to the landless," said Mugabe, noting that his government remain committed to orderly resettlement and will not tolerate people taking over White commercial farms by force.

"If we delay in resolving the land needs of our people, they will resettle themselves. It has happened before and it may happen again," stressed Mugabe. "Such anarchy will not be helpful to anyone. We, therefore, trust that the government's efforts for orderly resettlement will receive the necessary support."

To a considerable extent, said Leitenbauer, the EU representative at the conference, the success of the land reform programme will depend on a conducive macro-economic environment, including the energetic pursuit of the second phase of the country's economic reform programme.

"Land reform should also be part of a general reorganisation of Zimbabwe's agriculture through a revised national land policy with a view to promoting greater efficiency of land holdings in the communal, as well as in resettlement areas," said Leitenbauer.

"A land reform programme should also aim to enhance agricultural production and efficiency and thus generate rates of return necessary to justify the investment required. For this reason, training programmes of prospective farmers will be an essential element of a support package focusing on poverty alleviation," he added.

"We are confident that a land reform programme meeting the points I have raised will command wide support." (IPS)

Making a nation...

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upholding the preliminary objection raised on behalf of the respondent.

The idea of group rights and its essentiality in building a nation was completely alien to the minds of the judges of the apex court of the land at that time.

From that day the Tamil community has been destined to "live perpetually in translation". (Even today according to law, "in the event of any inconsistency between the Sinhala and Tamil text of any act of Parliament, the Sinhala text, shall prevail")

Yet, we are talking of equality before law and equal protection of law in this country.

In *Bribery Commissioner v Ranasinghe* (66NLR) Lord Pearce of the Privy Council referred to provisions of section 29(2) of the Constitution and expressed the opinion that: "they represent the solemn balance between the citizens of Ceylon, the fundamental con-

ditions on which inter se they accepted the Constitution; and these are therefore unalterable under the Constitution".

When he wanted to proclaim Ceylon as Socialist Democratic Republic, Dr. Colvin R. de Silva cleverly devised three techniques to overcome the constitutional hurdle posed by section 29 of the Solbury Constitution.

He did away with the practice of appealing to the Privy Council, abolished the Senate and set up the Constituent Assembly after obtaining a clear mandate for this from the people.

Could Dr. Silva engage in these maneuvers in a Parliament, the legislative authority of which was limited by section 29 (2) of the Solbury Constitution?

Could the Parliament of Ceylon (the Queen, the House of Representatives and the Senate) legally divest itself of one of its constituent parts?; and in particular, the part from which it actually derived its legal authority to legislate? In

addition, the Privy Council had already referred to section 29 (2) as containing 'fundamental reservations', subject to which Parliament enjoyed the power to make laws for the peace, order and good government (*Ibralebbe v The Queen*, 66NLR).

Since no one at that time thought of raising these issues to challenge legality of the actions of the Minister of constitutional Affairs, Dr. Silva, under the same section in the light of the opinions expressed by law lords of the Privy Council.

The manifesto of the United Front prepared for the 1970 elections stated that:

We seek your mandate to permit the members of Parliament you elect to function simultaneously as a Constituent Assembly...

Again, on July 1, 1970 the Prime Minister addressed a letter to each of the 157 members of the House of Representatives inviting them to attend a meeting at the

Navarangahala to consider and adopt a resolution for the purpose of drafting, enacting and establishing a new constitution for Sri Lanka.

The question was whether the members of the House of Representatives had the authority under the Solbury Constitution to assemble outside Parliament and draft a new constitution.

When Mr. C. Suntharalingham Q.C. challenged this process in the Supreme Court (75NLR), it was so insensitive to the issue that it told him his petition urging the court to intervene was based on speculation.

It was a mounting tragedy for the Supreme Court to think like English judges whose is not bound by any constitutional limitations.

The same attitude was reflected on the part of the judiciary when it considered the petition against the 13th Amendment to the Second Republican Constitution in 1987. Instead of discussing the consti-

tutionality of the proposed amendment, the court spent much of its valuable time discussing suitability of a federal system for a country like Sri Lanka.

Discrimination against minorities need not come always from the legislature.

It can also emanate from the judiciary. In Sri Lanka, it has been shown beyond doubt that the judiciary's general mindset against the plural nature of the state and the ideological leanings and personal convictions of individual judges who decorate the temple of justice have contributed in no small measure to the ethnic frustration and polarization of this country as the Prime Minister himself acknowledged recently.

Even at this last moment, can we say that the Sri Lankan judiciary can still play a positive role in nation building?

Recent judgments in PTA cases give us little reason to believe so.

The guns stopped booming more than a year ago...

Text and Pictures by D. Sivaram (Taraki)

But the mines left behind by the Sri Lanka army in the northeast won't go. As long as they continue to kill and maim, the war will never become the distant, fading bit of memory that peacemakers want it to be.

Unless it is discovered and destroyed, a Chinese made T 72 type Anti personnel Land Mine (APLM) left behind by the Sri Lanka army in the north will retain its potential to kill and maim for at least fifty years. The Pakistan made P 4 MK 1 has a 30 year warranty but can last much longer, depending on the condition of the soil in which it is sown.

The LTTE too has used land mines in several parts of the Vanni. However, these mines do not last more than 10-12 months as these consist mainly of a small wooden casing and two AA batteries which decay in the soil. Also the LTTE was able to destroy these quickly as it knew their exact location. "No mine was laid by us after December 2001. Therefore even the stray mine which may have escaped our notice, would be dead by now," an LTTE official said.

Despite the hype in the media and in Colombo's diplomatic circles about ambitious programs to remove landmines and unexploded ordnance in the north, deadly landmines such as the T 72 remain in thousands of unmarked mine fields left behind by the Sri Lanka army in November 1999 when it abandoned more than 180 kilometres of Forward Defence Lines cum Localities (FDLs) extending from Manalaaru (Weli Oya) close to the northeast coast to Pallamadhu on the island's north-west coast.

When the SLA retreated from the Elephant Pass base in April 2000 it abandoned four layers of defence lines reinforced with concrete, steel and millions of Pakistani, Chinese and US APLMs, Claymores, ordnance linked booby traps and vehicle mines.

"We think there are at least two million mines in the entire Vanni region. We do not know the number of unexploded ordnance (UXOs) left behind by the SLA. There are approximately 1470 million square metres which have to be de-mined in the Vanni region alone. There are many SLA minefields in the east and in the Jaffna peninsula," says P. Yogan, who heads the Humanitarian De-mining Unit (HDU) of the Tamil Rehabilitation Organisation (TRO).

There are numerous impediments to making the northeast mine-free. Shortage of funds, reluctance of international donors to fund the HDU directly, the very slow pace of international de-mining work etc.,

But the biggest obstacle is the lack of knowledge about the location of mine fields. "The army has left behind thousands of mine-fields



Shod only in slippers a member of the Humanitarian De-mining Unit clearing mines in the Vanni

consisting of lethal devices such as T 72, P 4 MK 1, P 3 MK 1 Jumping Mines and US made M -15 vehicle mines. But we do not know where these are because the Sri Lanka military is refusing to give us the minefield maps," says Yogan.

The HDU had communicated with

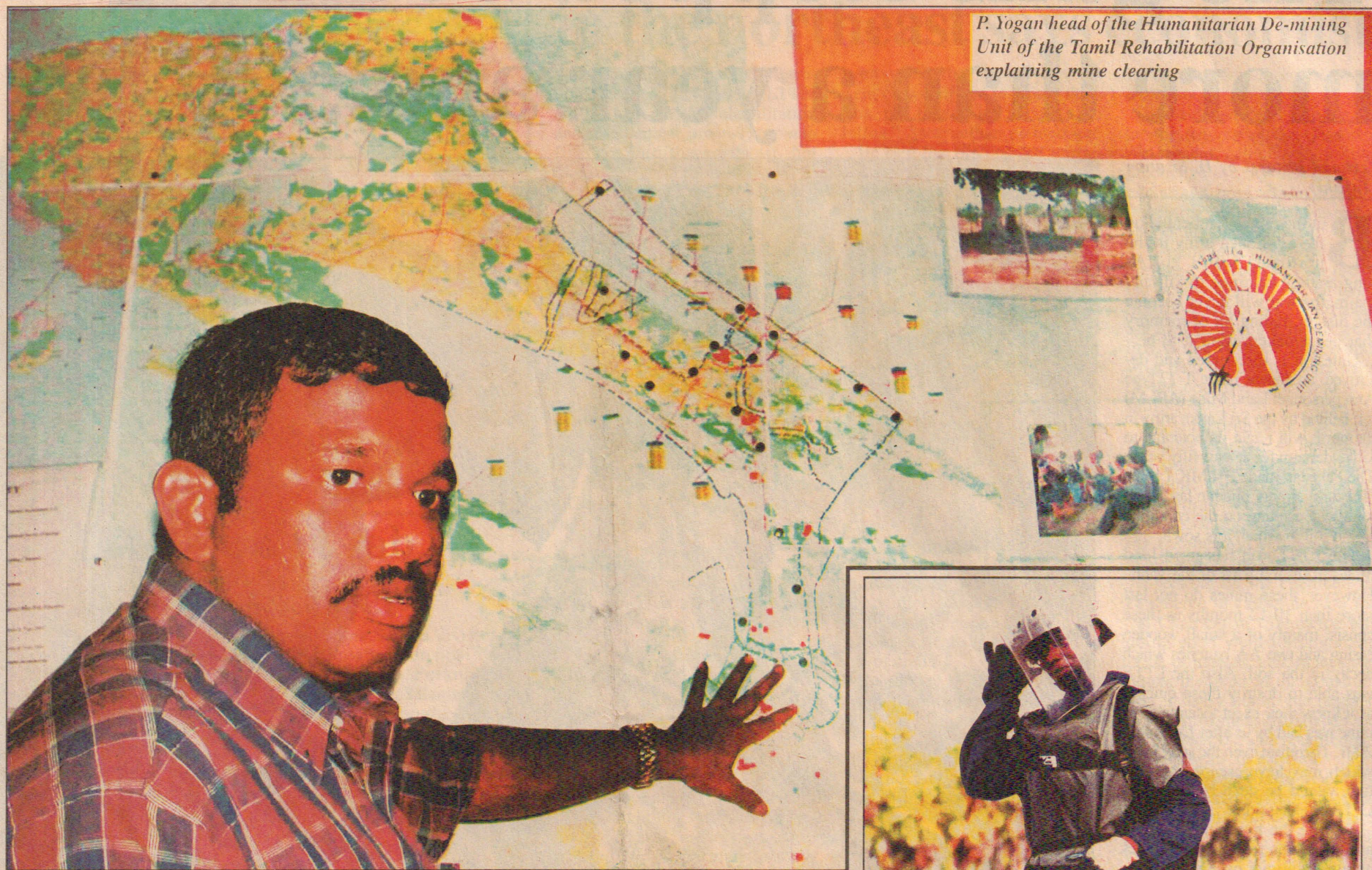
the Sri Lanka army through the UNDP, requesting the maps of the minefields it had left behind, when it abandoned its sprawling camps and long FDLs in the north. But the SLA has declined to part with the maps indicating the location of the areas where it had sown mines and set up

booby traps.

"The SLA's refusal to give us the maps of their mine fields is today the greatest impediment to resettling refugees in all parts of the Vanni and to ensuring their economic security. Thousands of acres of fertile agricultural land still remain out of bounds

for resettling communities because we have to carefully scour every inch of the soil to locate hidden minefields. And it is a slow process," Yogan said in an interview with the *Northeastern Herald* this week at the HDU's head office in Kilinochchi. (Cont. on page 12)

P. Yogan head of the Humanitarian De-mining Unit of the Tamil Rehabilitation Organisation explaining mine clearing



The guns stopped...

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"There is tremendous pressure on us from the thousands of Internally Displaced Persons (IDPs) who want to resume their livelihoods in areas where they have begun to resettle. But expediting our work to keep pace with the speed of resettlement in the Vanni is difficult without the SLA maps."

Yogan points out. Informed sources said that the UNHCR had suggested that the SLA minefield maps could be obtained towards the successful conclusion of the peace talks.

However, a senior NGO worker in Jaffna, when asked about the

suggestion, condemned the idea. "The army's refusal to hand over maps of its abandoned minefields in the LTTE controlled Vanni - in places where people want to resettle - can mean only one thing today. It is totally reprehensible that minefields which kill and maim people should be used as indirect bargaining chips in the talks," he said.

A government official in Jaffna said that there are many SLA mine fields in areas where people are resettling in the Thenmaradchi Division. The SLA has not permitted de-mining in many of these parts so far.

The HDU said that it wouldn't be discouraged by the absence of the SLA's minefield maps. The organisation plans to expand its current force of 301 de-miners to 600.

International NGOs do not share the HDUs enthusiasm to speed up de-mining, to keep pace with the current resettlement patters of the Vanni. INGOs say the tardiness of de-mining is inevitable for it has to be done according to international standards.

Yogan rejects this. He said: "De-mining is big business in the world today. There are great pecuniary interests at stake behind the INGO's rationale for unduly prolonging the work of de-mining. What did they say about prospects for resettling in Kilinochchi early last year? If we had not taken the initiative, most towns of the Vanni would have still remained out of bounds for our people. INGOs prolong de-mining work under the pretext of maintaining 'international standards' in order to maximize their



A fully protected member of the UNDP's de-mining team

financial gains and benefits. A local de-miner is paid 100 USD per month whereas an expatriate worker is paid about 10000 US Dollars in addition to luxury vehicles and high overheads."

The UNDP spent more than 300 million rupees to de-mine about 998 land mines and 384 UXOs in an area of 23000 sq. metres in Jaffna from April to December 2000. The work received much publicity in the Colombo press at the time.

During the same period the nascent HDU removed 40000 mines with a basic three pronged implement in an area of 36.7 million square metres with a budget of less than 2 million rupees.

"The bluff about prolonging work to maintain international standards is called when one considers the fact that there have been at least 12 accidents in the area cleared with UNDP assistance in Jaffna," the senior NGO official in Jaffna said.

The HDU has removed and destroyed 96500 mines and 72000 UXOs in the Vanni since it was formed in April 2000.

"We want to take our expertise to other parts of the world plagued by landmines. INGOs may take the credit for de-mining but we want to make the world a safer place for other peoples oppressed by wars and afflicted by landmines," Yogan said.



Crest of the Humanitarian De-mining Unit