

Not that they were not aware.

".....Not only is the population not homogenous but the diverse elements of which it is composed distrust and suspect each other. It is almost true to say that the conception of patriotism in Ceylon is as much racial as national and that the best interests of the country are at times regarded as synonymous with the welfare of a particular section of its people."

From Donoughmore Commission Report.

TRINCOMALEE**TAMILS LANGUISH IN CAMPS****SINHALA COLONIZATION PROCEEDS**

Sinhala colonization of the Trincomalee District is being carried out by the Government of Sri Lanka under pretext of rehabilitation while nothing has been done in the direction of resettling Tamils rendered refugees by the war. The Government's efforts are supplemented by Baudha Sinhala Organizations functioning in the Sinhala country and also by 'SARVODAYA' an NGO functioning from Moratuwa. Sinhala Government officials and armed forces are actively participating in this process of colonization aimed at changing the demographic pattern of the Trincomalee District.

Large numbers of Tamils from Trincomalee District were rendered refugees when the current war broke out in June, 1990. Practically many villages were completely abandoned and the villagers fled to other areas.

A large number of Tamils from the Trincomalee District are living as refugees in the Batticaloa, Mullaitivu, Kilinochchy and Jaffna Districts. A large number of Tamils have fled to Tamil Nadu in South India and are living there as refugees.

A smaller number of Tamils who could not flee their homes to outside areas but who could not live in their villages either are living as refugees in various refugee camps in the District itself under great stress and strain and constantly in fear of the armed forces and Home Guards (Muslims and Sinhalese) set up by the Government.

There are about 5000 Tamil families consisting of about 18,000 persons living in twelve refugee camps for nearly one

and a half years now. Nothing has been done to have them resettled in their villages which are militarized with the Sinhala armed forces and Muslim and Sinhala Home Guards.

There are about 22 villages in the Trincomalee District from where the Tamil villagers fled in fear of the Sinhala Army.

These villages are Aathiamankernai, Raalkuli, Kankai, Upparu, Alankerny, Eechantivu, Poonagar, Kumbrupiddy, Kuchchaveli, Thiriyai, Kallampaththai, Kanniyai, Pankulam, Paalam Pottaru, Kappalthurai, Alimchenai, Sinnakinniya, Eilankaithurai, Mukathuvarm, Navalady, Tennamaravadi, Irrakakandy

and 3rd Colony (Left Bank 3). None of the Tamils who fled the above-named villages have been resettled in their villages - not even those 18,000 persons living in the 12 refugee camps. But the process of settling Sinhalese people - especially from outside - is being implemented with speed and alacrity.

ENTIRE VILLAGES VACATED

About 300 families who lived in poonakary, Kautharimunai, Vinasiadai, Veddukadu, Mannithalai and Kalmunai have all been displaced from their homes and are living as refugees in other areas.

It is learnt that these 300 families comprise 86 fisher men's families, 88 agricultural peasant families, 50 Tapper families, and the rest wage earning labour folk. All these families have now lost their regular incomes from these occupations.

It is further learnt that these families were compelled to leave behind their livestock. The reports added that about 24 boats have been damaged and others taken away by Sri Lankan soldiers. The

farmers who had been involved in agricultural pursuits during the current rainy season have sustained heavy

financial losses as a result of about 1000 acres of paddy being abandoned after sowing.

ARSON AND ARREST

Reports from the Amparai District state that on Tuesday, October 29th, Sri Lankan soldiers at the 36th Colony camp went to 39th and 48th Colonies and set fire to 15 houses, 5 shops and a rice mill in these colonies all belonging to Tamils.

The report further adds that soldiers looted all valuable properties in a house there.

Other reports indicate that the Sri Lankan Army stationed in the Amparai District are making indiscriminate arrests of Tamils and subjecting them to torture.

SAARC — Conference Aborts

The much-publicised SAARC - Conference scheduled to be held in Colombo between November 7 and 9 came to grief at the last moment.

The Bhutanese king informed Colombo that he would not be able to attend the Conference and India said that the Conference could

not be held in the absence of any head of a member state.

By this time three heads of Governments had already flown into Colombo. President Premadasa has specifically said that the SAARC Conference failed to materialize because of India. India of course has denied this.

Refugees ousted from Camps

Reports reaching Jaffna from the Batticaloa and Amparai Districts state that the Sri Lankan Army has driven out Tamil refugees from camps because of a government order to close

down all the refugee camps, according to the army.

It is further learnt that the Tamil refugees so driven out have run into adjoining forests to escape bodily harm.

Military and Economical Climate Unfavourable for Talks**Mahendrarajah's Reply to Thondaman**

"The Government is carrying on military extensions in the Northeast and is simultaneously perpetuating severe economic strangulation of the Tamil people. Under such military and economic pressures it is difficult to conduct free and fair talks on an equal footing". So

said Mr. K. Mahendrarajah, the President of the People's Front of the Liberation Tigers of Tamil Eelam in his reply addressed to Minister Thondaman.

Earlier Minister Thondaman had sent a letter dated 26.9.91 putting forward a

basis for a resolution of the Tamil problem. Mr. Mahendrarajah's letter dated 31.10.91 was in response to Mr. Thondaman's letter.

Details of Mr. Mahendrarajah's letter are as follows:-

We acknowledge receipt of your letter dated 26.9.91.

Due to the prevailing war situation here, it was not possible to send a prompt reply.

When the Peace Committee of Quakers visited Jaffna after conducting consultations with you in Colombo, we clearly explained our stand. We are sure that they have put forward our views to you.

Cordial relations essential for talks

We have not laid down any pre-conditions for peace

Talks. We, however, believe that you will appreciate the importance and urgency to create a peaceful and cordial atmosphere as a prelude for Peace Talks. But it is a well-known fact that governmental actions are in no way conducive to create a situation of good will. The Sri Lankan Government is exerting maximum pressure on the Tamil people both militarily and economically. Military action on the one hand and economic strangulation on the other are inflic-

(Continued on Page 6)

Affected G. C. E. Students

Editor,
Hot Spring

It was reported in Hot Spring last week that the Nallur Pensioners' Association in a memorandum to the Hon. Minister of Education, requested him to consider granting suitable relief to the G. C. E. (O/L) & A/L students who could not sit for their examinations.

It is no exaggeration to state that both these examinations are qualifying tests to enter higher studies and for state and private sector employment market.

These affected students have not only been denied their human right to pursue higher studies but have also been deprived of their employment opportunities as these examinations are the passports for any recruitments.

Further details of Govt. competitive and qualifying examinations are announced in the weekly Government Gazettes but they reach the land of the Northeast invariably after the closing dates.

The Govt. Agent, J.D. Mr. C. Manickavasagar, it is understood has taken every step to get the said Gazettes in time but all in vain. Similarly, Mr. R. Sundaralingam, Director of Education, Jaffna is reported to have moved heaven and earth to conduct the Special G. C. E. Examination but that too fell on deaf ears.

The President Mr. R. Premadasa is, however, reported to have said that despite the absence of the former Minister of Education, Mr. Lalith Athulath Mudali,

the work in the Department of Education is being carried on satisfactorily. Now that the President is also Minister of Education, he can do something to these affected students, as the damage done to them has been irreparable as the Sinhala Only Act did to the Tamil public servants. Justice must not only be done but must also appear to be done and the delay will amount to denial of basic right.

Miss Helen Damayanthi
Jaffna.

English for Youths

The Editor,
Hot Spring

English Language is an international language, universally accepted. It is the gate-way for all higher education, technical, academic and professional studies.

Tamil language is our mother tongue. It is our life and death. We cannot study English, neglecting the Tamil language which is important in our day to day life.

The Universe is brought very close by the latest mode of transport and communication. Sri Lanka or Tamil Eelam is no exception.

Sinhala Only Act of 1956 made the situation worse and since then English education has been badly neglected. The youths of today are the unfortunate victims of this Sinhala Only and they need support and facilities to learn English.

It is, therefore, suggested that a simple course in

"English for Youths" be started in the columns of Hot Spring with the support and co-operation of some advertisers and well-wishers.

Opinion of the readers will be greatly appreciated in this regard.

P. S. Thiruchelvam
Nallur.

Not Opportunism

The Editor,
Hot Spring.

I read with interest the letter of Mr. K. C. Adiyapathan published in your esteemed journal of 27-10-91 presumably, on the issue of M. P's taking oaths in Parliament.

It is my considered view that one should not be too rigid on this issue at this juncture. Parliament can be used as a forum only, to advance the cause of Tamils in the present circumstances; attention of the world could be focussed on the predicament of the people of the North East with much facility. The world opinion matters a lot for us at this moment.

Further, opting for strategies is definitely not opportunism or hypocrisy. After all, discretion is the better part of valour.

Yours faithfully,
Alvai M. Thambipillai

Birth Certificate

The Editor,
Hot Spring.

Dear Sir,

I would like to bring the following matter to the attention of the Government Agent.

I applied for the copies of the birth certificates for my family members on 07-03-1990 at the Jaffna Kachcheri, when the Indian was patrolling that area. Up to now, I had not received anything from the Secretariat.

Therefore I humbly request the G. A to give statements about this matter in the mass media.

Yours faithfully,
S.C. Emmanuel. B. Sc. (Cey)
Achevely.

Who is the genius?

The Editor,
Hot Spring.

Dear Sir,

It is quite evident that quite a number of people will be interested to know

during these days when a bottle of kerosene is Rs.150/- the genius behind the innovation of the Jam Bottle/cotton wool/paper and bicycle valve tube holder - kerosene lamp.

One hears of various claims. Perhaps through your columns, we may learn the truth.

Yours truly
A Reader
Jaffna.

Blow Hotter

Dear Sir,

Hot Spring - may we wish you all well. May you grow from strength to strength in your Second Entry year.

May you stride splendidly! God Bless you.

Let Hot Spring be hotter-blow hot. Being the only English paper you could produce issues to the reading public. Your valuable journal could also be circulated in the South and for information of East too. Literally like the hot springs of Trincomalee, people enjoy the hot baths. So let the Northerners enjoy your Hot Spring daily for real Hot Reading.

All the best on your second year run.

S. Jayaratnam
Chavakachcheri

Tellippalai District Hospital to Function from Mallakam

Mr. S. Sribaskaran, President of the Mallakam Rural Development Society in a Press note says that consequent to the efforts of the Society and other organizations functioning within the Valikamam North AGA's Division, the authorities have now decided to open Medical Clinics of the Tellippalai District hospital at Mallakam and Erlalai within the AGA's Division of Valikamam North.

The note further adds that consequent to the current war the various sections of the Tellippalai District Hospital functions from various places outside the A.G.A's Division causing great hardships to the patients in the Division. The Mallakam Rural Development Society offered its buildings free of any rental for the Hospital to undertake its services within the Division.

Responding to the requests of the Society and of other organizations the authorities

have agreed to open clinics at the Mallakam Rural Development Society Buildings from 9-11-91 Medical, Paediatric and Diabetes clinics will be held at Mallakam in the mornings of Tuesdays, Thursdays and Saturdays respectively. On Mondays, Wednesdays and Fridays clinics will be held at Erlalai.

Mr. Sribaskaran also stated that efforts are being made to start the out-door and indoor treatment of all patients also within the Division.

SPORTS

Schools Soccer

St. John's College beat Canagaratnam Maha Vidyalyalam by 2-0 in a First Eleven match played at the former's grounds.

The Johninans also figured in a two all draw against Chunnakam, Skandavarodaya.

In a match played at Chunnakam, Skandavarodaya drubbed the Centralites 6.1.

These matches were played on 4-11-91

- Vijayakumar -

BROKEN PLEDGE

Mr. Natesan's Lament

"Mr. S. Natesan, son-in-law of the great Sir Ponnampalam Ramathan, the first Ceylonese elected member of the legislature, claimed that the community to which he belonged, could take pride in the fact that it had made the largest contribution towards the evolution of self-government to Ceylon. The Tamils, he said, had a sense of grievance.

They had asked for balanced representation, not because it was something that came out of their brains but because it was the pledge given to them by the British Administrators.

The Tamils had asked for a commission which they considered necessary. The Commission had given scant respect to the claims of the Tamil community."

Extracted from the "Life and Time of Sri Lanka's First Prime Minister, Don Stephen Senanayake" by H. A. J. Hulugalle.

D. S. Architect of Soulbury Constitution Says Ivor Jennings

"The fact that the new Constitution was called the Soulbury Constitution", says Ivor Jennings, "had led those who have not read the document to infer that it was produced by the Soulbury Commission. The fact is that it was produced by Mr. Senanayake. All the essential provisions of the Ministers' Draft were embodied in the Soulbury Constitution and the only addition made by the Soulbury Commission was the Senate"

The belief that the Soulbury Commission produced the constitution is partly due to the fact that people doubted whether Mr. Senanayake had the capacity to produce a Constitution. After all he had never passed Matriculation. This is, however, to underrate Mr. Senanayake's intellectual capacity"

Extracted from the "Life and Times of Sri Lanka's First Prime Minister, Don Stephen Senanayake" by H. A. J. Hulugalle.

Self-Determination of Peoples and the Tamil National Struggle

The right of self-determination is firmly established as one of the fundamental principles of international human rights law. Unfortunately, the right of self-determination has not been viewed to apply to the Tamil national struggle. Recent events in Sri Lanka, however, compel reevaluation of the right to self-determination of the Tamil people. This paper discusses the law of self-determination; shows why under traditional analysis, the Tamil struggle did not previously invoke the right, and why recent events now justify its application.

The Law of Self-determination

The right to self-determination is found as the first protected right in both two major international human rights instruments - the International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights. As these treaties do not define self-determination, a number of other international law documents must be consulted in order to define self-determination.

Self-determination Applies to 'Peoples'

The first issue to be addressed in defining the right to self-determination is to whom does the right apply. The right is generally viewed to apply to "peoples" not states or individuals. The International Court of Justice emphasized this aspect of the right in its case regarding Western Sahara when it referred to "the principles of self-determination as a right of peoples" (1975 I.C.J. 12,31). The United Nations Special Rapporteur, Hector Gros Espiell, in his Report on the Right to Self-determination also defined self-determination, as the right of peoples. "Self-determination is a right of peoples... of a specific type of human Community sharing a common desire to establish an entity capable of functioning to ensure a common future." (U. N. Doc. E/CN.4/Sub.2/405/Rev.1 (1980) at p. 9)

The use of the term "peoples" presents yet another definition problem. "Peoples" are not merely ethnic minorities; the group claim-

ing the right of self-determination has to have an identifiable territory or home land which due to certain circumstance, they no longer fully or partially control. Most authorities agree that the right originally applied to peoples not in control of their territory due to foreign or colonial domination. The United Nations Declaration on the Granting of independence to Colonial Countries and Peoples focuses on countries under foreign (mostly European) colonial control. (U. N. G. A. Res. 1514, 15 U. N. GAOR Supp. (No. 16) at p. 66 (1961). The dominated peoples held the right of self-determination as long as the colonial power was present. However, after the colonial power left, the right to self-determination expired. This was true even

- Karen Parker - U. S. A.

if the colonial power had artificially created a "state" from the territory of several ethnic groups, each having political separation and control. The pre-existing ethnic groups were not viewed as having separate rights to self-determination. Once the colonial power left, the right to self-determination only applied again if another power seized control, such as when Morocco seized Sahara from the Saharan peoples when the Spanish colonizers left.

Of course, the underlying divisions among different ethnic groups have led to separations or attempted separations of states since the departure of the colonial power. Both Pakistan and Nigeria suffered civil wars based on ethnic and political differences. In the case of Bangladesh, statehood was gained, not because the Bengalis were recognized as having the right of self-determination but because they won the war. The Ibo people in Nigeria are not viewed as entitled to self-determination, but might have established a state recognized by other states if they had won the civil war.

The Substance of Self-determination

The substance of the right to self-determination causes

fewer difficulties. When a people have the right to self-determination, it means they have the right to freely determine their own political status, and to pursue economic, social and cultural development. The importance of economic control as an aspect of self-determination is stressed in the United Nations Declaration on Permanent Sovereignty over Natural Resources (G. A. Res. 1803. U. N. GAOR Supp. (No. 17 at p. 15) in order to ensure that the entity remains independently viable. Cultural rights, including the right to traditional styles of housing, languages, religions and traditions are included in substantive right of self-determination. For example in the developing Declaration on the Rights of Indigenous Peoples, cultural rights are set out as follows:

Indigenous nations and peoples continue to own and control their material culture, including archaeological, historical and sacred sites, artifacts, designs, knowledge, and works of art. They have the right to retain items of major historical significance (They) have the right to be educated and conduct business with states in their own language, and to establish their own educational situations. (U. N. Doc. E/CN.4/S-ub.2/AC.4/1985/W-P.5 and Add. 4)

Self-determination is a Peremptory Norm

The importance of the right to self-determination is reinforced by its consideration as a peremptory or *jus cogens* norm. This means it has a binding mandatory nature, and cannot be denied under any circumstances. The operation of *jus cogens* voids any treaty, international or national instrument or law or act that violates one of its norms. In the International Court of Justice's case on Namibia, Judge Ammoun called the right to self-determination a norm of the nature of the *jus cogens*, derogation from which is not permissible under any circumstances. (1971 I. C. J. 89-90 (Ammoun J. separate opinion) Most international experts in the field concur that the right to self-determination, with its prominent place in the rights treaties and its import-

ance to the achievement of international peace and friendly relations among nations, is peremptory.

The Tamil Situation and Self-determination The Old View

The current Tamil National struggle has not been viewed to invoke the right to self-determination. This is because the last foreign or colonial power, England, has already left. The one new government was considered "indigenous" even though the two major ethnic groups had been sufficiently distinct in language, territory, religion and culture to have been two different states prior to English colonization. The International community has not accepted the view that the Sinhala-dominated government is a foreign or colonial power over the Tamil nation. Accordingly, the Tamil struggle has been considered to be against an indigenous, and the conflict against the government has been characterized as a civil war not a war of national liberation. According to that reasoning if the Tamil people were to win full or partial sovereignty because of military victory or political negotiation, then, of course they would have the power to exercise the substance of self-determination ... the free determination of their political status as well as economic, social and cultural development.

The international community has recognized the continued violations of the human rights of individual Tamils. Since 1983, both the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights have addressed the situation of Tamils either in resolutions or extensive testimony. The International community also recognized the application of humanitarian law. Normally, the existence of violations of human rights, even when carried out in a systematic fashion against one segment of a national population, does not lead to development of the right to self-determination. Nor does the existence of a civil war, such as existing in Sri Lanka because of the armed conflict

between the Liberation Tigers of Tamil Eelam and the armed forces of Sri Lanka, invoke the right to self-determination...even when there are widespread violation of the rights of combatants and civilians in the course of the armed conflict.

The Tamil National Struggle and Self-Determination: The New View

In spite of traditional analysis, there are two ways in which the application of the right to self-determination becomes justified in Sri Lanka... (1) the long-standing virtual intransigency of the Sri Lankan government by its refusal to respect the human rights of the Tamil people in spite of continued international pressure; and, (2) the internationalization of the armed conflict by the entry of the armed forces of India.

The Intransigency of the Sri Lankan Government

The intransigency of the Sri Lankan government by its refusal to fully respect the rights of the Tamils has led directly to the armed conflict. Many Tamils felt there was no alternative... all other less drastic measures had been tried and failed. The International community does not require oppressed people to suffer in silence or to passively resist for years and years and years. At some point the international community has to expect that oppressed people will fight back. When this happens, one could argue that demand for and exercise of the right to self-determination has become the only way in which Sri Lankan Tamils can achieve the other human rights. Armed struggle is one vehicle to achieve the exercise of self-determination. In 1975 Judge Ammoun of the International Court of Justice, recognized the lawfulness of armed struggle to achieve the right to self-determination. 1975 I. C. J. 12,304 (Ammoun J. Separate opinion) International law expert Ian Brownlie, in stressing the peremptory character (*jus cogens*) of the right to self-determination, points out the special combatant status for armed defenders of the right. Brownlie, Principles of Public International Law - 3rd edition, 1977 at p. 83).

India's Intervention Army

With the entry of India into the Sri Lankan civil

(Continued on Page 4)

Musings by Nestor

The Principle behind the Secret ballot

Election of the President is by secret ballot. Similarly the election of Members of Parliament is by secret ballot. Election of the Speaker is by secret ballot. All these involve a personality. Since the person so elected has to serve the whole electorate, it is essential that such a functionary should not be under the consciousness that so and so voted against him. The functionary is more or less in the position of a judge and act impartially. The election therefore is a secret ballot.

Ipso facto it follows that a vote of No Confidence on such a functionary has to be by secret ballot.

In the Western world an impeachment motion is a rare thing. Further it is now a judicial process. Election petitions have not been filed in the U. K. for nearly a century. Nixon was really laughed out of the Presidency. But in the third world countries no confidence motions are frequent and if democratic provisions are not observed the bullet will take the place of the ballot. The opposition must make the secret ballot a rare plank of constitutional amendment at the next General Elections.

Karuppiyah Samy.

New Delhi appears to relish being humiliated and disgraced. The Quit Order (within four days) issued on Karuppiyah Samy, the Correspondent of All India Radio is an utter humiliation not to Karuppiyah Samy but to Akasa Vani and therefore to India. Karuppiyah Samy does not appear to have been allowed an opportunity to explain how he got the information. Tamils of Ceylon have no special reason to admire Karuppiyah Samy. While Veritas Radio and the B. B. C. make their own news gathering and assessment, Karuppiyah Samy appears to have been throughout retailing what the Government sources revealed and was always hostile to Eeylom Tamils. Obviously on this occasion also Karuppiyah Samy retailed what he heard from Government sources. Apparently on second thoughts these official quarters reversed their position. Although Karuppiyah Samy tendered an apology it was only an evidence of humiliation. There was no response to the apology. He was just told, "shut your mouth and get out" That is the status of India in the circumstances please.

Can lunacy go further?

A Deputy Minister of the Government at New Delhi is reported to have told Press persons at Madras that the Cabinet at New Delhi considers the problems of Liberation Tigers of Tamil Eeylom as a national problem of India. This only means that the Congress Government at New Delhi has lost all sense of objectivity.

The Sinhala Nation is six times as numerous as the Tamil Nation in the Island of Ceylon. Tamil Nation is fighting for its freedom from the genocidal Sinhala imperium. The Sinhala Nation called Sri Lanka controls the Governmental machinery inherited from the British and the implied recognition as a polity from the fact that they succeeded the British under the majority decision - making system borrowed from the Westminster pattern. Former President Jayawardene had categorically stated with unusual frankness that the Tamils were not in the mainstream of the Island's politics ever since Sir Ponnambalam Arunachalam resigned from the Ceylon National Congress. Along with him all the Tamils left the Ceylon National Congress which was founded on the analogy of

the Indian National Congress. When the British proceeded to grant progressively full responsible government for the Island polity, the demand of the Tamils was for constitutional safeguards for them against the risk of the Sinhala majority acting adversely to the interests of the Tamils. They insisted that the Devonshire formula which stipulated that the proportion of representation to any single community should not enable it to outvote all the others combined. This was known as the fifty-fifty formula, and was devised by the Britisher himself to be applied in multiracial colonies configured by the British. This demand for constitutional safeguards necessarily implies that the Tamils did not agree to form part of a conventional polity which was configured not by the will or consent of the people but solely on the strength of the British imperial fiat.

All these clearly explain that the Tamils never consented to or acquiesced in a polity in association with the Sinhalese. Sir Ivor Jennings in his Ramanathan Memorial Lecture delivered on 8th December, 1945 under the title "Convention, and the New Constitution" frankly stated that British Imperial Authority must continue. Mr. S. Natesan invited Sir

Ivor Jennings to deliver a lecture on "How can we avoid communalism under the new Constitution." But the published lecture gave an altered title.

When in 1972 the Republic of Sri Lanka was created the Sinhalese political parties asserted that they were creating the new polity of Sri Lanka on a mandate from the people obtained at the 1970 General Elections. But the people of the North and East jointly and severally refused to grant the mandate. Only 14% of the two Provinces voted for the Mandate sought for.

The creation of the Republic of Sri Lanka under the said circumstances places the Republic of Sri Lanka polity on a false bottom. Further the Dominion of Ceylon was a conditional polity — conditional that the majority ethnic group does not discriminate against the minority. This was held to be an entrenched clause by the Privy Council. All the circumstances under which the Republic of Sri Lanka was created make it an illegal polity, if it seeks to encompass the North and East.

The Western Powers understand the issues clearly and would have de-recognized Sri Lanka sovereignty over the North and East but for India's intervention. New Delhi is dead against a sovereign Tamil State of Eeylom emerging. There is every reason to believe that it was due to India's intervention that several Western Countries which wanted to intervene are desisting from doing so. New Delhi is the enemy of Eeylom Tamils.

Self-Determination..

(Continuation from Page 3)

war, the war became internationalized. The war between the Liberation Tigers of Eelam and India is governed by international armed Conflict rules: India, being an outside power, can be said to be a foreign power for purposes of invoking the right to self-determination. The Indian armed forces intervened in the internal affairs of another state in contravention of international law. A civil war is per se an internal affair. The Colombo government, of course, claims that it "invited" the armed forces of India..... thus apparently refuting the operation of the principle of self-determination. Yet the international community rejects this reasoning. In a parallel situation, that of the 1980 "call" by the Afghan government for troops of the USSR to assist in repelling the opposition forces, the United Nations considered the issue under the agenda item for self-determination. And in its numerous resolutions over

the years, referred to the right to self-determination of the Afghan people violated by the foreign troops.

Conclusion

The Tamil people will have to choose the degree to which they wish to exercise the right to self-determination. Many argue for a completely separate state, some for sufficient regional autonomy in Tamil Eelam to allow full rights and development of the Tamil people, others for a situation analogous to a province of Canada. Whatever the style self-determination finally takes, and whether it is guaranteed by battle-field victory, or negotiation or both, it is clear that until the aspirations of the Tamil people as a whole are met by some arrangement there will be no end to the strife in Sri Lankan and no improvement in the human rights situation of the Tamil people.

Courtesy: Tamil Update

Information Data Bank Council of NGO's Proposal

"In order to facilitate the work of the NGO's involved in relief and rehabilitation in the Jaffna District, it had been decided to set up an Information Data Bank with the assistance and advice of the University Dons and Statistical Officers stationed in Jaffna". This was stated by Mr. K. N. Y. Morris of the YMCA, the current Chairman of the Council of NGO's at a Press Conference held at the latter's office recently.

He further stated that the setting up of the said Bank would go a long way to avoid duplication of work undertaken by the various NGO's and also would help to identify the beneficiaries and make it possible to centralise all relevant information in this District.

Answering questions put forward by our Correspondent, Mr. Morris and the Administrative Secretary, Mr. P. Balakrishnan explained in

detail the work (so far) accomplished by the Council during the last one year, the particulars of which are given below:-

1. Set up 1500 cottages for resettlement of refugees at Ariyalai, Navatkuli and Araly;
2. Immediate assistance provided to refugees from Vadamadachy East which included the following villages:- Uduthurai, Vetrilai-kerny, Thalayady and Kad-daikadu;
3. Provided cooking utensils to 470 families displaced from Kayts area.
4. Provided cooked meals for three days to those families displaced from Mandativu;
5. Repairs effected to cottages occupied by refugees in the AGA's Division of Uduvil, & Tellipalai in order to provide shelter in view of the impending rainy season'

Besides providing the above relief work, the Council has been continuing its major proposal of inaugurating schemes to provide financial aid to those who have lost their employment consequent to the on-going war situation. In short, the Chairman said that the main purpose of their scheme is to make everyone self-reliant and independent.

Araly People Rendered Refugees

The Sri Lankan Army stationed in the Islands Division started artillery shell attacks directed towards Araly in the Vaddukoddai area.

It is understood that severe damage has been caused to buildings and other properties in Araly. The majority of the people of Araly have left the village as refugees to other places.

Refugees Flooding Islands of Affluence

The South - North march of millions has become a reality and is likely to increase. Much of the world-wide migrant movements flow towards the 'islands of affluence' in North America, Western Europe, the Persian Gulf and East Asia.

How can this destructive movement of political and economic refugees be slowed? For some, the answer is to block the immigration into the Northern Islands. Others see advantages to the influx. Unless problems in the South are addressed, the march is sure to continue.

The Office of the United Nations High Commissioner for Refugees (UNHCR) has 15 million refugees registered. The number of 'internationally displaced persons' is many times that number. The stream of migrants, who are called 'economic refugees' or 'illegal aliens' in political parlance, has also increased. The International Labour Organisation (ILO) estimates that there are approximately 100 million legal and illegal immigrants and refugees.

In Europe this influx from the South is pushing a wave of people northward, which

some member states of the European Community are trying to ward off by means of an international law convention.

Like the refugee movement, economic migration is also a global movement. So far, only ripples have reached the north - a mere five percent have reached Western Europe. Here the influx of people from Eastern and Southern Europe is greater than from the Third World, since stricter visa requirements are now blocking access even for political refugees.

Everywhere, push and pull factors as well as flight and economic migration are leading to mass movements that can no longer be distinguished conceptually from each other. As borders within "Fortress Europe" become more open, its common external walls become higher.

However, closing the frontiers by erecting new walls made of tighter asylum regulations and reduced legal rights for foreigners is no solution. The cause for the refugee movements must be eliminated. Its focus is mostly concentrated in war zones. The Third World has become the theatre of war of our times, and in the course of its frequent armed conflicts has become a "World of refugee camps".

The roots of these wars can be traced to the legacy of colonialism (such as arbitrary borders), integration crises caused by artificially created 'nation states' power struggles for positions of wealth and influence or conflicts resulting from structural violence.

The East - West conflict contributed to the militarization of the Third World,

the accumulation of weapons, and consequently the frequency of armed conflicts. In many ways the North (East and West) shares the responsibility for the wars and refugee situation in the South.

Natural and environmental catastrophes are turning into famines, which produce a growing stream of refugees fleeing from poverty and environmental disasters. The United Nations Environment Programme (UNEP) estimates that by the turn of the millennium one billion environmental refugees will have been displaced from their homelands because their basic means of survival have been destroyed.

Mass poverty, already intensified by the debt crisis and the structural adjustment policy of IMF, is propelling a growing stream of migrants in all directions. The structural causes of this South - North migration are rooted in the disparities between North and South and a most inequitable distribution of opportunities. Emigrants as a rule do not leave their homeland without a compelling reason.

If the islands of affluence in the world no longer want to take in strangers, they have to make a more concerted effort to eliminate the reasons for their flight. Their defensive reaction to the immigration of ethnic and cultural minorities is also counter productive as to their self-interests. Demographers have determined that Western societies need immigrants to offset the effects of their aging populations and to preserve their wealth.

Immigration does not only mean a burden, but also an enrichment and vitalization

for the host society. Experience shows that pluralism, including ethnic cultural pluralism, has been a stimulating element.

However, the problem of the North - South gap and consequently the migration problem cannot be solved by immigration. If the North wants to stop the mass northward 'march' of refugees fleeing from poverty or environmental disasters, it must improve living conditions in their countries of origin. Forgiving debt in a timely and socially acceptable fashion would be one of the means to accomplish this.

Yet this is not possible without an international burden-sharing process. In other words, the North must part with a portion of its wealth to reduce disparities between nations and regions, unless it wants to move its armies from the East - West frontier to the North-South border to turn back the refugees. The cost would be greater than a preventive linkage of potential refugee and development aid, coupled with an active peace policy (which would renounce the resort of weapons, for instance.)

The question is not whether we can, but whether we want to do this. In the long term, the islands of affluence cannot embed themselves in the Noah's Ark of the blessed. "One world for all" is not possible under conditions of 'global apartheid'.

- from the desk of -

Dr. Nagules
Kathirgamanathan
Director General,
SEACED

Amparai Militarization

The Hot Spring of 3-11-91 spotlighted that there were 68 military camps in Amparai District. This week we give below the details of location which had been kept out from our last issue due to lack of space.

The Special Task Force (STF) in Amparai

- | | |
|--------------------------|-----------------------|
| 1. Ukandai - Koomunai | 16. Akkaraipattu |
| 2. Panama | 17. Kannakipuram |
| 3. Arugam Bay | 18. Irrakkamam |
| 4. Pottuvil | 19. Oluvil |
| 5. Urany | 20. Karaitivu |
| 6. Chemmanikulam | 21. Malikaikadu |
| 7. Rottai | 22. Samanthurai |
| 8. Senkamam | 23. Valathapiddy |
| 9. Komari | 24. Mallikaitivu |
| 10. Thandiyadi | 25. Malwatte |
| 11. Kanchirankudah | 26. Annamalai |
| 12. Kanchkudi Aru | 27. Chenaikudiyiruppu |
| 13. Thangavelayuthapuram | 28. Pandiruppu |
| 14. Sakamam | 29. Periyaniavanai |
| 15. Thirukovil | |

The 9 Police Stations are dispersed as follows:-

- | | |
|-------------------------|-----------------|
| 1. Pottuvil (STF) | 6. Samanthurai |
| 2. Inspector Hill (STF) | 7. Central Camp |
| 3. Thirukovil | 8. Chavalakadai |
| 4. Akkaraipattu | 9. Kalmunai |
| 5. Attalaichenai | |

The Navy Camp is at Kottukkal

The 22 Home Guard Camps are as follows:-

- | | |
|--|-----|
| 1. Panama - Sinhalese Home Guards | |
| 2. Puthukudiyiruppu - Muslim Home Guards | |
| 3. Sinna Ullai | " " |
| 4. Periya Ullai | " " |
| 5. Pakiawattai | " " |
| 6. Pottuvil | " " |
| 7. Akkaraipattu | " " |
| 8. " 5th milepost | " " |
| 9. " 3rd milepost | " " |
| 10. " 40th " | " " |
| 11. Irrakkamam | " " |
| 12. Attalaichenai | " " |
| 13. Meeravodaikattu | " " |
| 14. Ninthavur | " " |
| 15. Oluvil | " " |
| 16. Karaitivu | " " |
| 17. Malikaikadu | " " |
| 18. Lahugala - Sinhalese Home Guards | |
| 19. Lahugala Farm | " " |
| 20. Meeragala | " " |
| 21. Panalagama | " " |
| 22. Vakkumuttiya | " " |

The Seven Army Camps are situated as follows:-

- | | |
|-----------------|-----------------|
| 1. Pottuvil | 5. Panalagama |
| 2. Lahugala | 6. Chavalakadai |
| 3. Vakkumuttiya | 7. Kalmunai |
| 4. Meeragala | |

Special Medical Insurance for Pensioners

Mr. P. S. Thiruchelvam, Secretary of the Federation of Northern Pensioners 'states' in a Press Note:-

The Director of Pensions has in a Circular indicated that the Sri Lanka Insurance Corporation has started a Special Insurance Scheme for pensioners. Pensioners who have not exceeded the age of seventy can join the Scheme at their discretion. Applications to join the Insurance Scheme will have to be made by filling in DUPLICATE declaration forms which can be obtained from the office of the Director of Pensions or from the Government Agent's office of each District in respect of those drawing pensions in the Districts. The Scheme has already come into force.

The completed declaration forms together with the premia should be handed over to the Insurance Section of the Department of Pensions or at the office of the Government Agent of the District concerned. Cheques and money orders should be drawn in favour of the Insurance Corporation of Sri Lanka.

Local Government pensioners have to obtain Declaration Forms and pay the premia with the completed declaration forms at the Local Government Pensions Unit at the Department of Pensions.

The Insurance covers a period of one year only and the annual premia payable are as follows:-

1. Up to 60 years - Rs. 240.00
2. From 60 to 65 years - Rs. 300.00
3. From 65 to 70 years - Rs. 360.00

In the treatment of more serious diseases for which surgical treatment would be required and which such illness is treated at the Sri Jayawardenepura Hospital or other Government Hospital, the coverage will include all fees surgical and medical up to a maximum of Rs. 1,50,000.00 per individual per event or Rs. 2,00,000/- per individual per year and (2) a daily allowance of Rs. 100/- up to a maximum of Rs. 5,000/- and (3) re-imbursment of travelling expenses up to a maximum of Rs. 750/-

HOT SPRING

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Sauce for the Goose is Sauce for the Gander

Rev. Pallipane Sri Chandananda Thero is the Head of the Asgiriya Chapter of the Buddhist hierarchy.

The Asgiriya and Malwatte Chapters are held in high esteem by the Buddhist laity and the Baudha Sinhala Government of Sri Lanka pays the greatest respect to the Heads of these two Chapters.

We do not grudge the respect shown to these prelates. By no means these prelates confine their activities to the propagation of the Buddhist religion only.

They also believe that they must have a say in politics.

This week we publish the contents of a letter written by Rev. Chandananda Thero to President Premadasa.

The Rev. Chandananda has expressed his strongest opposition to the alienation of lands at Pallegala to Tamil estate workers. The extent of the land involved, according to the Prelate, is 195 Acres.

Tamil labourers were brought into the Island from India to open up and work on estates by the British. In fact many were brought into the island by deceit against the wishes of the Government of India.

Tamil labour was utilized to clear dense forest in the hills and work on the estates (tea, coffee and rubber) opened up by the British for the first time in the history of the Island.

The Tamil labourers in the up-country were the least cared for section of the population.

When Ceylon gained Dominion Status the first UNP Government of Ceylon under the late D.S. Senanayake decitizenized and disenfranchised the estate labour as early as 1949. These persons became "Stateless"

Under the Srimala-Sastri Pact some of these "stateless" persons were granted either Indian or Ceylon citizenship but still a large number continued to be stateless"

The Eelam Tamils always espoused the cause of these unfortunate lot and one of the sympathies they had for these people was founded on common racial, language and religious affinity they had with them.

Along with the Rajiv Gandhi - Jayawardhena Accord it was decided that these stateless persons should be granted citizenship in the Island. Now by law the estate labourer is a citizen of Sri Lanka.

Rev. Chandananda Thero objects to lands being given to these citizens. According to him the land sought to be given to the estate labour is "traditional kandyan land belonging to the Kandyans"

He bases his objection on the ground that traditional kandyan territory should not be given to non-kandyans (Sinhalese)-even though the estate labour in the hill country districts was brought into the island by the then rulers of the island, they had lived there for over 150 years and have been now accepted even by the Sinhalese as fellow citizens.

The Tamils also object to the alienation of their traditional lands in Northeast to Sinhalese from outside. It is also clear that the Sinhala colonization carried on in Tamil Eelam is for the purpose of changing the demography of the traditional homeland of the Tamils.

The question is whether Rev. Pallipane Chandananda Thero will by the same measure of reasoning object to Sinhalese people being colonized in traditional Tamil homelands.

We are pretty sure he will not. Because the mental make up of Baudha Sinhala chauvinism is not founded on reason but on hegemonistic aspiration. For did not, the other Prelate, the Head of the Malwatte Chapter, contribute Rs. 30,000/- to the War fund of the Government despite the fact that he is a protagonist of Gautama Buddha?

If ascetics like the Theros want to think of their race, religion, language and country why not the others?

LAND TO TAMILS - BUDDHIST PRELATE OBJECTS

It is understood that the Chief Prelate of the Asgiriya Chapter, Rev. Palipana Sri Chandananda Thero has addressed a letter to President Ranasinghe Premadasa expressing his objection to a resolution passed by the Central Provincial Council to allocate 195 acres of land in Pallegala to estate Tamils who have become citizens by registration.

In his letter the Thero has stated that he had come to know from news reports appearing in Sinhala newspapers that only 30 acres of land from the Rajawella land is to be allocated to them.

The Thero had lodged his objection personally to the prime Minister, D.B. Wijetunge when the latter visited the Thero who had been hospitalised due to illness.

Details of the Prelate's objection addressed to the President are as follows:-

It has been reported that a resolution has been passed by the Central provincial Council to allocate 195 acres of land to workers of Indian origin who have recently obtained citizenship at Rajawella in the Kandy District.

It is understood that this irregularity has been pointed out by the Chief Minister of the Central Provincial Council.

Earlier when the British captured this Island and brought it under their control by governmental enactments, these lands came into their possession. Later these lands were sold to European Planters at One, Two, and Three shillings per acre. Thus in Pallegalle Rajawella area itself four thousand acres of land were disposed of. Subsequently these lands were acquired by the Government under the Land Reform Acts.

Now there is a move to allocate these very lands to workers of Indian origin who have been granted citizenship due to pressure exerted by Mr. Thondaman, the president of the Ceylon Workers' Congress.

This allocation of 195 acres of land to workers of Indian origin who have been granted citizenship will create a Tamil Colony. This is an injustice perpetrated on the Sinhalese community. It is but reasonable to allocate to the Sinhalese the land that traditionally belonged to them. In the way Mr. Thondaman works for the welfare of his community, it is essential that the Sinhala ministers too should counter these moves against their own community. As Prime Minister D. B. Wijetunge was elected to Parliament on the votes of the Kandyan people, he has the right to take an interest in the welfare of the Kandyans themselves.

Military and Economical...

(Continuation from page 1)

ting untold hardships on our people.

Government approach detrimental to peace

Such pressures will prove detrimental to the holding of free and fair talks on an equal basis.

If the Government is sincere and honest in finding a substantive permanent solution to the Tamil problem, military and economic pressures must be replaced by a climate of peace and goodwill. Such an atmosphere will engender hope in the minds of the Tamil people and in turn foster cordiality and goodwill favourable for peace talks.

A Solution under pre-conditions - we will never agree

It will be a political tragedy, if the Government thinks it could resolve the issue under limitations and stipulated pre-conditions it had laid down by sheer armed strength and economic strangulation by restriction on essential consumer items. The Liberation Tigers of Tamil Eelam will never yield to such an approach. We extended an invitation to you to visit Jaffna in the hope that a personal exchange of talks will help you to understand our stance than views expressed through correspondence. Such a personal visit would also afford an opportunity to appreciate the views of our people and the tragic life they are leading.

We regret that our stance is at variance with yours

You wish to have our views on the basis of pro-

posals presented by you. We are disappointed to note you have emphasised that the views expressed are that of the Ceylon Workers' Congress and not that of the Government. It would appear that the views presented have not met the approval either of Government or of the Opposition. Under such circumstances any exchange of the views on the proposals will be viewed as talks between Liberation Tigers of Tamil Eelam and the Ceylon Workers' Congress.

Co-operation of other political parties in the South not obtained

The views submitted by you on behalf of the Ceylon Workers' Congress have progressive and commendable aspects. Would it not have been essential for you to find out the stand taken by the Governing Party as well as the Opposition Parties before seeking our comments on these proposals?

Although your proposals touch on some fundamental aspects of the Tamil Issue such as Land, Colonization, Security and Regional Development, they do not represent a complete set of proposals for the resolution of the conflict. It would appear that these suggestions are subject to the limitations of the former Provincial Council Scheme proposed by the Indo-Sri Lanka Accord and enacted by the Thirteenth Amendment to the Constitution.

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Autonomy under a Unitary Constitution - not feasible

There are several shortcomings in the Provincial Council Scheme. It is not necessary to point them out here. You will, however, be well aware that this Scheme for the resolution of the Tamil issue is one that had failed on implementation.

It is our considered opinion that it is not feasible to create any Scheme for substantial regional autonomy, while powers are concentrated under a Central Government which protects and preserves the aspirations of the majority Sinhalese alone. This is the fact established by long political and historical experience. Even the Indian interventionists have learnt this.

You are well aware of the fact that we had taken up arms and are fighting with the conviction to establish the right of the Tamil people to self-determination. We have, however, never rejected in the course of our struggle any meaningful and peaceful approaches.

What is required - is the recognition of the Tamil nation

We are willing to consider a Scheme for the resolution of the Tamil problem on the basis of recognising the Tamil people as a nation and satisfying their national aspirations. This concept of ours have been made public on numerous occasions. But it is very doubtful whether the Sinhalese politicians will consider favourably such progressive scheme of resolution which are reasonable and acceptable to the civilised world. We have in this letter briefly explained our stand. We that it will help you in your efforts at achieving peace.