

# Tamil **TIMES**



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LTTE delegation to peace talks in Oslo (above)  
Prime Minister Ranil Wickremasinghe and LTTE's Anton Balasingham (below)





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*"I do not agree with a word  
of what you say, but I'll  
defend to the death your  
right to say it."*

*-Voltaire*

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*We wish our readers  
a Merry Christmas  
and a Happy and Prosperous  
New Year*

## For a Federal Solution

The recent agreement reached between the Government and the LTTE during the third round of peace talks in Oslo has been described as a substantial breakthrough. The "parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka. The parties acknowledged that the solution has to be acceptable to all communities." The aim of establishing a separate state of Tamil Eelam, though not formally dropped, is not to be pursued. The concept of a "Tamil homeland" as applied to the Tamil dominated northern and eastern provinces has been substituted with the formulation borrowed from the Indo-Sri Lanka Accord of July 1987: "areas of historical habitation of the Tamil-speaking peoples". It is significant to note the plural in the phrase "Tamil-speaking peoples" which signifies the inclusion of the Muslim community.

The agreement disproved the doubters who had accused the LTTE of biding for time by concentrating on peripheral matters and not being prepared to discuss core political issues surrounding the conflict. Hitherto, the establishment of a separate independent state of Tamil Eelam had been the uncompromising entrenched position of the LTTE. Never before has its leadership been heard to say that it would settle for a federal solution. To that extent, the LTTE's position has undergone a paradigm shift.

The federal idea had been part of the political debate in Sri Lanka ever since the founding of the Federal Party (FP) in 1949 under the leadership of the late S. J. V. Chelvanayakam. But the idea was bitterly opposed not only by the major political parties of the right, centre and left, but also by some Tamil political parties like the All Ceylon Tamil Congress. Though the FP's manifesto specifically spelt out that it was opposed to the division of the country, its detractors denounced the federal concept as a stepping stone for division. The political hypocrisy and opportunism of the dominant parties that had governed Sri Lanka since its independence from colonial rule prevented them from appreciating and openly accepting that federalism has been a standard constitutional model that existed in many countries of the world with multi-ethnic or multi-lingual societies.

Despite its denunciation, the idea had crept in time and again in some form or other as a means of resolving the ethnic conflict in Sri Lanka. The abortive Bandaranaike-Chelvanayakam Pact of 1957 provided for the establishment of Regional Councils covering the North and East of the country with devolved "powers over specified subjects including agriculture, co-operatives, lands and land development, colonization, education, health, industries and fisheries, housing and social services, electricity, water schemes and roads." It contained elements of power sharing only found in federal constitutions. The failed Annexure C proposals of 1983 produced by India's special envoy G Parthasarathy in consultation with former President J R Jayawardene were similar in terms to the B-C Pact. The 13<sup>th</sup> amendment to the Constitution enacted in 1988 pursuant to the Indo-Sri Lanka Accord of July 1987 which resulted in the setting up of Provincial Councils with devolved legislative and executive powers certainly turned, if not in name but in fact, Sri Lanka's unitary constitution into a hybrid one. The federal idea was taken further by President Chandrika Kumaratunga by the constitutional reform proposals submitted in 1998 to parliament which provided, inter alia, for the creation of a Union of Regions with well defined devolved autonomous legislative and executive powers.

It will thus be seen that, though the "F" word has been anathema to the political and intellectual elite of the country, the federal idea is not a novel one for Sri Lanka. Only if they had little foresight to realise the merit in a federal structure for a country with a heterogeneous population, the massive devastation wrought upon the country and its people resulting from the ethnic conflict could well have been avoided.

After two decades of war and violence, the reality is that the island is virtually rent asunder and most of the areas of the north and east of the country have been inaccessible to the people living in the rest of the country. In fact the writ of State power as exercised by the government of the day has not been running in substantial parts of the north and east for several years. It may be that realisation, though belatedly, has dawned at last upon many that the adoption of the federal model as envisaged by the government and the LTTE in Oslo will help in the process of reunifying an already divided country.

## PEACE TALKS – THIRD ROUND

# Govt-LTTE reach Agreement on Federal Solution

5 Dec - The government of Sri Lanka and the Liberation Tigers of Tamil Eelam reached a historic agreement to "explore a solution to end the island's conflict founded on the principle of internal self determination in areas of historical habitation of the Tamil speaking peoples, based on a federal structure within a united Sri Lanka".

Addressing a joint press conference on 5 December at the Radisson Plaza Hotel in Oslo, and responding to a question from journalists about President Chandrika Kumaratunga's powers to dissolve Parliament at her discretion from 5 December, Mr. Balasingham and GOSL's chief negotiator, Prof. G. L. Peiris said that they were not concerned about such an eventuality because the people are firmly behind the peace process.

"We would be delighted if the parliament is dissolved because it would enhance our majority. We are not afraid to go to the people. The government would be delighted to go for elections. If there's an election it will enhance our majority.", Prof. Peiris said.

"President Chandrika Kumaratunga should realise that the international community is fully supportive of the peace process. She should conduct herself politically without trying to undermine the peace process and we are not concerned that she would do anything to scuttle the peace process because the Sinhala public is backing the government. If the government were dissolved it would come back with a bigger majority", Mr. Anton Balasingham said.

Relating to the agreement reached, Mr. Balasingham said, "Sri Lanka needs a new constitution that would radically transform its polity." "Now that LTTE leader Velupillai Prabhakaran has clearly and distinctly announced that he would favourably consider an internal arrangement for regional autonomy or a semi-governmental system within a united Sri Lanka, we have begun to look at various models available," he said.

"It is as far as the LTTE is concerned in line with the policy of the

LTTE advocating for the last decades or more. That is a regional autonomous model based on the right to internal self-determination of our people in the historical areas where the Tamil and Muslim people live. This model of self-government we were referring to has to be couched or properly conceptualised within an appropriate constitutional form. That is why we decided that we would opt for a federal model. This federal model will be within a united Sri Lanka, which will be appreciated by the Sinhalese people. I wish to reiterate that our struggle was based on the concept of self determination as articulated in the UN charter and other resolutions and instruments. I am surprised because prior to this I had a meeting in London where I clearly exemplified the concept of internal self-determination and also the external self-determination and argued that our leadership is prepared to workout a formula within the principle of internal self-determination. This speech had been totally distorted by "The Island." I am surprised that this claim that Balasingham had said that he favours two independent states or something like that. I can assure that this is total distortion of what I have enunciated at the London conference. This is not a paradigm shift on our part but a paradigm shift on the part of the Sri Lankan government as well", said Mr. Balasingham.

Minister G.L. Peiris commenting on the decision said: "Balasingham is entirely correct when he says a paradigm shift which not more or less that has occurred in Oslo in the last three days of healthy discussions. In Mr. Prabhakaran's hero's day speech he said that the LTTE is no longer insisting on a separate state. And the LTTE is looking at a separate concept, which is internal self-determination. It was power sharing. Extensive power sharing within the framework of one country. No question of secession, no question of separation. But power sharing within the framework of one country. That is the point of departure. Immediately that provided us with a coherent framework

to evolve a negotiated political solution. The position of the government of Sri Lanka is also that it stands for substantial power sharing within one country. The breakthrough yesterday was that the explicit identification of a federal structures the basis on which a political solution will be evolved. Now we have a clear of the nature of the political solution the parties are working towards. It is not separatism, it is not confederation".

"The peace process is built on a firm foundation supervised by international monitors. It is a process that will move forward stage by stage. We will jointly make a serious and sincere effort to make it a reality," Mr. Balasingham said. "We are convinced our people will definitely approve the model and it will have the consensus of the Tamil speaking people. It is the duty of the state to convince the Sinhalese to offer a reasonable solution to the Tamil speaking people", he said.

When asked about the demarcation of the Tamil territory Mr. Balasingham said that traditionally they were looking for the North and the East where the Tamil speaking people have been living for a long time.

Mr. Balasingham also gave an assurance that both the government and the LTTE would look into the Muslim factor and the grievances of the Muslims. He said the LTTE welcomes an effective Muslim representation at the talks. It is unfortunate that the SLMC is having an internal crisis. But he said he would not like to comment on the matter.

Answering questions Mr. Balasingham said the matter in question - the federal solution has to be discussed in depth. Sri Lanka needs a new constitution to evolve a framework to suite our needs.

Replying to a question posed by the media as to the model they are looking for to structure the federal model in Sri Lanka, Minister Peiris said that they were not going to adopt one single model but explore ways and means how we could devise such a model to suit the needs of the country. Mr Balasingham said that they are favouring the Canadian model, the Quebec system which has the right for internal and external self-determination. "However we will not compartmentalise and will study all the systems available in depth" Mr. Balasingham said.

Referring to the controversial issue

## GOVT-LTTE AGREEMENT AFTER THIRD ROUND OF TALKS

The following is the full text of the statement issued by the Royal Norwegian Government at the conclusion of the third session of the first round of peace talks between the LTTE and the GOSL on 5 December:

"Parties have decided to explore a political solution founded on internal self-determination based on a federal structure within a united Sri Lanka

The third session of peace talks between the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) was held in Oslo, Norway on 2 to 5 December 2002. In a frank, open and constructive manner, the parties focused on three major areas:

- Consolidation of the ceasefire
- Humanitarian and rehabilitation action
- Political matters

The parties agreed on a working outline defining the objective as well as a number of substantive political issues for negotiation.

Responding to a proposal by the leadership of the LTTE, the parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka. The parties acknowledged that the solution has to be acceptable to all communities.

Guided by this objective, the parties agreed to initiate discussions on substantive political issues such as, but not limited to:

- Power-sharing between the centre and the region, as well as within the centre;
- Geographical region;
- Human Rights protection;
- Political and administrative mechanism;
- Public finance;
- Law and order.

The parties recognised that progress on political issues must be supported by the continued consolidation of the Ceasefire Agreement. New concrete measures will be taken to facilitate further de-escalation and to improve normalcy:

- The GOSL will shortly return one of the hotels in Jaffna to its original use;
- The LTTE will ensure that all future transportation of area commanders will take place under the supervision of the Sri Lanka Monitoring Mission (SLMM);
- The LTTE will accept the right of political groups to carry out political work, including in the Jaffna peninsula and the

islands, provided that they are unarmed, as stipulated by the Ceasefire Agreement;

- The GOSL will, in consultation with all relevant parties and groups, evolve a solution to the problems arising from recent developments in the Delft island;
- The parties will facilitate restoration and rehabilitation of places of worship in the north and the east belonging to all religious communities.

On the basis of their firm conviction that the maintenance of law and order in the north and east is of paramount importance, the parties agreed to request the Sub-Committee on De-escalation and Normalization to propose a common approach to settling cases involving the disputed use of private property, where such use has been impeded by the conflict. Furthermore, the LTTE will ensure that the activities of their law and order mechanisms will not be extended beyond the areas dominated by the LTTE.

The parties strongly underlined the need to move rapidly on humanitarian and rehabilitation efforts in the north and east. For this purpose, the early establishment of the North-East Reconstruction Fund will be critical. The parties agreed that the custodian of the fund should be selected and modalities for its operation agreed at the next meeting of the Sub-Committee on Immediate Humanitarian and Rehabilitation Needs. The parties expressed their appreciation of the strong support extended by several governments to the peace process at the Sri Lanka Support Meeting held in Oslo on 25 November, and urged these governments to rapidly release funds needed for humanitarian and rehabilitation efforts.

The parties agreed that a committee of women will be instituted to explore the effective inclusion of gender issues in the peace process. The committee will also, on a regular basis, submit proposals relating to women's interests to the sessions of negotiations and to the sub-committees of the peace process. The committee will consist of four representatives of each party.

As a priority area identified by the parties for humanitarian action, the parties stressed the need to improve the situation for children affected by armed conflict. Inspired by the international norms protecting the rights of the child, the parties underlined that children belong with their families or other custodians and not in the workplace, whether civilian or military. The LTTE will engage in a partnership with the United Nations Children's Fund (UNICEF) to draw up an action plan for restoring normalcy to the lives of children, and the parties called on the international community to provide financial support for such an action plan.

The GOSL will, in order to arrive at the broadest possible consensus, establish an appropriate mechanism for consultation with all segments of opinion as part of the ongoing peace process."

of the LTTE police stations and courts, Mr. Balasingham said the government side had expressed fears whether the LTTE was trying to extend its sphere of influence into government controlled areas. He said police stations and courts had been functioning in the LTTE held areas for the past 12 years and the ground situation was that 70 percent of the northeast was controlled by the LTTE. "Hence it was necessary

to set up police stations for the purpose of maintaining law and order.

"I don't know why President Chandrika Kumaratunga is looking at it as an impediment. LTTE police stations were there when we had talks with her government too. The simple reason for setting up police stations is that we cannot allow anarchy in the areas we control. We have given an assurance to the government that these stations

would not pose a threat to the Sinhalese and would not interfere with the police in government controlled areas," he said. "I must say that the opening of our police stations and courts is not a new phenomenon. When we have a final solution these police stations could be integrated into a regional Police force that will come into effect with the negotiated settlement. Until such time

(continued on next page)

## Donor Countries declare support to Sri Lanka peace

Nov 25 - The international donor conference organized by the Government of Norway in support of the peace process in Sri Lanka was ceremonially opened by Norwegian Foreign Minister Jan Petersen at Holmenkollen Park Hotel Rica in Oslo on 25 November. Over 100 representatives from 19 nations participated in the Conference. India was a notable absentee.

"The Government of Sri Lanka and the Liberation Tigers of Tamil Eelam have already taken resolute steps towards peace. They face many challenges in seeking a lasting political settlement, acceptable to all communities living in the island. We therefore pledge to support their efforts with financial assistance to the people of Sri Lanka and continued encouragement to the parties in their search for a lasting peace through a negotiated final resolution of the conflict," said a communique issued by the countries in Asia-Pacific region, North America and Europe which met in Oslo.

*The full text of the press release stated as follows:*

"We, government representatives from the Asia-Pacific region, North America and Europe, meeting in Oslo on 25 November 2002, express strong support for the historic peace process now underway in Sri Lanka. At this

critical phase of the peace process, we commit ourselves to providing immediate financial assistance. A donor conference, proposed to be held in Tokyo in 2003, will have a greater focus on longer-term financial assistance and continue our efforts at donor co-ordination.

While the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam have already achieved important results, which have required great political courage, we urge both parties to exert further expeditious and systematic efforts, without recourse to violence, to resolve the hardcore political issues in order to achieve a lasting political settlement of decades of protracted conflict. We recognise the critical role played by the Sri Lanka Monitoring Mission in maintaining the cease fire agreement of 23 February 2002.

We urgently appeal to all the people of Sri Lanka, their political leaders and institutions to support a national consensus on the need for a final political settlement. To this end, we encourage the elected representatives of the people of Sri Lanka, on whom the ultimate responsibility for the country's destiny falls, to address their challenging task with courage and vision. And we urge the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam to make every effort to promote

an inclusive peace process.

For the peace process to succeed, popular support for peace must be sustained. Given the complexity of the issues to be resolved, the negotiations will face significant challenges along the way. International financial assistance is important for people to begin to see tangible benefits of peace in their daily lives. We recognise that it is important that people across the whole of Sri Lanka enjoy benefits of peace. Building a national consensus for the difficult steps ahead in the peace process will require particular efforts to meet the humanitarian needs of the most vulnerable, such as the poor, the unemployed, especially in the rural areas, and women and children.

We commend both parties for their strong commitment to a lasting peace. A lasting peace must be built upon renunciation of violence and respect for the principles of human rights, democracy, rule of law, and recognition of the rights of minorities, and must address the needs of all communities all over Sri Lanka, in order to combat poverty and foster ethnic harmony. Resolution of the ethnic conflict will remove the main barrier to sustained economic and social progress in Sri Lanka. It is in this perspective that we pledge to provide assistance to meet the immediate needs and priorities identified at this meeting, so that assistance may be given island-wide, when and where it is most needed, thereby directly promoting the peace process.

While all areas of Sri Lanka have been seriously affected by the war, the North and East have suffered the most extensive destruction. We commend the parties for establishing a joint Subcommittee on Humanitarian and Rehabilitation Needs in the North and East and setting up a Fund with the aim of enhancing and prioritising donor activities in these war ravaged areas, which continue to experience severe social and economic hardships. The Subcommittee has issued an urgent appeal to the international community for immediate assistance to begin to resettle and rehabilitate internally displaced persons, address the needs of women and children and help the population to resume their economic activities. We will take into account the co-ordinating role ascribed by the parties to the Sub-

(Continued from page 5)

these police stations have to function to maintain law and order," he said.

"Don't forget that government institutions are still functioning in areas controlled by the LTTE. We do not interfere with those. We have only taken over the enforcement of law since the armed cadres are confined to barracks and we are expanding civil administration. Some day you have to accept a Tamil regional Police force and we have to discuss how it would blend with the national system," Mr. Balasingham said.

Referring to US Assistant Secretary of state, Richard Armitage's call for the

LTTE to renounce violence, he said, "We already renounced violence when we signed the ceasefire agreement. We have already done that. The most important thing is the complete commitment by both parties to the agreement. There is no need to have recourse to violence if the aspirations of our people are met through a negotiated political settlement. What I rejected was Mr. Armitage's characterisation of the LTTE as a terrorist group. We have renounced violence in the form of a truce. We have fulfilled the US demand more than what it has asked for. Hence there is no need for a verbal renunciation." □

Committee, in order to support this important mechanism of ownership by the parties in its work for effective reconstruction and confidence building, while stressing the need for flexibility in accepting various forms of assistance from the international community.

The Government of Sri Lanka and the Liberation Tigers of Tamil Eelam have already taken resolute steps towards peace. They face many challenges in seeking a lasting political settlement, acceptable to all communities living in the island. We therefore pledge to support their efforts with financial assistance to the people of Sri Lanka and continued encouragement to the parties in their search for a lasting peace through a negotiated final resolution of the conflict."

#### Statements

At the beginning of the meeting, Prime Minister Ranil Wickremasinghe and Mr Anton Balasingham made statements on behalf of the government of Sri Lanka and the LTTE respectively.

While announcing increased funding support to assist Sri Lanka's peace process, Norwegian Foreign Minister **Mr. Jan Petersen** said, "It is with great pleasure that I welcome you to Oslo to the Support Meeting for the Sri Lanka Peace Process. Norway has organised this on behalf of the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE). This is the first such high-level international meeting to be held in support of Sri Lanka. The goal is to mobilise political support for the peace process, and to gather economic assistance to be able to address the evident and immediate needs and contribute to the realisation of a peace dividend by the whole population of Sri Lanka. A broader donor conference is planned for 2003 to raise assistance for the longer term and in larger amounts when the peace process has advanced further."

Mr. Jan Petersen added, "The peace process has made substantial headway in recent months. A permanent ceasefire agreement between the government and the LTTE came into force on 23 February 2002. The agreement has secured a longer absence of hostilities than ever before during the two decades of war. This is testament to the determination of the parties. It is also,

in no small measure, due to their agreement on the Sri Lanka Monitoring Mission, with observers from all five Nordic countries."

"The parties are showing a high degree of pragmatism and innovation in the peace negotiations. They are showing courage and political leadership in taking a gradual approach. It is incumbent upon donor governments to respond likewise. In our assistance to Sri Lanka, we should be sensitive to the needs of the peace process and make every effort to be flexible and cut through red tape when necessary."

"In the peace process, the parties are shouldering responsibility for the destiny of Sri Lanka. In the same way, they are taking ownership of rehabilitation and development efforts. Today's meeting provides a good opportunity for the parties to discuss this aim with the participating governments."

"The important progress made at the two first sessions of the talks should not mislead anyone into believing that a solution is yet in sight. The parties – and Norway as the facilitator – expect this to be a long and difficult process towards a lasting political settlement. It will involve many sessions of talks and will meet with both successes and setbacks."

"The parties will rely on the continued support of the peoples of Sri Lanka. There is a groundswell of support for a peaceful settlement, and this must be sustained. It is critical that civil society help to consolidate the broad base of political support. This needs to be matched by international political and financial assistance, to demonstrate that peace will bring tangible benefits to the long-suffering population.

"I am pleased to announce that the Norwegian government intends to increase our humanitarian assistance to Sri Lanka from NOK 38 million this year to NOK 90 million in 2003 in addition to our transitional assistance of NOK 15 million. In our assistance to the north and east, we will act on the recommendations of the Sub-Committee on Immediate Humanitarian and Rehabilitation Needs. Our long-term development co-operation will continue to focus in large part on the promotion of peace and reconciliation and on strengthening the economy for employment creation. Norway also plans

a significant increase in development assistance to Sri Lanka in 2003 from this year's level of NOK 112 mill."

**Claire Short**, Secretary of State for International Development of UK in her address expressed full support for the peace process in Sri Lanka. Secretary Short said, "We must maintain the momentum. As donors we cannot continue with business as usual. The peace process is dynamic and demands rapid and flexible responses from us. We must improve our delivery and must be ready and act promptly to operationalise practical initiatives developed. We must be coordinated to avoid duplication and overlap.

"I can announce the British govt. has already allocated 2.6 million pounds in quick impact assistance to support the peace process for demining, schooling and helping return internally dispersed people as well as other assistance 6.8 million pounds this year which forms part of our longstanding support for Sri Lanka and can today announce a further 8 million pounds towards quick impact programs," further said Secretary Short emphasizing the firm commitment of the British government in supporting the peace effort.

In his address **Richard Armitage**, Deputy Secretary of State, US, the highest ranking American official to visit Sri Lanka since the start of the conflict, said that his country would continue to support programs that promote peace and good governance in Sri Lanka.

Secretary Armitage said, "United States stands ready to play its part in the peace process. In the last 2 years US has provided more than 16 million dollars in basic development, economic and human assistance to Sri Lanka. US will continue to support demining in the jaffna peninsula and emergency aid to refugees, counseling to children, vocational training to their parents and medical assistance for disabled. We expect to offer support for other programs including projects to promote peace and good governance."

While giving credit to President Chandrika Kumaratunga for her peace plan of 1995 which he said was an important precursor to the current progress, he added that everyone owed "much of that progress to the Government of Ranil Wickremesinge," and

that "the peace also requires the full and frank participation of the Liberation Tigers of Tamil Eelam (LTTE)."

"US is greatly encouraged that the LTTE has made commitment to the political solution and has agreed to settle this conflict through peaceful means," said Mr. Armitage and urged the LTTE to renounce violence, terrorism and secession. He asserted that fundamental human rights of all srilankans is important, not just the right to life, but to free speech, to participate in governance and to associate freely and to enjoy full protection of the rule of law."

"But it is clear that if Sri Lanka is to continue moving forward, the Government must move together as one. No individual or single political party can carry this burden alone. This must be a concerted effort by the President, the Prime Minister and their parties."

"Of course, peace also requires the full and frank participation of the LTTE. And let me leave no doubt: my nation stands firm in the resolve that the tactics of terror can never achieve legitimate aspirations. So the United States is greatly encouraged that the LTTE has made a commitment to the political solution; it has agreed to settle this conflict through peaceful means. We urge the LTTE to go one step further and add to this commitment a public renunciation of terrorism and of violence – to make it clear to the people of Sri Lanka and indeed to the international community – that the LTTE has abandoned its armed struggle for a separate state; and instead accepts the sovereignty of a Sri Lankan government that respects and protects the rights of all its people. In turn, the LTTE should affirm the fundamental human rights of all Sri Lankans – not just the right to life – but to free speech – to participate in governance – to associate freely – and to enjoy the full protection of the rule of law."

"In the last two years, the United States provided more than \$16 million in basic development, economic, and humanitarian assistance to Sri Lanka; and my presence here today at this conference is a clear signal that my country stands ready to increase that aid – to be an active participant in the reconstruction of Sri Lanka.

"And while the needs are most critical in the North and East, there is no

question that the entire country has paid the price of this war; and that we must help bind all of Sri Lanka's wounds. So while the United States will continue to support de-mining in the Jaffna Peninsula – and in the last year alone, we helped clear mines and unexploded ordnance from more than 120,000 square meters of land – we will also continue to provide humanitarian assistance to all those in need across the country, including emergency aid to refugees and internally displaced persons; counseling to children and vocational training to their parents; and medical assistance to the disabled. In the working sessions today, we expect to offer support for other programs, as well, including projects to promote peace, good governance, and the rule of law, as well as aid for the victims of past human rights abuses. And today is only a beginning. We look forward to developing further the programs and the proposals we will discuss today at the follow-on meeting that Japan has so graciously offered to host."

"I believe that we all know that even with the support of these nations of goodwill gathered here today, the peaceful resolution to decades of conflict will be neither easy nor quick. But both sides have shown that they have the patience to approach these negotiations in a series of steps, each taken in turn; and the wisdom to know that political agreements must be coupled with practical measures. And so the United States is pleased to join with these nations represented here today to support the parties to these negotiations – and indeed the people of Sri Lanka – as they walk down the path to lasting peace and long-term prosperity."

**Petter Hansen** from Denmark addressing the Oslo peace support conference on behalf of the European Union (EU) said that "EU stands ready to support the peace process and is committed to delivering a substantial contribution to the post-conflict rehabilitation of Sri Lanka." He added that "the EU will strengthen its engagement in the peace process" and introduced a new perspective to the support effort by asserting EU "will also engage the Tamil Diaspora to support the process."

"The EU warmly welcomes the positive and conciliatory approach demonstrated by the Government of Sri

Lanka and the LTTE over the last ten months. An impressive and strong commitment has been demonstrated by the both parties to end the armed conflict that has devastated Sri Lanka for so many years and to reach a lasting and peaceful solution to the benefit of all Sri Lankans."

"While underlining the need to take into account the legitimate aspirations of all communities in Sri Lanka, the EU recall our attachment to the territorial integrity and unity of Sri Lanka based on the principles of democracy. Respecting human rights and rule-of-law must at all times be guiding principle and fundamental demand to all parties on the way towards a definitive settlement to the conflict."

"The EU and several member states have a long history of co-operation with Sri Lanka. With the overall objective to support the peace process and assess the possibilities of financial support, an EU Troika mission recently visited Sri Lanka. The Troika mission had useful discussions with all relevant stakeholders, and was left with the positive impression of the will and commitment of the Government of Sri Lanka and the LTTE to continue the peace process.

"Based on the results of the Troika mission the Council of the European Mission last week decided that the EU:

- Will strengthen its engagement in the peace process in Sri Lanka and in this context also engage the Tamil Diaspora to support the process,
- Expand the dialogue with all parties involved in the process, and
- Mobilize funds to support immediate activities focusing on the priority areas of de-mining and return and rehabilitation of Internally Displace People.

"The EU invites all parties to seize the present opportunity and promote jointly a solution to the conflict. The EU is confident that not only the negotiating parties but all political stakeholders and institutions of Sri Lanka are aware of their momentous responsibilities at this juncture: despite the complexities of the challenges, there is now a real chance for the people of Sri Lanka to establish peace in their country. This opportunity must not be missed."

"Bringing peace to Sri Lanka will also have a considerable economic im-

(continued on next page)



# Issues in Focus in the Peace Process

By Jehan Perera

## ● Questions about new partnership

The high powered international fund raising effort undertaken by the Sri Lankan government in partnership with the LTTE in Oslo yesterday at a meeting attended by representatives of the international community has raised several issues. The joint effort in which Prime Minister Ranil Wickremesinghe and LTTE chief spokesman Dr Anton Balasingham are two of the protagonists has earned the wrath of the opposition parties.

It also underscores what might be described as a paradigm shift and change of attitude by which the former foes are dealing with each other. The Oslo meeting is another example of the leadership role played by the government in resolving the war with the LTTE.

There are international precedents where such paradigm shifts have taken place and made friends and allies of former foes. An example would be the aftermath of World War II where Japan and Germany were resurrected

(Continued from page 8)

pact for the country. It is essential that all parties of Sri Lanka visible benefit from the peace dividend."

"The EU stands ready to support the peace process and is committed to delivering a substantial contribution to the post-conflict rehabilitation of Sri Lanka. This assistance will initially focus on the immediate priority areas of de-mining and rehabilitation and Internally Displace People.

In this respect, the EU welcomes the decision taken by the Government of Sri Lanka and the LTTE to establish a Sub-Committee and a Fund on Immediate Humanitarian and Rehabilitation Needs in the North and East. The EU looks forward to receiving more information on these institutions and hope to be able to establish a close co-operation with the Government and the LTTE on post-conflict rehabilitation."

from the ashes by massive American-led Marshall Aid funding and went on to become two of the staunchest allies of the United States. This dramatic change would echo the religious teaching that "There is no holier spot on earth than where an ancient hatred has become a present love." In the realm of governmental and institutional relations, it may be more appropriate to talk about acceptance and respect than about love.

Since its election in December 2002 the government headed by Prime Minister Wickremesinghe has been considerably ahead of the rest of society in changing the nature of its relationship with the LTTE. By sitting with Dr Balasingham at the Oslo meeting, the Prime Minister has elevated the status of the LTTE in the eyes of the international community. This new reality has been difficult to accept by those who continue to see the LTTE as the main enemy of the Sri Lankan state. In the past two decades of war, the LTTE has assassinated many Sri Lankan leaders and attacked its military, civilian population and economy. By way of contrast, the present ceasefire, though it is the longest ever, is not even a year in duration. It is easy to understand why old patterns of thinking have a continuing appeal.

However, with political life constantly evolving and ground realities changing there is a spread of new patterns of thinking and a willingness to countenance new strategies to replace the failed old ones.

The recent annual convention of the Sri Lanka Foundation Institute on human rights, peace and democracy bears out this assertion. The opening session was devoted to an analysis of the ethnic conflict. The organisers had taken care to ensure that there was ethnic and non-partisan representation on the panel of discussants. The careful selection of panellists on the basis of a bal-

ance of ethnicity and political orientation is an indication of the shift of thinking that is taking place in civil society to sustain the evolution of a new society.

One of the interesting observations made by the chairman of the panel, Colombo University political scientist Dayan Jayatilleke, was that the panellists ranged from those who were critical of the present negotiation process as conceding too much to the LTTE to those who supported it as the only feasible option. But the common element, he pointed out, was that they all believed in the necessity of a negotiated settlement, whereas the old polarisation was between those who advocated a negotiated settlement and those who rejected it and advocated instead a military solution. This observation of a paradigm shift is also borne out by the results of recent public opinion polls.

According to surveys carried out regularly by the Centre for Policy Alternatives over half of those surveyed express their unhappiness with the concessions being made to the LTTE. Most of them prefer a harder mode of bargaining. But a vast majority of over 80 percent of those polled believe that a negotiated political solution is the only way to solve the ethnic conflict. Only about 10 percent place their faith in the efficacy of a military solution. In other words, after experiencing 20 years of war, the vast majority of people are no longer impressed by the prospects of a military solution. They want the peace process to continue and they will not reject an option of negotiation in the vain hope of military victory.

## The opposition

The weakness of the opposition political parties is that they have been unable to come up with a better and practically realisable alternative negotiation strategy to that of the government. However, they have been critical of the government as conceding too much to the LTTE. With regard to the Oslo meeting they have made three sets of objections to the government's decision to sit jointly with the LTTE in Oslo. The first is that the LTTE's presence at the meeting will serve to enhance its image and thereby, among other things, lead to the lifting of the international bans placed on it. The sec-

ond is that the government is awarding the LTTE equal status and thereby paving the way for a separate state led by the LTTE. The third objection is that human rights violations continue to take place in the north and east by the LTTE, and these are being ignored in the effort made to keep it within the peace process.

The first two objections above are based on the old paradigm that the LTTE is the enemy of Sri Lanka. It is true that the LTTE's presence alongside the government at the Oslo meeting will strengthen the credibility of the LTTE. But it must also be noted that this strengthening of the LTTE is taking place within the framework of an internationally monitored peace process that has a united and democratic Sri Lanka as one of its primary objectives. The LTTE is not being strengthened for the purpose of dictatorship or war, but for the purpose of democracy and peace. It is only being strengthened within the framework of the peace process. Further, any pledges made by the LTTE will be observed internationally and it will be very difficult for the LTTE to retract from the pledges made for that reason.

### People's well-being

Some of the opposition parties also appear to be very concerned about the status being conferred upon the LTTE when it sits down with the elected government of a sovereign state.

As an unelected body branded internationally as terrorist, this status is important to the LTTE. But the LTTE's gain will not be the Sri Lankan government's loss. The LTTE has a long distance to travel to overcome its past in the eyes of the international community. The road to legitimacy will include a respect for human rights and the electoral process, not only in words but in deeds and on the ground. Until the LTTE is capable of contesting and winning democratic elections it will not be recognised as a truly legitimate political organisation by international standards.

There is no question that at this time, the Sri Lankan government will remain the democratically elected government of the country in the eyes of the international community.

To the extent that the international

community sees the Sri Lankan government bending over backwards to avoid a breakdown of the peace process it will generate further support for the government. A government that gives first place to ensuring the peace and wellbeing of its population is one that will enjoy the greatest degree of international legitimacy.

It is in the context of the wellbeing of the people that the third objection against the favoured position being given to the LTTE has most validity. This is with regard to the human rights violations taking place in the north and east. At the second session of peace talks in Thailand the LTTE pledged to recognise the political pluralism in the north and east and to take to the democratic path. But this message, which represents a paradigm shift for the LTTE which has hitherto been an authoritarian and military organisation, has yet to be transmitted to all levels of the organisation. It is apparent that the LTTE is not doing enough on this score. It needs to be held to its word. Civil society organisations and the international community also need to add to the pressure on the government and LTTE to see that human rights and democracy prevail in the north and east in this post-war period.

In particular the LTTE's continuous recruitment of children needs to be ended, and the children in its charge need to be rehabilitated outside of it. The attempts by the LTTE to forcibly evict Tamil political parties such as the EPDP that have opposed them in the past need to be ended. The harassment of Muslims and causing fear among them by setting up LTTE police stations without negotiating about them with the government is another indication that the LTTE needs to think about others and not only its own interests.

The problem of thinking in terms of old categories exists not only in the south of the country but also in the north and east. Clearly the members of the LTTE who continue to recruit children and who attempt to forcibly get rid of their political opponents are thinking in terms of the old paradigm of enemies and not partners. Likewise the members of the opposition parties who are attacking the government for engaging with the LTTE in a manner that benefits that organisation are also thinking in terms

of the old paradigm. The new thinking of partnership and mutual respect and acceptance has yet to seep down to all levels of society.

### ● A positive role for India

The decision of the Indian government not to take part in the Peace Support Meeting convened last week by the Norwegian government in Oslo highlighted once again the ambivalent Indian attitude towards the Sri Lankan peace process. It appears that the Sri Lankan government tried its utmost to persuade India to participate in the Oslo meeting which was meant to be a showpiece of the international community's moral and tangible support for the peace process.

India's response to the importuning by the Sri Lankan government was to issue a statement supporting Sri Lanka's efforts to find a negotiated solution to its ethnic conflict that would both uphold its unity and sovereignty and also meet the just aspirations of all its communities.

In addition India further relaxed the terms of its USD 100 million interest-free loan to Sri Lanka. Interestingly this loan amounts to more than all the pledges made by the richest countries in the world at the Oslo meeting.

The root of the Indian ambivalence towards the present peace process in Sri Lanka is its broken relationship with the LTTE. The topmost leadership of the LTTE is on the most wanted list of the Indian law enforcement agencies for their role in the assassination of former Indian prime minister Rajiv Gandhi.

The LTTE also fought the Indian peace keeping army in Sri Lanka and left more than three thousand of its soldiers either dead or seriously injured.

The emotions that these memories generate in sections of the Indian polity would have made it difficult for the Indian government to sit in the same room as the LTTE at a public function. It would have been challenged in Parliament. There was also the threat of a lawsuit against it for dealing with a banned organisation.

By way of contrast both the United States and United Kingdom sent high level representatives to the Oslo meeting despite the LTTE being a banned organisation in their countries.

Those two countries do not face any

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sort of emotional reaction from within their politics to dealing with the LTTE as it has not directly taken actions that would injure their interests or pride. This could account for the fact that those countries attended the Oslo meeting while India did not.

India would not wish to take any action that strengthens and legitimises the LTTE.

Apart from having directly offended and harmed India by assassinating its former prime minister and by battling its peace keeping forces, the LTTE also poses a threat to India's own security interests. An easy-to-divide Sri Lanka could become an easier plaything for external powers to enter and make use of to destabilise India whenever it suits them. All these factors could help to explain why India refused to participate in the Oslo meeting.

#### Indian opinion

However, it also appears that India does not intend to undermine the Sri Lankan government's efforts to reach a negotiated settlement with the LTTE.

There is in India a strong opinion that it should help Sri Lanka to overcome its self-destructive ethnic conflict and attain a peaceful and just society.

At a seminar in Chennai earlier this week organised by the South Asia Forum for Human Rights and attended by senior Sri Lankan journalists, academics and civic activists, their Indian counterparts spoke in terms of India's shared responsibility in fostering the militancy that had taken place in Sri Lanka.

It is apparent that Indian policy makers today wish to undo this destructive past. This may account for India's willingness to accept the Norwegian mediation effort in its own backyard.

In the past it is unlikely that India would have wished such a Western-led intervention to succeed. But at this time there is no evidence that India is undermining the presently successful Norwegian efforts to facilitate a negotiated political settlement between the Sri Lankan government and the LTTE.

Also the generosity of India in making available to Sri Lanka the sum of USD 100 million needs to be well ap-

preciated, especially in the context of the dire poverty of hundreds of millions of its own people.

The Sri Lankan ethnic conflict is a quagmire that India once got into directly and caused a lot of problems for Sri Lanka and itself, and from which it then withdrew.

However, as a part of its present commitment to rebuilding a united and strong Sri Lanka, India needs to find a way to contribute positively to the Sri Lankan peace process. One crucial way in which India can strengthen Sri Lanka to arrive at a stable solution is to assist the Sri Lankan government and opposition to arrive at a bipartisan approach to the resolving the ethnic conflict.

#### Present failure

While the Norwegian facilitation has been extremely successful in getting the Sri Lankan government and the LTTE together, it has not been successful in getting the government and opposition together.

The absence of government-opposition understanding and cooperation with regard to the peace process is

emerging as a major threat to its sustainability.

Without the backing of the opposition, there can be no changes to the country's constitution that would permit and create confidence that a lasting political solution has been reached.

It would be unrealistic to expect the LTTE to make a full transition from a military organisation to a political one in the absence of a bipartisan political consensus on the future constitution of Sri Lanka.

Apart from getting the basic prerequisite for a two-thirds majority in Parliament to enable constitutional change, there is another reason why the government and opposition need to collaborate on the peace process.

There must be a guarantee that what one ruling party signs today, another ruling party will not undermine tomorrow. India could utilise its influence to persuade the government and opposition to work together on the peace process. If it did so, it would be helping Sri Lanka to arrive at a national consensus on the future political arrangements that would guarantee that the just aspirations of all communities are met.

So far the Sri Lankan government seems to be willing to concede to the opposition the Northern Ireland model and Liam Fox agreement brokered by the United Kingdom.

According to this model, the government will keep the opposition fully informed about developments in the peace process, and in turn the opposition pledges not to undermine the peace process and to honour any agreements reached under it when it would return to power.

But this UK-inspired model does not seem to be working satisfactorily in the context of Sri Lanka's polarised

politics. India may have lessons to offer Sri Lanka in regard to bipartisan collaboration on matters of national importance.

For several years now Sri Lankan civil society organisations and religious prelates have been urging the government and opposition to work together to evolve a just solution to the ethnic conflict.

In addition to them, the Western countries that have also tried and failed to make bipartisanship work in Sri Lanka, should also encourage India to take on the highly constructive role of facilitating political consensus between the government and opposition with regard to the ongoing peace process. Neither the government nor the opposition will wish to displease or alienate Indian.

The geo-political reality is that India is the most important country to Sri Lanka. A positive Indian role in the peace process will be indispensable for the long term sustainability of Sri Lanka's difficult and controversial journey towards peace.

● **A federal solution**

The latest breakthrough in Oslo was in keeping with the record set by the government and LTTE following the general elections of December 2001.

The statement issued by the Norwegian facilitators at the close of the third session of peace talks in Oslo said, "Responding to a proposal by the leadership of the LTTE, the parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking people based on a federal structure within a united Sri Lanka. The parties acknowledged that the solution has to be acceptable to all com-


munities."

Just as the lifting of the security barriers in Colombo in February caught most people by surprise, so was the latest announcement regarding the acceptability of a federal model of government by the two parties. Until that announcement the LTTE had never categorically stated what type of concrete political solution it would be prepared to accept. Even the present government appeared to be dodging the issue unlike its predecessor which had forthrightly presented a concept of "union of regions" as an alternative to the unitary model of government.

For the past several years the LTTE had been saying it was prepared to accept a viable alternative to Tamil Eelam. But it never specified what this might mean. The furthest it would go was to say that this viable alternative should be in accordance with the principles worked out jointly by all Tamil parties participating at the Thimpu peace talks in 1985. The relevant principles being Tamil nationhood, Tamil self-determination and Tamil traditional homelands, it was not surprising that they were construed both by successive governments and by Sinhalese nationalists to mean nothing short of independence.

However, in the context of the mutual inability of the government and LTTE to militarily defeat each other in the territory demarcated as the traditional homeland, some analysts believed that the LTTE would settle for nothing less than confederation. In broad terms a confederation is a political system in which two or more separate states, with their own prime ministers, parliaments and armies, are loosely tied to each other for specific purposes. The Commonwealth of independent states which was formed in the aftermath of the collapse of the Soviet Union would be one example.

During the years of war, sections of Tamil opinion held fast to the confederal model. This may have included the LTTE as well, to the extent that those who were fighting a war could think in terms of constitutional concepts. But inasmuch as the present peace process has opened the closed roads of the north and the east, so has it opened the Tamil nationalist movement to the mainstream currents of interna-

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tional thinking on governance in multi-ethnic societies. It is likely that in the engagement and dialogue taking place due to the peace process, the reality of federalism as the only viable alternative made its presence felt.

The international experience with confederations is that they are highly unstable. There is not a single successful example in the world today. The commonwealth of independent states is no more than a name board. The system in Switzerland is nominally a confederation, but in practice is a federation with high degree of power sharing between centre, regions, political parties and the people themselves at frequently held referendums. The United States was originally based on Articles of Confederation of 1781. But this was abandoned as the system did not work. The centre was too dependent on the states for finance and executive powers.

#### Similar charges

However, the difficulties likely to be faced by the LTTE leadership in accepting a federal model needs to be appreciated. After all, federalism was the slogan of half a century ago. In a sense the acceptance of a federal model is to go back in order to go forward to the future. Sections of Tamil nationalist opinion residing abroad and in Colombo - away from the battlegrounds of the north-east may prefer a harder bargaining position. Besides the LTTE military cadre itself has been inculcated with a deep yearning for an independent state of Tamil Eelam epitomised in the standard LTTE cry "The thirst of the Tigers is Tamil Eelam."

It is ironic that the LTTE negotiators will be charged with not bargaining hard enough in the same way that the government negotiators are being criticised by sections of the political opposition. The answer to the charge is that the two sides are not negotiating in a spirit of bargaining. Those who pride themselves on being hard bargainers are often too insensitive to realise that their so-called success is at the cost of long-term relationship-building. They might get themselves a good bargain on one occasion. But the relationship is unlikely to survive. Usually hard

bargaining is most effective in a one-off negotiation, such as when bargaining on the street with a pavement hawk.

However, when it comes to long term relationships, those who engage in hard bargaining are likely to fail. Sustaining long-term relationships requires a different type of negotiations in which the interests of each side are met in a fair and reasonable manner. It seems that the government and LTTE negotiators have engaged in such interest-based negotiations with one another. They have not tried to defeat each other at the negotiating table, but have instead sought to engage in joint problem-solving. In short, they appear to have sat together on the same side of the table to solve a common problem that was ruining the country and all of its people.

Federalism is a standard constitutional system that exists in many countries of the world. It is particularly effective in permitting power sharing between ethnic communities in multi-ethnic societies. Federalism permits national minorities who are regional majorities to enjoy the right of self-determination and thereby wield political power at the regional level. But fifty years ago when the Tamil-dominated Federal Party launched its campaign for a federal state in the north and east of Sri Lanka, Sinhalese nationalists opposed it as a stepping stone to a separate state.

Federalism was bitterly opposed by Sinhalese nationalists to the extent that it became a bad word to mainstream political parties. But after two decades of war, the reality of virtual separation has dawned upon most people. Most of the north and east was inaccessible to the people living in the rest of the country. Federalism has now become a stepping stone to reuniting a divided country and bringing long term prosperity and peace to all its inhabitants.

#### Bipartisan challenge

The government is being blamed by the opposition for not engaging in hard bargaining with the LTTE. If hard bargaining had been the strategy, it is likely that the LTTE would have demanded confederation at the outset. But due to

the government's willingness to engage in problem-solving with the LTTE as a partner and not as an enemy, there was a speedy agreement regarding a realistic framework of governance for the future. The willingness on the part of the Sri Lankan government to accept a federal solution to the ethnic conflict fifty years after it was first raised is a testament to the constructive change that twenty years of war has wrought.

Civil society organisations will have an important role to play in explaining to the general population what federalism means in terms of structures of governance and power sharing. This needs to be done not only amongst Sinhalese, but also amongst the Tamils and Muslims. In particular, the Muslim voice needs to be articulated at the negotiations on power sharing. To their credit civil society organisations have found ways to contribute to the substantive content of the peace talks. Earlier the Centre for Policy Alternatives had contributed to the discussion on federalism by inviting a Canadian organisation, the Forum on Federations, to Sri Lanka. In Oslo both the negotiating teams had discussions with this Canadian non-governmental organisation.

However, the process of constitution making needs to encompass the political opposition that has unfortunately become marginalised in the peace process. With the success of the government-LTTE peace talks, it is the absence of government-opposition understanding and cooperation with regard to the peace process that emerges as a major threat to its sustainability. Now that the framework of a political solution is in place, a joint committee that includes the major opposition party should be set up to work out the content of the political solution. Civil society organisations need to lobby for bipartisanship and a more inclusive process of deliberation that includes all political parties in formulating the final solution.

Without the backing of the opposition, and a two-thirds majority in Parliament, it would be difficult to ensure changes to the country's constitution that would permit and create confidence that a lasting political solution has been

reached. It would be unrealistic to expect the LTTE to make a full transition from a military organisation to a political one in the absence of a bipartisan political consensus on the future constitution of Sri Lanka. There must be a guarantee that what one ruling party signs today, another ruling party will not undermine tomorrow.

Shortly before the Oslo peace talks, the Presidential Secretariat issued a statement in which President Chandrika Kumaratunga said that "the PA was the only political party to spell out its devolution of power proposal as a draft constitution in 1997 and still upheld the devolution of power along a federalist or Indian model within a united Sri Lanka." Accordingly, the government and the main opposition party stand on common ground with respect to a political solution based on federal principles. They need to put their personal and political rivalries to a side and find a means to collaborate to make a permanent and a just peace a reality for all communities inhabiting Sri Lanka.

#### ● Credibility gap between words and deeds

A continuing cause for unease is the gap that exists between the words and deeds in the process that is currently underway. There is one thing being said in words but the practice is another on the ground. Opponents of the peace process are making use of this contradiction to cast doubt on the federal breakthrough as well as other ones, such as the establishment of joint committees between the government and LTTE to iron out problems at all levels. The government and LTTE, together with the Norwegian facilitator, have a responsibility to remove these doubts to ensure the long term sustainability of the peace process. At the Oslo talks the LTTE promised to respect the plural nature of the north and east and to permit political work by the unarmed cadre of other political parties. This followed a previous pledge along the same lines by the LTTE's chief negotiator Dr Anton Balasingham at the earlier round of talks in Thailand. But throughout the period that has followed there has been a determined campaign to drive away the EPDP from

the north. The LTTE has publicly issued statements demanding the withdrawal of the EPDP. Bomb blasts and people's pressure have been used as pressure tactics. This is in violation of both the letter and spirit of the ceasefire agreement and the consensual statements issued by the Norwegian government at the conclusion of each round of peace talks.

The Scandinavian monitors in the Sri Lanka Monitoring Mission have said that there is no evidence linking the LTTE to the incidents in which large and small numbers of people have been picketing and storming EPDP offices in the north. The latest is a bomb blast that destroyed the EPDP office in Atchuveli. A few months ago, similar stormings of Sri Lankan security force camps also took place. However, it is a well known reality in Sri Lanka that people do not go spontaneously go about attacking selected targets without prior mobilisation. This is especially so in areas where people have got conditioned to living under the domination of armed personnel whether from the government or militants.

#### Restoring democracy

The SLMM is also reported to have made a statement that it believes the EPDP should withdraw from the areas of contestation in the interests of peace. Like the LTTE, the EPDP is a Tamil militant organisation that waged war against the Sri Lankan state, killings its soldiers and murdering its opponents. The EPDP's decision to take to the political path to resolve the ethnic conflict came several years and thousands of lives earlier. However, aspects of its conduct have continued to be undemocratic and based on violence and thuggery. There are large sections of Tamil society that would view the EPDP in a very unfavourable light. But the same could be said of the LTTE.

The peace process is meant to restore democracy to the north and east so that the people's aspirations may be respected and realised on the ground. No one party has the right to deny another the opportunity of doing political work in any part of the country. Civil society organisations that have been watching the unexpectedly rapid

progress of the government-LTTE relationship from the sidelines need to activate their networks at this time. At the same time that they appreciate the dialogue that is taking place, the conceptual breakthroughs that are being made and the situation of no-war that has lasted for over a year, they must also find ways to press the two parties to implement their words on the ground.

The LTTE is likely to be having its own concerns at this time. In agreeing to the ceasefire agreement, it took the risk of opening the closed off areas of the north and east where it had obtained military control. The ceasefire agreement provided for the opening of roads and the relatively free movement of people. As a military organisation the LTTE used its military forces to direct the population living in the territories under its control. Under the ceasefire agreement, however, the use of violence and force is not permitted. This would necessarily put the LTTE on a disadvantageous terrain, until such time as its political capacities are increased.

Perhaps it was the LTTE's desire to counter the disadvantages to itself arising out of the peace process that caused it to go on a massive recruitment campaign shortly after the ceasefire agreement was signed, and also to raise money from the people by means of its taxes and levies. But when the recruitment includes taking large numbers of children over the resistance of their parents, and taking money from people who no interest in supporting the LTTE's cause, the borderline is crossed into the realm of human rights abuse. These abuses cannot be condoned and remedies for them need to be found.

#### Favourable treatment

The favourable treatment meted out to the LTTE by the Norwegian facilitators may be attributed to their concern to keep the LTTE feeling secure within the present peace process. In any conflict between a government and guerilla organisation, the difficulty would be to reassure the latter that it will not be irrecoverably weakened or cheated as a result of entering into the peace process. The reluctance of the Sri Lanka Monitoring Mission to take the

(continued on page 41)

# LTTE Leader for internal self-government

In what has been described as a radical move to clarify the policy orientation of his organisation, Mr Velupillai Pirapaharan, the leader of the Liberation Tigers of Tamil Eelam (LTTE), in his annual Heroes' Day address on 27 November, declared that he would favourably consider a political framework that offers substantial regional autonomy and self-government to the Tamil people on the basis of their right to internal self-determination.

But Mr Pirapaharan also warned, 'If our demand for regional self-rule based on the right to internal self-determination is rejected, we have no alternative other than to secede and form an independent state.'

Expressing satisfaction over the progress of the peace negotiations between the government and his organisation, Mr Pirapaharan said, 'It is our deepest desire that the current peace talks facilitated by Norway should succeed and all the communities living in the island should co-exist in harmony.'

The following are extracts from Mr Pirapaharan's statement:

"Our liberation struggle has reached a new historical turning point and entered into a new developmental stage. We are facing a new challenge. We have ceased armed hostilities and are now engaged in a peaceful negotiating process to resolve the ethnic conflict. Our sincere and dedicated commitment to the peace process has falsified and demolished the propaganda campaign carried out by Sinhala chauvinists that we are enemies of peace.

Even on the issue of cease-fire, we took the initiative. We declared a unilateral cease-fire and called upon the government to reciprocate. The new government, which assumed power with a mandate for peace, reciprocated positively to our declaration of cease-fire. The mutually agreed cessation of hostilities came into effect on 23 February under the supervision of an in-

ternational monitoring team. This cease-fire has been in force for the past nine months. There have been several provocative attempts by certain elements of the armed forces and anti-peace racist forces to disrupt the peace process. There were incidents in which several innocent Tamils were killed. Nevertheless, we maintained a rigid discipline and observed peace. This is a clear demonstration of our genuine commitment to the path of peace.

If a reasonable settlement to the Tamil national question could be realised by peaceful means we will make every endeavour, with honesty and sincerity to pursue that path. Our political objective is to ensure that our people should live in freedom and dignity in their homeland enjoying the right of self-rule. If this political objective could be realised by peaceful means, we are prepared to adopt that method. We have never shown any disinclination to win the political rights of our people through peaceful means. We have participated in peace negotiations at different places, at different times in different historical circumstances i.e in Thimpu, in Delhi, in Colombo, in Jaffna and now in Thailand. All previous attempts to a negotiated political settlement ended in fiasco. These failures could only be attributed to the hard-line attitude and deceitful political approaches of previous Sri Lanka governments. Now, the government of Mr Ranil Wickramasinghe is attempting to resolve the problems of the Tamils with sincerity and courage. Furthermore, the current cease-fire, built on a strong foundation and the sincere efforts of the international monitoring mission to further stabilise it, has helped to consolidate the peace process. The capable and skilful facilitation by the Norwegians has also contributed to the steady progress of the current peace talks. Above all, the concern, interests and enthusiasm shown by the international community has given hope and encourage-

ment to both parties. The ideal approach is to move the talks forward, systematically, step by step, standing on a strong foundation of peace and building mutual confidence.

As a consequence of the brutal war that continued incessantly for more than two decades, our people face enormous existential problems. The social and political infrastructures of the Tamil nation are in ruins. The cities, towns and villages have been razed to the ground. Houses, temples and schools have been destroyed. An ancient civilization that stood on our lands for centuries has been uprooted. It is not possible for our people to rebuild their ruined social and economic structures. It is a monumental humanitarian problem. We hope that the international community will view the problem sympathetically. We are relieved to learn that international governments have come forward to assist the rehabilitation and reconstruction of the war damaged Tamil nation. Though there is peace in the Tamil homeland, conditions of normalcy have not been restored. Under the cover of 'high security zones', the Sinhala armed forces are occupying residential areas and social, economic and cultural centres. Forty thousand troops are occupying Jaffna peninsula, which is a tiny geographical region with a dense population. The military occupation is suffocating the civilian masses and causing tensions. Jaffna, which is the cultural heartland of the Tamil people, has turned into an open prison. The occupying forces are using the civilians as their protective shields. As several villages, houses and roads are entrapped by occupation several thousands of internally displaced are unable to return to their residences. Unless this problem is resolved there is no possibility for normalcy and social peace to be restored to Jaffna.

It has always been our position that the urgent and immediate problems of our people should be resolved during the early stages of the peace talks. The former government of Sri Lanka rejected our position. As a result the peace talks broke down. There was a misconception on the part of the former regime that we were hesitant to take up the fundamental political issues and insisted on the resolution of the immediate problems. But the present government has

been taking concrete actions redressing the urgent and immediate problems of our people. This is a positive development. The objective of our struggle is based on the concept of self-determination as articulated in the UN Charter and other instruments. We have always been consistent with our policy with regard to our struggle for self-determination. Tamil homeland, Tamil nationality and Tamils' right to self-determination are the fundamentals underlying our political struggle. We have been insisting on these fundamentals from Thimpu to Thailand. Our position is that the Tamil national question should be resolved on the basis of these core principles. Tamils constitute themselves as a people, or rather as a national formation since they possess a distinct language, culture and history with a clearly defined homeland and a consciousness of their ethnic identity. As a distinct people they are entitled to the right to self-determination. The right to self-determination has two aspects: internal and external. The internal self-determination entitles a people to regional self-rule. The Tamil people want to live in freedom and dignity in

their own lands, in their historically constituted traditional lands without the domination of external forces. They want to protect their national identity pursuing the development of their language, culture and economy. They want to live in their homeland under a system of self-rule. This is the political aspiration of our people. This constitutes the essential meaning of internal self-determination. We are prepared to consider favourably a political framework that offers substantial regional autonomy and self-government in our homeland on the basis of our right to internal self-determination. But if our people's right to self-determination is denied and our demand for regional self-rule is rejected we have no alternative other than to secede and form an independent state.

Racism and racist oppression are the causative factors for rebellions and secessionist politics. The Sinhalese people should identify and reject the racist forces if they desire a permanent peace, ethnic harmony and economic prosperity. They should support, wholeheartedly, the efforts to find a political solution by peaceful means. The Sinhalese

people should not oppose the Tamils' aspirations to manage their own affairs under a system of self-rule in their own homeland. It is the politics of the Sinhala nation that will eventually determine whether the Sinhalese could peacefully co-exist with the Tamils or to compel the Tamils to secede.

We are pleased to note that the talks between the government and the LTTE are progressing forward under the conditions of mutual trust and goodwill. We are encouraged by the interest shown by the international community in the peace process and their willingness to offer assistance to rebuild the war damaged economy of the Tamil nation. It is our deepest desire that the current peace talks facilitated by Norway should succeed and all the communities living in the island should co-exist in harmony. If the Sinhala chauvinistic forces, for their own petty political reasons scuttle this peace effort which has raised high hopes and expectations and gained the support of the international community, the Tamil people will be compelled to pursue the path of secession and political independence." □

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# On the A9 highway to devastation

Thelma and Gaston de Rosayro

The A-9 highway beyond the Vavuniya District despite its natural bucolic landscape is decidedly not a pretty picture. What unravels for nearly 230 km along the route from this point to the northern peninsula is unbelievable devastation that projects itself with all the unreality of a backdrop set for a war film.

But this is not a surreal setting for a celluloid blockbuster depicting the explosive cauldron of entire districts laid waste in the aftermath of bloody conflict.

But the truth is, for all its nightmarish undertones of cinematic dramatisation relating to a modern blitzkrieg, it is indisputably real. Once clear of Vavuniya Town and from Nelukkulam and then onwards past Thandikkulam our bus trundles along a gravel roadway leading to the first government military checkpoint at Omantai. Along the route we glimpse the flattened Omantai school, its buildings annihilated by cannonades of high-powered shelling. The area is technically under the control of the army, but in reality it is a no-man's land.

Along this desolate stretch, heavily mined on either side for miles, herds of maverick cattle graze contentedly on either side of lush grassland bordering the road. The thousands of wild cattle here are descendents of the domesticated livestock left behind by farming communities fleeing the holocaust after being trapped in the raging cross-fire. The cattle have since been breeding profusely and in their untamed bliss they are decidedly not for milking. Nor are the herds easy beef-on-the-hoof for even the most intrepid rustlers.

It is not the regular military patrols in this cleared area that are the only deterrent to aspiring cattle thieves. The pastures are both literally and metaphorically explosive locales with a maze of deadly landmines planted by retreating Tiger rebels as well as government security forces. There are signs placed at strategic locations along the route warning travellers that they could be maimed or killed if they are foolish

enough to intrude into such dangerous preserves. Indeed, now and again a luckless steer is blown to "leathereens" after stepping on such lethal devices.

Friendly troops greet the weary travellers at the Omantai military checkpoint where clearance is fast and efficient. A hundred metres beyond is a temporary Tiger camp, where uniformed LTTE cadres halt the bus for a brief check and then signal it on with the characteristic wave of rustic traffic cops. The actual Tiger checkpoint where travellers will be required to fill immigration forms and are subject to Customs checks is some 12 km down the road at Puliyankulam. Fortunately, our forms have been duly perfected and we are spared the hassle of having to make any Customs declarations.

But most of our fellow travellers make use of the short break to stretch their cramped legs and make use of the camp's pit-latrines, which though not exactly in the same class as some of the relief facilities at some of the more-modest resorts, are at least hygienic and not stench-laden. Those with hardier bladders do a quick reconnaissance of the camp, have their pictures taken alongside uniformed Tiger policemen dressed smartly in light-blue tunics similar to those of the "gambatta" type security-assistants in the south.

On the road again, one comes to the sudden realisation that is Sri Pada season when we encounter endless coveys of butterflies, many of them oblivious of the juggernaut of our bus into whose path hundreds of them shatter against with suicidal vivacity. Swarms of the frail-winged insects collide with the windshield of our vehicle while scores of others dash against the passenger windows with similar self-destructive proclivity. They evoke harsh memories of the elite units of kamikaze Tiger cadres who had been correspondingly been raised with a death-wish and obsessed with the same sense of martyrdom.

One progresses northward through more borders that have been closed for decades and have now been unplugged following the ceasefire. The vehicle

passes Mankulam a frontier town sandwiched between Vavuniya and Mulla-ttivu districts. One cannot fail to recall the Tiger attack on the police station here at the height of the conflict. And then as the vehicle trundles on one can hardly fail to notice the evidence of more wreckage everywhere.

The road meanders to Kilinochchi, now regarded the Tiger heartland.

Signboards with large bureaucratic lettering in similarity to those identifying government institutions classify a district court, a police station, a forest protection and political division and an information centre smack in the middle of the town. But a closer look reveals the LTTE logo on everyone of these shingles, signifying that they are all administered by the de-facto Tiger régime.

Finally, making headway in the Jaffna District one cannot fail to notice a couple of armoured tanks which suffered direct mortar hits lie rusting on the periphery of what was once the massive Elephant Pass military facility.

Military facility? What military facility? There is not the remotest evidence of any military camp that had existed in this strategic location caressed by lagoons on either side of the roadway.

The only hint of a flattened and vanished camp that had been in existence here are rolls of concertina barbed-wire lie partly submerged in the wetlands caused by the lagoon's over-spill. I catch a fleeting glimpse of a charred wooden cross on a tiny islet, where some grieving fighting man had obviously laid a dead comrade to rest.

## Jaffna - reduced to rubble and ruin

Jaffna, the northern peninsula, with its charming cadjan-thatched fences, picture-book villages and tranquil bays and lagoons, is decidedly a delightfully composed mini-universe. This once commercial, thriving port city that dominated the trade route between India and Sri Lanka is in a shambles. And not surprisingly. Because it has the distinction of being one of the most heavily bombarded districts on earth.

This cultural and commercial urban giant which was also one of the country's great centres of religious art and learning has now been relegated into a wrecked antechamber of history. All along the A-9 route we have seen entire villagers, homesteads and town-

ships that have been reduced to rubble and ruin. Dozens of small villagers have been wiped off the map. Acres of once lush paddy and tobacco cultivations lie scorched and untilled. Vast vistas of what were productive coconut and palmyrah plantations have been ravaged by heavy artillery shelling.

Hundreds of such indigenous palm trunks stick out hideously in seemingly naked abashment, twisted and truncated relics of what certainly had been a rippling sea of green canopies. Their crowning fronds have been sheared by high-powered shells fashioning a sort of spreading graveyard for these uniquely beautiful palms.

Nearly three decades of war have debased this once-bustling northern trading post to virtual debris, creating ghost-towns and wastelands. And then as we enter Jaffna Town we observe more bombed-out ruins, in a district whose old-world charm and equally enchanting cultural traditions could seldom have been encountered anywhere on earth.

To observers it is a stark reminder of how a raging civil conflict has illu-

minated quite another side of its existence. The district attained a larger than life role after it was shoved reluctantly into becoming a stage for much of the nation's turbulent struggles for the last 20 years or so.

From its main townships, to its elite residential avenues and its more modest provincial village homes and byways, the debris, dilapidation and decay is all too evident.

Once stately homes have been completely razed, others wrecked beyond recognition by both artillery and aerial bombardment. And several that have withstood the holocaust are partially demolished, some with gaping holes in their roofs and others with the roofs completely demolished. But those that stand are all grotesquely pockmarked by bullets or heavy ballistics.

Among all the areas in Jaffna none has been buffeted by more bombardment than Chavakacheri, located at the jawline of the jutting peninsula from where it thrusts its monstrous head into the Palk Strait. The town and its environs have suffered such a peppering that has reduced most of its landmarks to

mutilated chunks of fragmentary brick and masonry. Drieberg College, one of the northern outpost's historic seats of learning, has had its sprawling buildings lacerated to only their skeletal structures. The badly strafed courts complex, opposite the school, stands as a dilapidated apology for a once proud temple of justice. Powerful mortar shells are no respecters of personages nor hallowed institutions.

Scores of other buildings have been knocked into cocked hats providing gouged gaps through which the daylight glares. Hundreds more have suffered frightful structural damage, while some have been reduced to piles of debris. A good part of the town's marketplace and once bustling bazaar remain totally demolished disaster zones which seem in danger of crumbling at any given minute.

**Resilient peninsula leaps back to life**

Even amid this diabolical cataclysm Jaffna is leaping back to life with an astonishing vitality. The task of reconstruction will not be easy. Indeed, by our own conservative estimates it may

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take several decades. We make the judgement particularly because we are aware that our bureaucracy has perfected the art of making the possible impossible.

But the ordinary people have already set about the rebuilding process with rarely witnessed enthusiasm.

Already the ceasefire and prospects of a peace accord have brought about considerable progress. Hope is heightened, because the entrepreneurial "Yaarlpaanese" spirit is evident even during these times of adversity.

Traders, legendary for their industriousness and thrift have begun rebuilding from the ashes. Take a walk down Jaffna's Main Street, the town's hyperactive chief artery which is pulsing with life and consumer demand.

Shops have been refurbished and restocked, small eating houses cater to a hungry population on wheels. Hundreds of workers, teachers, pupils and beves of lovely damsels are an integral part of the street scene as one witnesses the swish of passing bicycles. This is the traditional mode of travel and has become a great social leveller for the Jaffna populace since the war began. There appears no shortage of work for small-time bicycle repair shops, which appear to have their work cut out for them, patching punctured tyres, servicing stuck pedals and chains and replacing brake linings.

In Jaffna Town and many other principal townships the shop shelves have been lavishly restocked. Most of the commodities which had scarce and prohibitively expensive are freely available and moderately priced. Hundreds of Tamil traders have returned to their homeland after an enforced stint in the south. Many of them converse with visitors in fluent Sinhala. They demonstrate what a small world we live in when some of our group are recognised by some shopkeepers who have been plying their trade in Dehiwela and Wellawatte.

But the biggest hope now is that its people who fled the fighting will return and that expatriate Tamils, who have made their fortunes overseas while supporting the Tamil Tiger rebel movement financially, will also retrace their footsteps home and invest their money in the new dream.

(Courtesy: Daily Mirror, 12 Dec. 2002)

# Peace Talks: Leading to a Federal Solution

Dr. S. Narapalasingam

The outcome of the conference of donor countries and the latest round of peace talks between the Sri Lanka government and the LTTE held in Oslo gives much hope for further progress in the ongoing peace process.

At the meeting of many donor countries which support the Sri Lankan peace process held on November 25 at Holmenkollen Park Hotel Rica in Oslo, the two parties currently engaged in the peace talks made a joint appeal for financial assistance to rebuild the North-East shattered by the internal war between the State and the LTTE. The Sri Lankan Government also presented a separate White paper - 'Regaining Sri Lanka' - to the Conference listing the challenges it is facing, as a result of the overall destruction caused by two decades of war.

Except for some brief periods when the failed peace talks were underway, the self-destructive war has continued for nearly two decades with terrible consequences not only to the people in the North-East but also to the country as a whole. Both human and economic losses have been enormous and the present financial and economic problems are mainly due to the high cost of the protracted war. With less foreign aid and poor utilisation of even the limited foreign funds provided for development, investment too declined. It is the dire economic and financial situation that has compelled the Sri Lankan Government to seek financial assistance from the international community for resettlement, rehabilitation and reconstruction in the North-East as well as for rebuilding the war damaged economy of the entire country. The Government has not been able to allocate any funds for these works in next year's budget because of the present financial difficulties. The joint appeal for foreign aid is for implementation of programs in the North-East region. The importance of foreign financial as-

sistance in sustaining the present momentum of the peace process has also been emphasised by both parties and the Norwegian Government. Among the many countries that attended the Sri Lanka support meeting in Oslo were the major donors, who had in the past helped Sri Lanka in her development efforts. International support for the peace process was evident even before the Oslo meeting.

The pragmatic decisions taken at the second meeting of the first round held at the Rose Garden Resort near the Thai capital Bangkok during October 31 - November 3 to set up three Sub-committees were also influenced by the need to seek immediate financial assistance from foreign governments. The earlier proposals to constitute first a Joint Task Force to undertake rehabilitation and reconstruction work in the North-East and then to set up an interim administration for the combined North-East region were not pursued at the second meeting in Thailand. The Sub-committee formed between the Government and the LTTE for immediate humanitarian support for the North and East prepared the supporting paper for the joint appeal made at the Oslo meeting. The other two Sub-committees formed likewise are for jointly studying the constitutional and other issues central to the peace process; and to de-escalate and normalise the resettlement of internally displaced persons in the North and East. The declaration made by the LTTE's chief negotiator Anton Balasingham that the Tigers who had been fighting for a separate state in the North-East for the Tamils would accept a viable alternative, provided regional autonomy and self-governance were granted was also considered as helpful to a negotiated political settlement.

## Norway's Appeal

In his opening speech at the Oslo meeting, the Norwegian Foreign Min-

ister Jan Peterson said, "the parties are showing a high degree of pragmatism and innovation in the peace negotiations. They are showing courage and political leadership in taking a gradual approach. It is incumbent upon donor governments to respond likewise. In our assistance to Sri Lanka, we should be sensitive to the needs of the peace process and make every effort to be flexible and cut through red tape when necessary." His appeal on behalf of the Norwegian government, the facilitator of the peace process and also a partner in the development process in Sri Lanka, shows Norway's fear of the peace process losing momentum for lack of adequate foreign financial assistance. The dilemma here is that the allocation of more funds for development depends on the progress seen in the peace talks and in the work of the Sub-committees. The latter is evident from the various speeches of the representatives of major donors.

#### Donors Urge

The US Deputy Secretary of State Richard Armitage in his speech said:

"We urge the LTTE to go one step further and add to this commitment (to settle the conflict peacefully through negotiations) a public renunciation of terrorism and violence – to make it clear to the people of Sri Lanka and indeed to the international community – that the LTTE has abandoned its armed struggle for a separate state and instead accepts the sovereignty of a Sri Lankan government that respects and protects the rights of all its people. In turn, the LTTE should affirm the fundamental human rights of all Sri Lankans – not just the right to life, but to free speech; to participate in governance; to associate freely; and to enjoy the full protection of the law." It seems clear that the US government expects these commitments to be visible from the actions on the ground while the peace talks progress.

Japan, the largest single donor with a long history of economic co-operation has tied increased aid to the progress in the ongoing peace process. Yasushi Akashi, Japan's special envoy for the Sri Lankan peace process said

at the meeting that for the next pledging meeting in Tokyo to be successful there would have to be substantial progress in the peace process.

UK's Secretary of State for International Development Clare Short stressed the need to improve the human rights situation and for humanitarian agencies to have independent access to communities in need of assistance. They must have the ability to work freely with these communities. She expected to see progress on these issues. She also said, "subject to continuing good progress, we intend to offer further financial support for longer term programmes at the conference the Japanese have kindly offered to host in 2003"

#### Engaging the diaspora

The EU representative Petter Hansen in his address said: "EU stands ready to support the peace process and is committed to delivering a substantial contribution to the post-conflict rehabilitation of Sri Lanka." He introduced a new perspective to the support



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effort by asserting EU "will also engage the Tamil diaspora to support the process." The kind of political solution that the EU expects is also evident from his comment. He said: "While underlining the need to take into account the legitimate aspirations of all communities in Sri Lanka, the EU recall our attachment to the territorial integrity and unity of Sri Lanka based on the principles of democracy. Respecting human rights and rule-of-law must at all times be guiding principle and fundamental demand to all parties on the way towards a definitive settlement to the conflict." He also said, "EU welcomes the decision taken by the Government of Sri Lanka and the LTTE to establish a Sub-Committee and a Fund on Immediate Humanitarian and Rehabilitation Needs in the North and East. The EU looks forward to receiving more information on these institutions." Perhaps the legitimacy of these institutions to handle public funds is in doubt. Also the procedures established for ensuring transparency and accountability need to be looked into. It is unclear at present whether the Sub-Committee (set up as an advisory body) will have the right to co-ordinate the tasks relating to humanitarian and rehabilitation work let alone perform managerial duties. The earlier proposal to set up a Joint Task Force, which the LTTE did not want it to be even under the Prime Minister's office, was abandoned, possibly, for legal reasons.

### Donors' Joint Communique

The joint communique issued by the countries in Asia-Pacific region, North America and Europe, which met in Oslo on 25 November, reveals the strong support extended by the international community to the peace process. It also has some trepidation about the peace process, if its aim is to reach a final political settlement acceptable to all the main parties. Without their consent any settlement reached will run into difficulties when the necessary constitutional amendments are introduced. To quote from the press release: "We, government representatives from the Asia-Pacific region, North America and Europe, meeting in Oslo on 25 November 2002, express strong support for the historic peace process now underway in Sri Lanka. At this critical phase of the peace process, we commit ourselves to providing immediate financial assistance. ... And we urge the Government

of Sri Lanka and the Liberation Tigers of Tamil Eelam to make every effort to promote an inclusive peace process."

"We recognise that it is important that people across the whole of Sri Lanka enjoy the benefits of peace. Building a national consensus for the difficult steps ahead in the peace process will require particular efforts to meet vulnerable, such as the poor, the unemployed, especially in the rural areas, and women and children."

"We commend both parties for their strong commitment to a lasting peace. A lasting peace must be built upon renunciation of violence and respect for the principles of human rights, democracy, rule of law, and recognition of the rights of minorities, and must address the needs of all communities all over Sri Lanka, in order to combat poverty and foster ethnic harmony."

Donors pledged between 60 – 70 million US Dollars at the Oslo Meeting for immediate relief. This amount seems to be more than what Sri Lanka and Norway expected, although the total amount needed over a five year period for rebuilding the North-East alone is likely to be about ten times the pledged amount. The Norwegian Deputy Foreign Minister, Vidar Hel-gesen said the pledged amount "was aimed at encouraging peace talks and plugging gaps until a bigger donors conference planned in Japan next year." But as mentioned earlier the success of the Tokyo meeting depends on the progress seen in the peace process.

### India's absence

A discouraging aspect of the Oslo meeting is the absence of high-level representation from India despite Sri Lankan Government's direct appeals seeking India's participation at the meeting. Eager to seek India's participation, the Government sent two ministers two days before the start of the conference to New Delhi to persuade the Indian Government to change its mind. But India only reiterated the support already extended to the peace process and confirmed the continuation of the financial assistance being provided to Sri Lanka. Apparently, India's desire not to be seen as indirectly recognising the LTTE, whose leader has been declared a proclaimed offender and indicted before an Indian court for the murder of former Prime Minister Rajiv Gandhi, is the reason for India's reluctance. Unlike other donor countries,

India's interest is different. India is not just a donor and a powerful neighbour. India's interest in conserving the unity, sovereignty and territorial integrity of Sri Lanka is absolute and solid. Although India is not involved directly in the peace process, Sri Lankan Government very wisely has been keeping New Delhi informed of the developments in the ongoing peace talks. The fact is that a final political settlement must not be in conflict with India's own interest in safeguarding its own territorial and security interests.

### The World Bank

The special Oslo meeting was organised by the Norwegian Government. The Government of Japan will sponsor the next Sri Lanka support meeting expected in mid 2003. These are special meetings and should not be confused with development aid meetings organised in the past by the International Bank For reconstruction and Development also known as the World Bank. The World Bank itself provides financing and technical assistance for both economic and human development. The Bank's Press Release No: 2003/149/SAR on the eve of the Oslo meeting indicates the kind of assistance currently provided to Sri Lanka under the Bank's overall program. "It is helping to improve basic social services and reduce the incidence of disease, with a special emphasis on HIV/AIDS. It is supporting rural programs aimed at increasing access to innovative agricultural techniques; enhancing land and natural resource management; and helping to meet essential public needs for education, electricity, water, and sanitation services. In parallel with direct poverty program, the World Bank is supporting improvements in the broader investment climate and the rural economy through ongoing policy discussions and financing for upgrading key areas in the economy."

The World Bank agreed on November 14 to provide new financial assistance totalling US\$ 31 million to Sri Lanka in the context of the ongoing peace process. This is intended to improve the lives and economic prospects of the people living in conflict-affected areas. According to the press release, "the new financing will support an Emergency Reconstruction Program which will help restore primary health care; repair urban water schemes; provide returning families with opportu-

nities for income generation and employment; and build capacity to undertake a multi-donor-financed reconstruction program in the coming years. It will assist people living in the North East Province where development assistance has been absent for 20 years. The Program will be administered by the North East Provincial Council "The World Bank at the present time has considered the North East Provincial Council set up under the Provincial Councils Act as the legitimate body to administer the Program, although it has no elected representatives.

### Government's Approach

Thus the foreign assistance promised by all the donors is on the premise that the North East province is an integral part of Sri Lanka. The World Bank has gone a step further in specifying the local institution that will administer its aid program relating to the North East Province. It is also clear that foreign assistance to rebuild the war-torn North-East is a component of the overall assistance promised by the donor community to post-conflict Sri Lanka. In fact in his speech at the Oslo meet-

ing Prime Minister Ranil Wickremesinghe appealed for aid to rebuild the entire economy. He said: "The challenge for the Government extends indeed to meet the needs of not only the ravages of war in the North-East, but also to the damage it caused to our entire economy. In all parts of the country and to every section of the Sri Lankan community, the war has brought distress and dislocation. In short, the country's economy has been shattered. Sri Lanka's appeal for support to the international community at this critical time of rebuilding has, therefore, to be considered in this light."

Right from the beginning, the present Government has linked the peace process to development, which requires in the first instance rebuilding the destroyed infrastructure and restoring normal conditions in the country. These are necessary for reviving and sustaining the development process. The overall benefit of economic reconstruction and development is the peace dividend that must go to all the people in the country. The Government holds the view that lasting peace and devel-

opment are inter-related goals. The Prime Minister said in his speech: "Economic reconstruction and development, particularly of the areas devastated by the war will be a deciding factor in sustaining the momentum of political negotiations. Development is part of the healing process in a wounded, divided society. Development is underpinning peace in Sri Lanka. Peace will sustain development. The two processes of peace and development have become inextricably inter-twined and inter-related."

### The Oslo Peace Talks

The understanding reached at the third session of the peace talks held during the four days between December 2 and 5 after the Oslo Donor Meeting has been welcomed by many at home and abroad as an important step taken towards a political settlement. Some optimists have interpreted the acceptance of a federal system by both the GOSL and the LTTE as a major breakthrough signalling that a final settlement is imminent. This hasty conclusion has ignored the cautionary note of the Norwegian facilitators that the

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discussions about the kind of federal structure acceptable to both sides and importantly to the people in all the communities will continue for a long time and a final agreement cannot be expected soon. As a first step towards this end, both sides have only agreed at the meeting to study the various federal models obtaining in many countries such as Canada, Switzerland, Germany, United States, Australia, Great Britain and India.

On the other hand, concerned commentators have wisely drawn attention to the importance of a bipartisan approach, if any agreement reached on a federal system has a good chance of obtaining both the two-third majority in the Parliament and the consent of the people at a referendum. Both are needed for effecting the radical changes to the present unitary constitution.

Some seem to be sceptical about the immediate motive of the LTTE in the light of the speech delivered by Anton Balasingham in London just before the Oslo Peace Talks, marking the 'Mahaveerar' Day, in which he said that the policies of the LTTE had not changed; but recognising the present hostile stand of the international community on violent means to achieve legitimate political goals has changed only its strategy.

It must be noted here that many countries, including the United States and Britain have been recommending a federal solution to Sri Lanka's ethnic problem for a long time. From the standpoint of raising the much needed foreign funds at the next Tokyo donor meeting, the acceptance of a federal system by both parties even though this is only in principle will be seen as a major progress in the ongoing peace talks.

#### **In Conclusion**

Government's approach to permanent peace in Sri Lanka has the support of the international community. The expectation is that this will help to reach a political settlement within the framework of one nation as the wounds begin to heal and the lost trust between the different communities is regained. But for ultimate success, the processes require the co-operation of all players who should be in the team, let alone the two who are in the front line. The development path provides the oppor-

tunity for both sides to demonstrate in practical terms their sincerity in seeking a political solution that recognises the multi ethnic character of not only the entire country but also of the different regions. The immediate needs of the people, their political aspirations and rights must also be recognised by the two sides.

True, the Tamil Tigers have made great sacrifices, since the struggle started more than four decades ago by peaceful means for the legitimate rights of the Tamils that escalated later into a full-scale war. These sacrifices should not become worthless by maintaining an unrealistic stand that obstructs a federal solution, which the international community also considers as reasonable and fair by all the diverse groups in Sri Lanka. The Prime Minister, in his appeal to the donors said permanent peace must come sooner than later. This must also be a just peace that safeguards the rights, security, safety, dignity and welfare of all citizens throughout Sri Lanka. Allowing the peace process to drag on unnecessarily ignoring the present realities will not help either side.

#### **Federal solution**

The challenge for them is to make their declared positions into meaningful proposals for changing the present unitary constitution to a federal type. The Prime Minister said in his speech at the Oslo meeting: "My government is determined to ensure that the people in all parts of the country enjoy the same security, the same quality of life, the democratic forms of government and rule of law and human rights, which as citizens, is their birthright. The political aspirations and rights of all communities - Sinhalese, Tamil and Muslim, who live in our multi ethnic society, have to be safeguarded. The right to equality for each and every member of our nation must be maintained in a democratic, pluralistic polity." These were the demands of the elected Tamil leaders, before the armed struggle for separation started. They pursued the peaceful democratic means to obtain these rights without success that ultimately led to the fierce armed struggle for an autonomous state in the North-East. The highly respected Tamil leader, the late Mr. S.J.V Chelvanayagam also advocated a federal solution to Sri Lanka's ethnic problem five decades

ago but the power-seeking and powerful Sinhalese leaders (the power derived from the unitary constitution) rejected it riding roughshod over the rights of the minorities of the country. The past leaders of the Federal Party, the forerunner to the present TULF, had steadfastly emphasised the fact that federalism did not mean separation but on the contrary it would unite the ethnically divided country. But this fell on deaf ears because of the perception that the powerless Tamils could not challenge the might of the government. The present TULF leadership has credited the LTTE for forcing the Sri Lankan government to accept a federal system as the sensible solution to the ethnic problem that remained unresolved for nearly half a century.

The leader of the LTTE, Velupillai Pirapaharan said in his annual "Heroes' Day" (27 November 2002) speech: "It is our deepest desire that the current peace talks facilitated by Norway should succeed and all the communities living in the island should co-exist in harmony." It is said this declaration is not inconsistent with the desires of both the President and the Prime Minister of Sri Lanka and indeed with the expectation of the international community. The Premier making a statement in Parliament on the progress of the Oslo donor meeting referred to the LTTE's willingness to "consider substantial power sharing within a framework of an unified Sri Lanka" as paradigm shift that has increased the prospect for a negotiated political settlement. The explicit acceptance of federalism as a way of resolving the ethnic conflict by the Sri Lanka Government can also be regarded as a paradigm shift.

The international community has come forward to help in the belief that the two sides will not deviate from their declared commitments and proceed swiftly along the agreed path to permanent peace through a federal constitution. Foreign governments particularly the USA and Japan have taken special interest this time in the ongoing peace process and either party cannot afford to ignore this factor. The future of all the people in Sri Lanka and the economic prosperity of the country as a whole depend now on an agreed federal structure that links the north and the south securely under a single political system. □

# “We may now go home”: Muslim Refugees from Northern Sri Lanka

Dr. Shahul H. Hasbullah

The plight of Muslim refugees needs greater attention at the national level. The peace process is an opportunity to end this 12 year long displacement and resolve the refugee issue. By highlighting concerns of Muslim refugees, the article aims to constructively contribute to and strengthen the peace process.

## Introduction

Muslim minority of the Northern Province was singled out and was forcibly evicted from their homes by the LTTE. In the third week of October 1990 an estimated 75,000 Muslims who lived in the five districts of Northern Province, found their lives abruptly disrupted and lost all their material possessions. The emotional and moral support that they found within a secure social setting was completely dismantled as families, relatives and friends had to seek refuge in different places. The life in the refugee camps have demoralized men, women and children and affected them physically, physiologically, socially and educationally. The LTTE has now admitted responsibility for the expulsion and has issued an apology. Yet, the Muslim refugees continue to languish in refugee camps under abysmal conditions without any solution to their basic problems.

We hope that the current peace process will be able to bring Sri Lanka's ethnic conflict to an end. The prevailing no-war situation in the conflict zone has been a great source of relief to those living there. Those who have been involuntarily displaced are returning in large numbers. It is reported that nearly one fourth of the total displaced people (those displaced people fall within the government definition) have returned home during the last few months. However, as we shall see shortly, without planned assistance for rehabilitation and reparations their situa-

tion will be dire. It is expected that many more people would return if the no-war situation continues and appropriate rehabilitation and reconstruction measures are in place to help them. The media coverage of ethnic conflict in the country has paid little or no attention to the plight of these refugees for the past 12 years. This essay addresses some of the difficulties confronting these refugees and the hardships they face in their attempt to return to a life of normalcy.

## Problems Facing the Muslim Refugees

Around 18 percent of total Internally Displaced Persons (IDPs) were Muslims at the time the cease-fire agreement was signed in late 2001. Majority of the displaced were from the Northern Province of Sri Lanka. The present day problems faced by the northern Muslim minority are a consequence of their (i) forcible expulsion 12 years ago that severed them from their socio-economic roots and denied them self-reliance; and (ii) their prolonged stay in refugee camps that offered virtually no economic opportunities and rendered them dependent on external assistance. As a result, they were adversely affected in all aspects of their lives - physical, emotional, economical, social, and educational, etc. As mentioned earlier, the LTTE has acknowledged responsibility, and apologized for their actions regarding the expulsion. This acknowledgment was a long awaited one for the refugee Muslims. They knew all along that the LTTE expelled them based on a misreading of the political position of the Muslims of the North. They also believe that the majority of Tamils will always welcome their return and help them to settle back.

Muslim refugees have said on several occasions that they are prepared

to forgive and forget the past. Their ultimate goal is to return to the North, which they still regard as their home, and to live in harmony with the Tamil majority in the North, as they did before. This was revealed in an opinion survey conducted by the author in late 1999 (The findings of this survey were presented in a research paper at the Jaffna University in 2002, titled “Return of long displaced communities to their home areas; is it viable?” Workshop Proceedings: Planning for Reconstruction and Redevelopment in Northern Sri Lanka, edited by Mikoko Terashima Vancouver: The Centre for Human Settlements, University of British Columbia, Vancouver ([www.chs.ubc.ca](http://www.chs.ubc.ca))).

Part of their desire to return to the North is because the assets they were forced to leave behind there is the only basis for their economic sustenance. In addition, the historical and cultural attachments to the place where they were born and their forefathers thrived provide them with a sense of belonging and the only respectable identity they now possess.

The Muslims face many economic challenges in Puttalam and other areas where they live as refugees. For example, at Puttalam district there are about 65,000 Muslim refugees living in the Northwestern coastal region. The total population of this region doubled with the arrival of Muslim refugees in 1990. When they arrived this region was among the least developed areas in the country and was in no position to offer economic opportunities to the refugees. More than 90 percent of the refugees are still depended on dry ration issued by the state and World Food Program. It is not possible for the refugees to stand on their own feet in the resource-poor area. The substandard quality of food items and their improper distribution have seriously affected the refugees physically. Socially and psychologically, their dependence has rendered large majority of the displaced families insecure and vulnerable. This is compounded by the attitudes expressed by the State and the NGOs who perceive the displaced as lazy and always expecting handouts.

As a result, their refugee status is seen as a stigma. Their children are taunted at schools and other public and private places. The newborn babies are also born into this stigmatized identity as refugees.

The conditions in the refugee camps have forced few of the displaced Muslims to return to their homes in handfuls in 1991 – a year after their expulsion. The Muslims who were residents of border towns and villages of Vavuniya and Mannar Island were the first to return. The return rate gradually increased during the peace talks between the government and the LTTE in 1994. The collapse of the peace talks came as a blow to the hopes of the Muslims. This left more than 90 per cent of the displaced Muslims to continue to languish in abysmal conditions in the refugee camps awaiting the day they can return home. The displaced Muslims lack numerical, political and intellectual power to bring their grievances to public attention.

Their return however, can be viable only when conditions for their dignity and safety are assured. To this end, they must be assured of protection and of their social, cultural and political rights. Moreover, the assets and properties they lost must be returned to them. Finally, they are entitled for an appropriate state help for resettlement and rehabilitation. The plight of the displaced Muslims is integral to permanent peace, and as such should be discussed at the peace negotiations.

### **The Visits of Muslims to the Places of Origin**

The refugees were pleased that the LTTE accepting that the expulsion was a mistake had invited them to come back to their homes in the north. In fact, the refugees had been expressing their views in the past that they would want the assurances of safety from the LTTE for them to consider returning home.

Since the announcement of LTTE, Muslims were returning in large numbers to see conditions of their homes in the north. Muslims had gone to Jaffna peninsula to see the conditions of their homes in Jaffna Moor Street, Chavakachcheri, Vellakadakarai, and other Muslim concentrations there. Muslims also visited a number of villages in Mannar district including the Musali region which is one of the heavily mined areas. They also visited Muslim villages in Killinochchi, Nanaddan and Mannar Island. The only exceptions were a few villages in the Mullaitivu district, where they were not allowed by the LTTE to visit their houses citing security reasons.

Muslims who visited their homes

and villages in the North, while happy to be back, were also shocked to see the deplorable conditions of their houses, properties and surroundings. In more rural places such as Musali, Killinochchi, Mullaitivu, Nanaddan, many visitors were not be able to locate their houses. For example, in Musali, a heavily mined area, secondary forest has covered their property and some visitors were even chased by wild elephants. In urban areas such as Jaffna Moor Street and Mullaitivu Town, Muslims found their houses were unavailable for occupation. However, the returnee Muslims were very happy about the cordial welcome that were extended by the Tamil majority of the areas when they visited their homes.

The present conditions of Muslim homes in the North have discouraged them to return immediately. This is evident from the fact that the number of Muslim returnees was less than 5 per cent in comparison to the average of over 25 percent for the total returnees. Further, the recent negative developments concerning increasing ethnic tension between Tamils and Muslims in the Eastern Province may further slow down the return of Muslim refugees.

### **Facilitating Smooth Return of Muslims to Northern Province**

Many careful steps will have to be taken to facilitate the return of Muslims to the North. Some of them are the following:

#### Re-build Physical Environment

As most Muslim settlements in the north had been completely destroyed, the task of re-building the physical environment is virtually one of establishing a new settlement in the locations of old Muslim settlements. Participation of refugees themselves in the planning process is most essential. The international community should offer full support and repatriations in resettlement and rebuilding efforts in recognition of the fact that these refugees had experienced a forcible expulsion that has lasted 12 years.

#### Prepare the Refugees for Return

There also has to be thoughtful plans in preparing for the return of the refugees to their homes in the north. It is not an easy task. Refugees have been away from their homes for more than a decade. Nearly half the refugee population has had the formative years outside the Northern Province in the refu-

gee camps. The old among them may be too physically and psychologically weak to face the new challenges in re-establishing their life in the north. Thus, the refugee rehabilitation program has to be comprehensive and multifaceted to facilitate the successful return of Muslim refugees.

#### A Program of Integration

Programs will have to be launched to facilitate communication between Tamils and refugee Muslims. While this may appear to be a challenge, even today some sectors in both communities retain at least some minimal contact. There is scope for constructive community reintegration efforts. But this requires proactive efforts by policy makers.

#### Return of Refugees in Stages

Wholesale return of refugees may create more problems than it solves. The trend of return of refugees to date suggests that the refugees themselves are adopting a cautious approach to their return home. Such a step-by-step return needs to be supported institutionally and otherwise. Refugees must be encouraged through the steps that are taken to improve the living environment as well as through peace and normally for a minority group to live in the Northern Province.

#### Compensating the Losses

At the same time, those who have opted not to return immediately must be given the choice of living in the south. At the same time, their assets and properties that were left behind in the north must be properly compensated.

[Note: The author has produced a seven volume report on the loses of assets and properties of Muslims evicted by LTTE.

Report on the Loss of Movable and Immovable Assets of Muslims Evicted from the Northern Province in October 1992 (Volumes 1 to 6 of 523 pages covering Six Regions of Northern Sri Lanka) Nuraicholai: Research and Action Forum for Social Development, 2001

“Report on the Loss of Movable and Immovable Assets of Muslims Ousted from the Northern Province in 1990,” a report submitted to the Parliament of Sri Lanka in May 1992, Hansard Vol. 79, No. 14.]

#### Appointment of a Commission to Facilitate the Return of Muslims

The issues of return of Muslims to the north are distinct from other situations of return in the country. There-



fore, it would be appropriate to appoint a commission to look into the complex issues of return and facilitate successful return. To be effective, such a commission should have constitutional binding powers to deal with legal and practical matters of choices regarding refugee return.

### **Issue of Return of Muslim Refugees is Bigger than the Refugee Problem**

The expulsion of the Muslims demonstrates the vulnerability of numerically small communities in a situation of increasing ethnic tensions in Sri Lanka and merits discussion at the national level. Indeed, it is imperative that this discussion becomes part of the current peace talks. As mentioned earlier, food assistance from the government and World Food program is the main source of livelihood for many refugees.

The refugees are in no position to return because of the prevailing unlivable conditions. Nor could they continue to live in the refugee camps because of the unbearable hardships facing them. A sustainable solution to the issue not only has to make viable arrangements for resettlement and recovery from the impacts of displacement but also need to make sure that they will not be involuntarily displaced again. Such issues have to be discussed at the national level and at the peace talks.

### **Just Solutions for Muslims in the Peace Negotiations**

For Sri Lanka to achieve a sustainable solution to the ethnic conflict, agenda of the peace negotiations must include the following provisions for meaningful protection and support: for expelled Muslims.

1. Rights and protection against future expulsions.
2. Provide constitutional guarantees for the political, economic and cultural rights of the Muslim minority in the Northern Province so that upon their return they can live with self-respect and dignity.
3. Provide compensation for all forcibly evicted Muslims to enable them to have a fresh start with their lives.
4. Provision of necessary support for resettlement to not only those who were expelled but also to their descendents.
5. Provision for the refugees to choose not to return immediately to their homes. Those who wish to exercise this choice must be given viable alternatives

and compensation for their lost properties in the original places.

It should be noted that many of the above- measures were provided in most of the peace negotiations in other parts of world.

### **Interim Measures**

The present no-war situation encourages Muslim individuals and families to return to their houses in the north without waiting for proper assurance from parties to the conflict. Therefore, the parties involved in the peace negotiations must guarantee above provisions to the displaced Muslims who have already begun their return. In this respect, the following measures are necessary during the transition involved with return:

1. The return must be in stages to give returnees adequate time to prepare themselves.
2. Programs should be implemented for integrating Tamils and Muslims.
3. Economic assistance to displaced people in Puttalam and other areas should continue until they reach a level of self-reliance.

The problems of the Muslim refugees go beyond managing their camps. Muslims of the Northern Province have been voicing this concern for a long time. The state and international community (NGOs) have ignored them and reduced their problems to an administrative one focusing on running the camps. Hence, failed to address the critical issues facing the refugees. They have attributed the reasons for their shortcomings to the purported laziness of refugees and their dependence on handouts. In addition, their refugee policies have further complicated the life and future prospects of these badly affected people. At the end, the Muslim refugees have become a forgotten issue of the ethnic conflict of the country.

As pointed out earlier, if the peace process is to find just and durable solution to the ethnic problem, it has to look into resolving the problems of Muslims of the Northern Province as well. A genuine attempt at resolving the problems of Muslim minority of the Northern Province will have to address their expulsion and its aftermath. The LTTE must be congratulated for admitting responsibility for the expulsion and inviting Muslims to return back to North-

ern Province. The good will of the LTTE must go beyond words and prepare to accommodate grievances of Muslim refugees while trying to resolve the larger issues of ethnic conflict.

Equally, it is also the responsibility of the Tamil community of the Northern province in general, and the leaders and civil society in particular, to offer support and safety for those displaced Muslims who have opted to come back to live with them.

At the same time, the state has the ultimate responsibility in ensuring that the expelled northern Muslims gain socio-economic and political strength as an identifiable and distinct force in the North.

So far, the international community has been playing a positive role in resolving ethnic conflict in Sri Lanka. The international community could allay the fears of smaller minorities such as the Muslims of the Northern Province by supporting the efforts towards peace with justice for all those who were affected by the ethnic conflict.

### **When will the Muslims go home?**

If the present situation continues, Muslim refugees are not likely to return home in large numbers. They need to be certain of the protection accorded to them by the parties to the conflict, and by the constitution. Negotiating their protection is the responsibility of the state, the LTTE, and the Muslim political parties. More importantly, the international community, as peace facilitator and as a sponsor of resettlement and reconstruction of the war torn areas, should address the issues facing the Muslim refugees to find a durable and permanent solution. Courtesy: Lines-magazine, Nov 2002)

**Dr. Hasbullah, Senior Lecturer, University of Peradeniya.** He is the author of the book on the plight of the refugees entitled, Muslim Refugees: The Forgotten People in Sri Lanka's Ethnic Conflict. Nuraicholai: Research and Action Forum for Social Development, 2001. He is a long time activist for the rights of displaced Muslims and was the president of the Northern Muslims' Rights Organization (NMRO). He is currently a Fulbright Scholar at George Washington University, Washington D.C. USA.

# Sri Lanka's Nordic Winter?

In a new Report, Information Bulletin No. 30, titled "The Cost of 'Peace' and the Dividends of Terror: Sri Lanka's Nordic Winter?" released on December 3, the University Teachers for Human Rights (Jaffna), assess the political negotiations to date and other key developments that may influence the future peace in Sri Lanka. The following is a summary of the report:

The Government of Sri Lanka and the LTTE's funding meet with international donors on 25 November ended on a note of optimism. Hopes for the peace process were further buoyed by Tiger leader Prabhakaran's Martyrs' Day speech on November 27 that suggested a conditional renunciation of separatism. But, according to UTHR(J), the situation on the ground tells a different story. "Handshakes and smiles are no guarantee of goodwill and reconciliation as long as so many people in the North-East feel their rights are being suffocated and their existence threatened, and when almost nothing is being done to challenge the chauvinist ideologies on both sides that are at the root of the conflict."

The Government and LTTE have shown no real commitment to human rights, said UTHR(J). They are only tactical weapons to be used against the adversary when it suits them. At present the two parties are covering up for and propping up one another for their short-term political survival. "The peace lobby hopes to 'transform the LTTE from a military to a political organization,' which is fine as far as it goes, but peace will not be realized by ignoring the essential institutional nature of the LTTE and how ideology, glorification of suicide, repression and child soldiers hang together," the bulletin said. "Unless there is change at the LTTE's political core, its reliance on terror, war and, of necessity, child soldiers, will not change."

The Norwegians view their success as a matter of maintaining the ceasefire and have made regular claims of progress. This has allowed the LTTE to entrench in government-controlled areas. The SLMM's inability to do anything decisive to stem LTTE mistreat-

ment of civilians in those areas has done little to induce the Norwegians to greater caution. "Everyone likes to report progress. But mistaken assessments can lead to decisions encouraging irreversibly dangerous trends," said spokesman for UTHR(J). "For a country like Norway, which portrays itself as a front-runner in human rights and child rights, legitimising repression in the interests of making peace, could cause enormous problems in the future. There are grave implications for the entire region. One hopes that before it is too late, Norway will see that the road to real peace lies in demanding accountability from all the actors, especially the Sri Lankan state and the LTTE, and not in strategic appeasement."

UTHR(J) examines statements made by the LTTE construed by observers as "concessions" or gains in the peace process and compares them to the ground reality.

## 1. Administration of the North-East

Anton Balasingham said in Bangkok that the LTTE was "keen to move into the core issues" and did not see the need for an Interim Administration in the North-East.

In fact, the LTTE has already vastly expanded its control. In Jaffna it virtually controls the Sri Lankan Police, administrators, local councils and educational officers. It controls schools and through the education department in Batticaloa has distributed portraits of Prabhakaran to be hung up in schools in lieu of the Head of State. The LTTE already has an army, navy, police, courts, administrative structures and prisons.

Recently, instructions have been given to accommodate the LTTE in administrative meetings of local councils in Jaffna. UTHR(J) believes this is a move to corner elected councillors. Several councils had earlier passed resolutions condemning extortion by the LTTE. The LTTE's covert takeover of the administration of the North-East to the exclusion of basic accountability is being aided and abetted by the Government.

## 2. Respect for Democracy

After the second sitting of Thailand talks on 3rd November, Anton Balasingham said that the LTTE would 'accept and assimilate' other political groups that operate in the North-East since it was the LTTE's intention to enter the political 'mainstream'.

But attacks on Tamil opposition members by LTTE operatives have actually increased. The new weapon in vogue among these 'political cadre', complementing organised 'people's protests', is the sword - a handy weapon to maim and intimidate if not to kill.

UTHR(J) notes that the right to organise politically, to speak out, to elect representatives and for schools and offices to function normally are invaluable assets to a healthy peace process. To deny political parties the right to function independently and disseminate opinion strikes at the heart of basic rights, security and dignity of the ordinary individual.

The Norwegians bear a large measure of responsibility for the MoU that conferred on the LTTE an air of legitimacy with no obligation to disavow their past. The MOU gave the LTTE access to government controlled areas for 'political work' with no reciprocity conceded to other political groups, and declared the Tamil opposition parties "paramilitaries" to be disarmed. In all recent cases of attacks by the LTTE on its political rivals, complaints were duly made to the Police, in which the attackers were named. The Police took no action. And while the SLMM immediately called for a commission of inquiry when two LTTE men were beaten up in Kayts, it has chosen to remain silent on the LTTE's continuing attacks on the EPDP in Delft and elsewhere or the disappearance of four persons from the EPRLF (V). The message coming from Norway is that the opposition is a nuisance to the kind of peace they want.

The LTTE's thuggery has not stopped with political opponents. Victims include the Hartley College principal and Balasubramania Kurukkal, a Hindu priest who had met the President a year ago

## 3. Child Soldiers

The LTTE claims that it does not recruit children and has only temporary custody of children who left their homes on their own and sought their care. In November, Anton Balasingham repeated the claim first made by Prabhakaran on 10 April that many of the LTTE's child soldiers have been

released to their parents.

The reality is that while token releases of children have been made for publicity, many others have been escaping from the 'Eelam Army', and children have continually been conscripted. The LTTE has tortured recaptured escapees as punishment and has held parents or siblings of escapees. The UTHR(J) Bulletin 30 lists thirty-eight cases of conscription and escape from the month of October alone.

The LTTE has for some time been bringing local and international NGOs effectively under its control. Veiled warnings have been given to those NGOs who persisted in keeping their independence or tried to take up the issue of child soldiers. So far the LTTE has not responded to specific complaints on conscription raised by the SLMM in Batticaloa. Further, as recently as October end, the orders were to go on with conscription. The LTTE representatives on the LMC have resisted the position of others that these complaints fall within the purview of the SLMM. In signing the MoU, the LTTE agreed to respect International Law, and it is unlawful for the LTTE to hold persons against their will, more especially those who are underage.

UTHR(J) asks: Is the LTTE serious in its commitment not to recruit children or at least not to take them in forcibly? Is it serious about its pledge to discharge child soldiers and restore them to their families; or, do child soldiers remain an important component of its 'army' to maintain a show of 'strength' against the Government?

#### 4. Rehabilitation

The Government and the LTTE have agreed to set up three sub-committees including one to canvas funds from foreign donors and undertake the rehabilitation of the North-East. Clearly, while there may be commercial opportunities for some government ministers and their agents in Colombo, the actual control on the ground will be exercised by the LTTE. After the second session of Thailand talks on 3rd

November, Anton Balasingham commended their NGO, the Tamil Refugees Organization (TRO), for which the LTTE hoped to get funds from donors.

The TRO, an LTTE front organization, collected money from Tamils abroad supposedly to assist displaced people in Sri Lanka. UTHR(J) questions whether this assistance was actually delivered, given the fact that the LTTE deprived even internal refugees of government rations. Corruption has long been alleged. Even today, the LTTE controls the distribution of rations and Village Headmen (Grama Sevakas or GSs) carry out the wishes of the LTTE and prepare inflated lists. Many GSs too have enriched themselves at the expense of the people. Most essential goods continue to be subjected to LTTE "taxation." The customs check when entering LTTE areas continues to be more rigorous than at Katunayake International Airport. Items taken for personal use too are carefully taxed. Items such as plastic buckets sent for refugees by the Rehabilitation Ministry are simply confiscated by the LTTE.

Any process that advances development and rehabilitation in any sense where the people would be beneficiaries must also promote democracy and the rule of law. UTHR(J) has repeatedly pointed out that a force that relies on violent repression must necessarily be a bitter opponent of these values. Placing such a force in charge of rehabilitation would invite misappropriation and tyranny.

#### Justice North and South

Justice for Tamils remains elusive in both the North-East and the South. Several magistrates in the South do struggle to preserve their independence and lawyers do brave intimidation to represent the interests of clients out of favour with the powers that be. In the North-East, however, there is no semblance of judicial independence when it comes to the LTTE. There is absolutely no prospect of finding a lawyer

to represent a victim of the LTTE or to argue against a line laid down by the LTTE.

The Tamil papers recently serialized the long delayed court hearings into the Army's Mahilantana massacre - a gruesome affair largely involving elders and children. The other papers had little to say about it. The High Court verdict on the Mahilanthana Massacre of 1992 was a travesty and can only reinforce the view among the Tamils that the judicial system is hopelessly biased against them. The case had been plagued by cover-ups and delays lasting ten years before being heard in the Colombo High Court. In spite of solid and numerous eyewitness accounts by persons who weathered ten years of poverty, loss and intimidation to see the case through, an all Sinhalese-speaking jury, deliberated for five hours before returning a unanimous verdict of "not guilty," on all counts. For the families of the 35 dead and the witnesses who were themselves victims it has been an unconscionable ordeal of ten years at the end of which justice was denied.

As yet, official semi-official reports exonerating the security forces for their actions at Kanjirankudah and Trincomalee where the victims were Tamil civilians have not been challenged for their glaring deficiencies. The outcome of these episodes has left even very moderate Tamils in these areas feeling very disturbed and helpless. If this is the kind of justice the Tamils receive during a peace process, what hope is there for them if war resumes?

The PTA, which guided police behaviour from 1979, made it insensitive to the rule of law and the rights of the citizen. Its even older ethnic bias created humiliation and insecurity for the ordinary Tamil people. Like every arm of state apparatus, which has shown no qualitative change in character over the years, the Police too could readily be manipulated and used by the LTTE when it has the blessing of the ruling party.

It is notable that while the LTTE is



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urging various groups, and rightly, to have the Government repeal the PTA and release all LTTE detainees, it is holding an estimated 700 people incommunicado in complete travesty of International Law. The need for these repressive structures gives us an idea of the kind of social order that is being installed under the guise of peace.

### **Dangerous developments in the South**

The middle ground in the South has disappeared. There is a definite turn towards supposing that only the rights of the Sinhalese and Muslims have been placed in jeopardy by this peace process. Statements from the PA opposition and the President too have tended in this direction and are aimed at cornering the Government rather than helping to solve the problem. In this climate the Tamils are being closely identified with the LTTE and are spoken of as though they not only have a surfeit of rights, but are 'getting their Eelam' at the expense of everyone else. The other camp in the South is that of peace activists. They do not discuss the rights and wrongs of the Tamil problem, but largely identify peace with appeasing the LTTE.

There is little acknowledgement that the Tamils were victims state-instigated or state-approved violence over many years. Newspaper articles are frequently recounting instances of violence against Sinhalese and Muslims by the Tigers, while pretending that its counterpart - the many times more severe and far more culpable attacks on Tamil civilians by the State - did not exist.

Civil society in the South has singularly failed to exercise a corrective influence on the peace process by lobbying on issues that have long concerned Tamil civilians. Among these are institutional changes to ensure that the security forces act impartially and become sensitive to the fact that they are also meant to serve and protect Tamils. Nothing tangible has been done to enhance the dignity and security of Tamils and in the event of war it will be back to square one. The peace process has been left hostage to the whims of the Tigers and the elusive restraints the International Community might apply on them.

# What is Federalism?

**Claude Bélanger**

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Federalism is a system of government where two levels of government exist, each sovereign in its sphere of jurisdiction. The federal or central level takes care of all of those things that are common to the whole of the country while the other level of government (provincial, state or canton) has jurisdiction over those things that are of local concern. Federalism is to be contrasted to the other two types of political systems: the unitary (sometimes called legislative union in Canada) and confederal systems. The unitary system is characterised by the fact that sovereignty resides exclusively with the central government and that local governments, when they exist, are entirely subordinated to the central authority. In the confederal system, sovereignty entirely resides with the member-states and the central government that has been created is subordinated to them. In a confederation, because the member-states have retained the entirety of their sovereignty, they may pull out of the union at any time. The federal system borrows some features from the other two systems: from the unitary system it adopts the idea that the central government must have some sovereign powers while it retains from the confederal system the principle that the local governments have preserved for themselves some sovereign powers.

### **Distribution of sovereignty**

This is why the main feature of federalism is the distribution of sovereignty between two levels of government in such a way that neither level is entirely subordinated to the other. Federalism is usually adopted in countries that display differences of climate, geography, religion, language, culture and economies; it is especially suited for multinational and multicultural states that wish to preserve these characteristics. The system is also found in countries that are

too large for a single government to handle. Essentially, the federal arrangement, or compact, is the result of conflicting pressures among its constituting parts. On the one hand, groups have found good reasons to join with others and to form with them a new political entity; this is often done for defence (they may fear some common enemy), or for economic reasons, as joining with others may enhance their hopes of prosperity; sometimes, there has been in the past common experience of union together and, always, there are some common shared values. On the other hand, the same groups who wish to unite find equally good reasons to remain apart perhaps because they have had a long heritage of self-government that they do not wish to forsake, or because they take pride in their group distinctiveness and wish to retain their individuality.

Federalism is so designed as to reconcile these conflicting feelings. The groups will agree to come together on those things that they deem to be in their mutual interest, and entrust to the central government power to act in all such cases while, at the same time, they will continue to exist separately and retain for themselves full power over the things that they wish to continue to control and which are usually related to their individuality. This is why federalism has sometimes been described, in a broad sense, as an organisational system that unites separate groups within a single political system so as to permit each group to maintain its fundamental political integrity. Thus, essentially, the federal system is adopted where it is felt that the preservation of the individuality and separateness of the constituent parts is as important as the preservation of the nation as a whole. In some circumstances, it might even be argued that the preservation of the nation as a whole is dependent on the mainte-

nance of the constituent parts: one would not exist if the other was not guaranteed.

#### Distribution of power

Thus, federalism is the result of centralising and decentralising forces which are at play at the time of the formation of the union and which continue to affect the union long after the system has been created. When the reasons to come together are extremely powerful, the tendency is to entrust the central government with large and extensive powers, indeed to make it the "main" government. When the reasons to remain apart are stronger than the reasons to come together, the result will be that the local governments will be entrusted with the largest powers. Each federation finds its balance somewhere along the line and the resulting distribution of power between the two levels of government is witness to the respective strength of the centralising and decentralising forces at the time of the union. So long as some sover-

eignty is deposited in each level of government, then we are dealing with a federal system. In federations there is no standard distribution of powers since each country must find its own balance between the centralising and decentralising forces and, in this respect, no two countries are quite alike. Thus, comparisons between the distribution of powers in federal systems of different countries are useless to determine their federal nature and can only be used to measure more adequately whether one's federal system is more centralist than others are. Yet, notwithstanding the above, there remains a certain pattern in the distribution of powers in most federations. At a minimum, the central government will receive the external signs of sovereignty (foreign affairs, treaties and defence) and economic powers of an international or inter-provincial nature; each level is also given an autonomous tax base. The rest is subjected to a process of bargaining and power allocation whose ultimate outcome is determined by

the respective strength of the centralising and decentralising forces at the time of the union.

#### The Canadian case

In Canada's case, federalism was, without a doubt, the result of pressures from Quebec, and to a lesser extent of the Maritime colonies. Quebec wished to share with the other colonies in the development and the resources of the continent; the province also desired to gain access to the market of the other provinces and to achieve the security that a larger union would provide for all. Quebecers were not unmoved by visions of creating, in the northern half of the continent, a vast dominion which they would share with their anglophone compatriots. But, at the same time, Quebec greatly feared the minority position in which a unitary state would have placed it. The people of Quebec took pride in their separateness, in their sense of nationality. They wished to preserve their faith, their language, their laws and their



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culture, all essential constituting elements of their distinctiveness, of their existence as a separate people; above anything else, these components they wished to preserve and to safeguard in the future. Ultimately, they thought that their separate or distinct existence would be best assured by joining together with the other provinces in a union that recognised and supported their autonomy. For better or for worse, they believed that the survival of French Canada was linked to the creation of a federal system, that as long as Canada would continue to exist that French Canada would also continue to survive.

### Diffusion of power

It has been said that federalism, if applied properly, is incompatible with dictatorship as dictatorship implies the absolute control of power by one somewhere while federalism diffuses power between various units. Federalism also denies the application of simple majority rule since the purpose of federations is to recognise that the rights of small units have to be acknowledged and respected. In essence, by creating local units, and empowering them with sovereignty, the federal system creates a majority out of what would have been otherwise a minority; such a group can adopt for itself the legislation that it desires to assure its own survival and development. The federal system is difficult and costly to operate; it frequently leads to tension but provides, as well, the mechanism to resolve these.

### The main features

It is a system particularly suited for large and diverse countries where cultural, religious and linguistic differences are pronounced. It makes of peoples, who might otherwise be strangers, if not enemies, partners in development and allows them to co-exist in peace while learning from one another.

Main features of federalism The following are the main features of federalism:

1. Two levels of government created

and protected by the Constitution, with sovereignty stemming neither from above, nor from below, but distributed between the two, in some fashion by the Constitution.

2. Neither level of government is entirely subordinated to the other; each has powers and these are guaranteed by the Constitution.

3. Supremacy rests in the Constitution. Formal changes in the relative position, or powers, of each level of government cannot be achieved by one level alone, but are subjected to some form of mutual consent; the method for effecting such changes (amendments) is outlined in the Constitution.

4. Both levels of government enact legislation affecting the same citizens; the central government enact laws in certain fields for the whole (or possibly part) of the country; the provincial government enacts legislation on other subjects for the residents of their respective provinces.

5. The legislation of the provincial government can only apply to the people of their province. Provincial law does not have the power of extraterritoriality.

6. Overlapping of jurisdiction (so-called "grey areas") is inevitable within a federal system. When such overlapping exists, there is a need to determine, in the Constitution, which of the two levels of legislation shall prevail if the laws are found in contradiction.

7. Federal constitutions must be, at least, partly written so that the allocation of fields of jurisdiction is made clear and guaranteed. Such constitutions are also said to be rigid since, for the most part, it would require more than a simple majority of the legislatures to change it.

8. Jurisdictional disputes between the two levels of government are decided upon formally by a Supreme or Constitutional court. Such a Court finds its existence guaranteed in the Constitution. Ordinarily, such a court is also beyond the control of any one level of government.

9. Disputes may also be resolved by bypassing the court system if the two

levels of government so desire; the issues can be resolved politically or administratively through processes and institutions of intergovernmental co-operation. 10. The interests of the member-states in a federation are not only protected by a formal distribution of power, guaranteed by the constitution, but, as well, by some form of local representation in the institutions of the central government. In Canada, this is done in the Senate and, to a lesser extent, in the distribution of federal cabinet positions. Where local interest is not well represented in the institutions and processes of the central government, the role of the provincial governments, to carry out that task, is that much more emphasised and important.

11. Each level of government is not only allocated a list of fields of jurisdiction but, as well, given autonomous revenue sources to finance its operations. A government without revenues of its own, would not really be a sovereign entity.

12. Each of the two levels of government has substantially complete governing institutions with power to modify these unilaterally.

13. Federal countries, especially lately, have developed elaborate structures and devices of intergovernmental co-operation, blurring increasingly the division of powers that should separate them. In the process they have multiplied "grey areas" and rendered it difficult for citizens to determine who is responsible precisely for what. Such intergovernmental bodies, frequently working in the background, away from the scrutiny of the public, have lessened the control which citizens wish to have over the system.

14. Some federations, such as Canada, have developed, through the existence of the central government, an elaborate system through which the wealthy regions contribute substantially for the support of the less fortunate parts of the country. In Canada's case, this is done through the equalization payments and shared costs programmes.

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**ORATOR C. SUBRAMANIAM CENTENARY COMMEMORATION LECTURE**

# 'Thus he dared, thus did he succeed'

*The Skantha Varodaya College Old Students Association, Colombo, commemorated the Birth Centenary of Orator C Subramaniam 7 December 2002 at the Colombo Tamil Sangam Hall with a large audience. Mr. Santasilan Kadirgamar delivered the keynote address. Professors Thillainathan, Sandrasegeram and Puvanarajan, the current Principal of the College Mr Sivaji, the editor of the Tamil daily 'Thinakkural' Mr. Sivaneshelvan, and Mr Thirumurugan, a teacher at the College also spoke making reference to the enormous contribution made by the late Mr Subramaniam to the College and the wider community.*

*In Toronto, Canada, a book titled "The Life and Times of Orator C. Subramaniam", edited by his son Mr S Kanthasamy containing a large number of articles and historical material, was released on 1 November 2002 at a function organised to commemorate his birth centenary.*

The following are excerpts from Mr Kadirgamar's address in Colombo on 7 December 2002:

In my student days the name Orator was a well-known name and I count several friends among the Old Students of Skantha Varodaya College. Though having seen him and heard him on some occasions my first meeting with him took place under rather unusual circumstances sometime in the early sixties. As a lecturer at Jaffna College I once accompanied the cricket team to Skanda. Orator had got his wife to prepare a substantial lunch for his good friend R.J. Thurairajah, the Physical Director at Jaffna College, and was deeply disappointed that his good friend for some reason was not present. He got hold of me young as I was and said, "Your father and I were friends. You will have to take Thurairajah's place." I hesitated. What was I to talk with this great educationist with whom I had little in common. He grabbed me and took me home for lunch with a few others present. It was a kind of new experience for me. But that was his way of making friends with young and old.

Orator was Chairman of the Handy Perinbanayagam Commemoration Committee that compiled and released the

volume at a very largely attended meeting in June 1980, in the Vembadi Girls' College Hall. That was possibly the last time the surviving members of the YC – all prominent gigantic personalities in later life gathered together in the evening of their lives. Senator Nadesan a former member of the YC himself was the chief speaker – he was so carried away that he spoke for 90 minutes and all the other speakers including Orator, Sabaratnam, the late Prof. Kailasapathi and myself had to cut short our speeches to a mere five minutes each.

Personal relationships apart my links with Orator were primarily bound by the work we did together with Messrs. Sabaratnam and A.S. Kanagaratnam in putting together the Handy Perinbanayagam Commemoration Volume including the History of the Youth Congress which I authored – but would not have been able to complete without the help of these three gentlemen.

And what an experience it was working with these men – their command of the English language - impeccable choice of word and phrase, their razor sharp minds, attention to details, their commitment to permanent values, their spirit of comradeship and bonhomie, geniality and pleasantness of manners, their sense of humour and anecdotal reminiscences and their friendliness and humility in spending so much time with a younger person like me – these are memories that have enriched my life. I have often asked myself the question whether we will ever have men of that quality and genre again in Jaffna for decades to come. These were qualities characteristic of the Youth Congress generation.

### **The Jaffna Youth Congress**

That brings me to the main theme of my presentation today – Orator and the Jaffna Youth Congress. The above is a theme I have developed in writing the history of the JYC – a revised edition of which is due to be published in English, Tamil and possibly in Sinhalese sometime next year. It is also a theme I dwell on when I delivered the Handy Perinbanayagam Centenary Commemoration lecture in 1999. It is a theme that has considerable contemporary relevance going by the numerous requests I get for

a copy of the book and explanations of what happened in Jaffna in the 1920s and 30s.

Orator was among others a founding member of the Jaffna Youth Congress. He close friendship and shared ideals with Handy Perinbanayagam until the end made him virtually the deputy leader though there were no such official titles. He survived all his contemporaries to the ripe old age of 92 with the exception of Mr. Duraisingam of the Communist Party and longtime resident in Hultsdorf, who recently migrated to Africa. A teenager of that time who observed what happened and still living is George Gnanamuthu.

Founded in 1924 as the Jaffna Students' Congress remained a potent force in the political and cultural life of the Tamils for over a decade. From the very beginning the SC had an all-Island perspective, rose above parochialism of any sorts, was committed to national unity, political independence, and the social, cultural and economic betterment of the whole of Lanka. A conscious effort was made to embrace young people of all races, creeds and castes. The aims of the congress were clearly laid down in the resolutions passed at the very first sessions in 1924.

### **JYC Aims**

The aims of the Congress were that its members should work for the betterment of the motherland, that no distinction be made on religious or racial grounds, that annual sessions consist of representatives from all races and creeds, that no sectarian issues be raised, that members strive to remove the curse of untouchability, to cultivate the study of national literature, art and music and to develop and promote writings and publications in the national languages of fiction, history, biographies and works in the sciences. It was resolved following Gandhian practices to patronise as far as possible locally manufactured goods and eschew foreign products. Though no resolution was made on dress the above resolution implied the wearing of the national dress, preferably khaddar. Several members of the Youth Congress Orator included wore the national dress for the rest of their lives. The others did so as frequently as possible. Some of these men had discarded their western attire, as students, in the Gandhi led bonfire of western clothes in 1921.

The name change from Students' Congress to Youth Congress took place at the 1930 sessions. In 1931 the YC reached its zenith in moulding public opinion in Jaffna. The Youth Congress tradition lasted well into the 1940s and

several of its members never gave up the ideals the YC stood for to the end of their lives. Orator's life and service is a standing testimony to this character of the YC.

Eminent scholars, educationists, writers and persons with cultural attainments delivered lectures at the annual session and meetings of the YC. These included prominent personalities from India such as Gandhi, Nehru, Rajaji, Satyamurti, Kalyanasundra Mudaliyar and Kamaladevi Chattopadhyaya. At practically every session Sinhalese young men who were to become future political leaders graced the occasion with their presence and speeches. These included D. B. Jayatileke, P. de S. Kularatne, George E. de Silva, E. W. Perera, Francis de Zoysa K.C., C.E. Corea, and S. W. R. D. Bandaranaike. Even J.R. Jayewardene is known to have participated at one meeting. Leaders from other communities included T.B. Jayah and Peri Sundaram. In later years prominent leaders from the left movement such as Dr. N. M. Perera, Dr. Colvin R. de Silva, Leslie Goonewardene, Selina Perera and others appeared on the YC platform. Among Tamil participants were many notable scholars, teachers, writers and persons involved in public life. The list consisting of a galaxy of personalities is too long to be included here.

It was the YC that invited Gandhi to visit Ceylon in 1927. Indian High Commissioner Gopalkrishna Gandhi has in his book "Gandhi and Sri Lanka 1905-47" published this year has covered once again the momentous visit by Gandhi to Ceylon and Jaffna in particular.

### The Idealistic generation

The one-time members of the JYC were deeply influenced by events in India, which in the 1920s was leading Asia and Africa in the struggle against European imperialism. It was an exciting period in Asian history and the youth of that time were fired by ideals and had great visions for the future. It was the era of Gandhi and Nehru who in turn had imbibed the legacies of the Asokan tradition, the reform and revivalist movements associated with Raja Ram Mohan Roy, Ramakrishna and Vivekananda. This is a tradition based on compassion and understanding among persons of all faiths, the pursuit of reality without narrow bigotry, inclusiveness as against exclusiveness – and we will do well to remind ourselves totally rejected the intolerance and violence that is endemic today.

The Youth Congress sought to be an essential part of this historic movement that had global dimensions. There took place a worldwide awakening of peoples who had lost their freedom leading to

movements that shook the British Empire. For the young men of Jaffna "bliss it was in that dawn to be alive." Orator belonged to that idealistic generation of youth that left behind a legacy that we recall today. In their later years they held on to these ideals.

The YC was not a political party. It never aspired to become one. In fact the members of the YC had nothing but contempt for power politics involving bargains and deals leading to personal advancement. But they were deeply concerned and involved in politics as a movement.

They were a generation of leaders who made a vital contribution to the task of education, and the social and political life of not only Jaffna and the Tamils of this country but to the whole Island to which they rightfully belonged and served with distinction. They made a remarkable contribution to Jaffna's intelligentsia and shaped the thinking of a whole generation of men. The indelible stamp of the Youth Congress was evident in the men of this generation who had come under its influence.

In the 1930s the ideal set before the country by the Youth Congress and nationalists in the South was a free and united Lanka. The Youth Congress was fully committed to a Ceylonese nationalism. Hence when 1956 came it brought to the men who once belonged to the Youth Congress more than to anyone else in the country, a sense of defeat and disillusionment.

### Orator and the 1930 Sessions

It is possible to sum up - Orator's role and the ideals he stood for by extensive quotes from the speech he made at the annual sessions of the YC in 1930. This was the period when equal seating in schools had become a matter of major concern. The Peninsula was deeply divided between the conservatives who resisted children from the oppressed castes being seated on benches on an equal basis with the other children. The YC was firmly committed to justice to the minority Tamils. The issue was top on the agenda of the annual sessions of the YC in 1930. They were scheduled to be held at the Training Institute at Thirunelveli. Mr. Shivapathasundram "much respected and revered by the Hindus of Jaffna for his profound knowledge of their scriptures and his deep devotion to the faith of his forbears, was persuaded not merely to join the Congress but to become its president." (A.M.A. Azeez.)

Orator was Chairman of the Reception Committee, which in effect meant executive head of the YC for the year. In

his address he dealt with three points. Cultural Renaissance, Untouchability and its related problem of Equal Seating in Schools, and Youth and Politics.

In calling for the mother tongue to be given a prominent place in the school curriculum and to be given its due place as the medium of instruction he had this to say: "Speaking as a teacher to fellow teachers, I would say that we are guilty of a heinous crime in willingly assisting and stunting their intellectual growth and rendering them more and more effeminate by putting a severe strain on their nervous energy. If there is a tendency in our students to look down upon everything Eastern, the fault lies not in them but in the education we are giving them. A system that is day-by-day sapping the lifeblood of our students" He demanded that the mother tongue be made compulsory for all public examinations, and that the standard of question papers set for these examinations be raised appreciably high.

Secondly, he rejected the efforts made by some Hindus to give a religious sanction to the caste system. It was first a foremost a question of social justice. He stressed that the removal of disabilities suffered by the oppressed classes was an essential condition for political unity – since efforts were being made by the leaders of the oppressed castes to seek the protection of the alien British bureaucracy – the same bureaucrats who kept the whole nation in bondage. Unless efforts were made to eradicate caste oppression, all talk about renaissance, freedom, spiritual rebirth and national heritage were futile.

And thirdly on behalf of the YC he claimed the right of young people to participate in politics especially in the cause of the country's freedom. "If by politics is meant the game of adjustments and compromises, then play upon passions and prejudices, the art of having one eye upon the next elections and the other on the good graces of the government then the YC disdains to have anything to do with it." He added, "the YC was the only body in the north that firmly stood for the abolition of communal representation, and as such we are not at all interested in the number of seats the North gets in the new State Council; for in an assembly of over sixty members, it does not matter whether the North gets three seats or six seats. Mutual trust and goodwill alone will lead to national unity and this cannot be realised while we are scrambling for seats.

The fight is a common fight against the bureaucracy that holds us in economic, cultural, and political bondage and

this fight cannot be sustained as long as one section of the country is coquetting with the government for its own ends.”

In fact the men of the Congress had contempt for the politics of seeking elections to the legislative assembly and state council under British hegemony. In its choice of presidents the Congress took infinite care to exclude the mere politician.

Now seventy-two years later we hear these words “mutual trust and goodwill” repeatedly stressed from Colombo to the Vanni, Thailand and Norway. What may have this country been if only both the Tamils and Sinhalese had listened to such prophetic voices.

#### Principal, Skanda Varodaya College

Some twenty years later as Principal of Skanda he was able to put into practice some of the core ideals he stood for in his youthful days – especially in the sphere of education and social justice. According to A.S.Kanagaratnam - Skanda Varodaya, of all the Colleges in Jaffna became a school of the people. I quote below comments made by three teachers who served in later years under Orator in Skantha.

“History indeed was in the making when he threw open the gates of Skantha Varodaya to the children of the so-called “depressed” classes, and in so doing he was putting into effect what he was preaching in the days of the YC ...” (S.Rajasingam)

“He was more than a teacher. In him we see the zeal of a social reformer and spirit of a patriot... a true nationalist. A fair number of students from Sinhalese homes were given admission by him to Skanda. In the person of Rev.Gunaratna Thero, our Principal appointed to the staff of Skanda “a true Sinhalese teacher”. In his own way the Principal created a national atmosphere at Skanda.” (V.Pon-nambalam)

“ Mr.Subramaniam ... fired with a vision and purpose ... a man of guts and conviction ... was a natural and spontaneous part of a voice of liberal thinking that blew across the peninsula during the 20s and 30s under the flag of the JYC.” (N.S.Kandiah)

When he became Principal in 1944 he inherited a small village school with 291 pupils, 13 teachers, 15 classrooms and a small playground. When he retired in 1962, there were 2050 pupils, 220 of whom were residents, 61 teachers, 57 classrooms, extensive playing fields, fully equipped laboratories for chemistry, physics, botany and zoology, a dormitory to accommodate 250 residents and other amenities of a modern school. Re-

sults in public examinations were uniformly good every year. In 1961, 49 pupils entered the University of Ceylon – highest number among Jaffna schools and third in the Island that year. We did well in sports too. The school was raised to Super Grade in 1957, along with Jaffna College and Jaffna Hindu College.

“... In the period of 15 years his school had sent about 400 pupils to the University of Ceylon, most of whom were for medicine, engineering and science. In Orator’s own words “Our neighbour, Mahajana College, had done likewise.

The achievement of these two schools – village schools which started almost from scratch, fully prove that instead of using the pernicious principle of standardization for selection to the university, if the schools in backward rural areas had been well equipped and staged with teachers, who worked conscientiously and gave of their best to pupils, the village boys and girls would have done as well or better than those in Colombo schools. (Extracts from Life and Times of Orator C.Subramaniam, Birth centenary Volume 2002, Ed.S.Kanthaswamy.)

#### A Legacy of the Youth Congress

“The achievements of the Youth Congress lay in the cultural and educational fields and in the eradication of social disabilities. The elevation of the Tamil language to a place of honour happened in Jaffna as early as the twenties. The practice of having lectures and meetings in Tamil on not merely subjects of interest but on secular and political matters as well, began with the Youth Congress. The young men of Jaffna though English educated restored national customs, festivals and dress to a place of honour in the social life of the community.

“Above all out of the Youth Congress came a generation of teachers, principals, administrators and builders of schools. Their efforts in the mid-decades of this century made it possible for Jaffna to enjoy the pre-eminent position that it occupies in the sphere of education with schools that could be the pride of any nation. These men steered through the smooth transition from English to Tamil as the medium of instruction in the forties and fifties with minimum damage to standards, this having been one of the major reforms that the Youth Congress had advocated all along.”

“The influence of the Youth Congress persisted most through the Northern Province Teachers Association and the All Ceylon Union of Teachers. Here the one time members of the Youth Congress championed the campaign for free education, for a national system of schools

and for Swabasha. Formidable opponents of the government’s control of teachers, these men did assert that education was the responsibility of the state, though not necessarily a monopoly of the state. The remained committed to the role that education could play in the social advance of the country. They remained a dedicated band of teachers nationalist to the core... they brought qualities of integrity and sincerity to the several public causes to which they gave of their time and talents.” (S.Kadirgamar, The Jaffna Youth Congress, Handy Perinbanayagam Memorial Volume, Thirumagal Press, Chunnakam, 1980.)

#### The Rights of Teachers

Orator was second to none in his commitment to the rights of teachers. “It is sometimes embarrassing” wrote A.S.Kanagaratnam “for a principal to get mixed up in “Trade Union Politics” ... but Mr. Subramaniam does not appear to have been ever afflicted by this inhibitive process. To the very end of his career he held fast to his Trade Union Principles, nor ever found it difficult to reconcile his administrative duties with his loyalty to his union. When the N.P.T.A. took up the cause of teachers who were being squeezed out of some private schools during the early years of the take over, Mr.Subramaniam was able to accommodate some of them in his staff, to the great relief of the Union and certainly of the administration.” “A.S.Kanagaratnam, A Garland of Tributes to Mr.C.Subramaniam on his 90<sup>th</sup> Birthday, Toronto 1992.)

I have distinct memories of the take-over of schools. At Jaffna College the liberal traditions of the YC were deeply rooted at least until sometime in the 1960s. Even here the first act of the Board of Directors was to eject four teachers, all Hindus, as the College went private and non-fee levying in 1962. We teachers felt deeply betrayed. I had the honour jointly with a colleague of moving a resolution calling for their immediate reinstatement which was carried unanimously by the Round Table our equivalent of a trade union. Two teachers returned. Two refused having been deeply humiliated and opted to serve in government schools. The Board had no alternative but to bring them back. How myopic and lacking in social justice and compassion can a Board of Directors be?

In Orator’s own words we have this narrative that reveal the secret of his success. “We wished to impart in Skantha as good an education as that in the big schools to which the poor pupils in our area had not the means to go. We ap-

pointed efficient, qualified teachers. At one time we did not have a good physics teacher. I heard that one Durairajah at St. John's College was a good physics. I offered a special post to him and made him join us. He did excellent work but after some years, he lost his sight completely. I kept him for eight months longer, so that he might complete the ten years required for a pension. He proved a better teacher after he lost his sight and the pupils wanted him. I allowed him to continue in spite of petitions against my action. He retired long after I retired."

### Courage and Love for Fellowman

That kind of compassion and the courage one does not hear of these days – not even in private schools where a degree of flexibility is possible where the high principles of love and compassion proclaimed from pulpits are not translated into practice. The parlous state to which private colleges have been reduced in spite of all the foreign and private funds that are poured in is a judgment on the shortsightedness on power obsessed boards and managements that know little of what education is all about and bring to it the values of the marketplace.

A.M.A. Azeez, one time distinguished principal of Zahira College, Colombo and also for a period President of the Head Master's Conference had this to say about Orator, "During the period of nearly two decades when Orator was guided the destinies of the college, there were greater changes in the educational field than there had been during the fifteen decades preceding ... he solved these problems to the satisfaction of the pupils, staff, parents and posterity. He earned the ungrudging enthusiasm of every fellow Principal. Thus did Orator dare, Thus did he succeed." (Garland of Tributes.)

"The ethos of the school," wrote Orator. "had always been to help pupils from poor disadvantaged homes. But Kandiah Upathiyayar's help did not extend to certain social groups like the minority Tamils who were denied admission to Hindu English schools in Jaffna. With blessings of the Founder and the manager, Skantha opened its doors to them. This was a courageous step in an area where people were obsessed with caste prejudices."

"This is the kind of courage God gave me to serve Skantha," wrote Orator in later years.

### Lessons to be learnt

In Commemorating Orator's Birth

Centenary there are lessons we can learn for our times - relevant and vital to all those concerned with education in this country and in war torn Jaffna in particular. The days when Jaffna enjoyed pre-eminence in education have come to an end. And here I mean not just University entrance results but a values based education in its truest sense - sending out from our schools young men and women with a command of both the Tamil and English languages, and who have the courage to stand-up for social and economic justice and democratic and human rights. We need independent minded youth who are inspired by the tradition of dissent that was the hallmark of the JYC.

It is not for me to give advice to Principals and teachers of schools in Jaffna who have lived through this terrible war at tremendous personal cost and sacrifice. But if I may express the feelings of an older generation there is a challenge to be faced – to restore the high educational standards that prevailed in Jaffna in the mid-decades of this century – an all round education that is free from the shackles of the tutoring system. It can only be done by finding committed young people, training them as teachers and paying them well. The school is primarily a community of students, teachers, parents and the community. The less said about many, though not all, members of managements, board of directors and state bureaucrats the better. They strut around with inflated egos and have little to contribute. Political culture being what it is in this country we can expect little from the state.

Private schools and their managements are no better. And the so-called international schools have turned their back on the national languages and cultures and are likely to produce a generation of youngsters that will only widen the gap between the haves and have-nots in this country. In our time in our schools, while the salaries only were paid by the state, principals, teachers, the alumni and the community in partnership equipped the schools and persisted in retaining high standards. We have to go back to the traditions established in that era. Occasions like this when we commemorate the lives and achievements of great teachers and principals we have an opportunity to look back and draw inspiration for a vital task that has to be redone. Rebuild our schools and restore what Orator has rightly referred to as the ethos of our schools.

"One of the poems," wrote Mr. N. Sabaratnam, "particularly relevant to the state of the world in general and our society in particular, is 'Abou Ben Adhen'". An Angel wrote down 'The names of those who love the Lord'. Abou asked the angel whether his name was in the book of gold. "Nay not so". Abou said 'I pray, then write me as one that loves his fellow-man'. When the angel appeared again, Ben's name was topping the list." As Sabaratnam's asserts Orator was able to restore harmony in many a troubled situation because like Ben he loved his fellow men – this hero of a hundred fights. And in the words of Azeez quoted above we can say "Thus did Orator dare, Thus did he succeed."

## LTTE officials study Swiss Federalism

Dec 11 - A top level delegation of the Liberation Tigers visited Switzerland at the invitation of the government there to study the country's federal system, officials said. The Tiger delegation met with senior officials of the Swiss government.

Following the agreement reached in Oslo previous week with the Sri Lankan government - on internal self-determination in the Tamil areas of Sri Lanka based on a federal structure - the Tamil delegation, led by the LTTE's Chief Negotiator and political advisor Anton Balasingham flew to Switzerland from Norway. The head of the LTTE's political wing, Mr. S. P. Tamilselvan and Special Commander Eastern Flank, Col Karuna were also part of the delega-

tion, officials said.

In Bern, the LTTE representatives met for two hours with a Swiss government delegation which included the Head of Political Department IV of the Ministry of Foreign Affairs, Ambassador Peter Maurer, the Head of Political Division (Asia-Pacific), Ambassador Rodolphe Imhoof, Foreign Affairs Ministry official Marcus Heiniger and Swiss Economic Development Ministry official Verina Nosar.

The LTTE delegation then met with the Director of the Resource Network for Conflict Studies and Transformation (RNCST), Dr. Norbert Ropers, and representatives of a Swiss mine-clearing NGO.



## “Delhi’s options are limited”

Dec 9 – During his recent visit to Sri Lanka, the Foreign Secretary, Kanwal Sibal, said that India would “take note” of the Sri Lankan opinion that there was a “forward movement” in the peace process after the Oslo round.

“If the Government and the Opposition think there is a forward movement, we have to take note of it,” Mr. Sibal said adding, “we cannot be out of sync”. On New Delhi’s role in the peace process, Mr. Sibal pointed out that though “logically we should be involved”, the “legal complexities” were such that “our options are certainly limited”.

India’s legal complexities arise from its ban on the Liberation Tigers of Tamil Eelam (LTTE) for crimes on Indian soil, including the assassination of the former Prime Minister, Rajiv Gandhi. The LTTE leader, V. Prabakaran, and two other high-ranking leaders have been declared as prime accused and proclaimed offenders in the Rajiv Gandhi assassination case.

Comparing the negotiations to a

100-metre race, Mr. Sibal said: “you have to run the 100 metres. Right at the start, or after one metre, you cannot say the race is over. Let us see. At the end of the race, we will pronounce”.

Mr. Sibal’s visit came at the end of the third round of talks between Colombo and the Tigers in Oslo, during which the two sides agreed to explore a “federal model” for a political solution within the framework of a united Sri Lanka. It is also his first visit to Colombo after assuming charge in July. The Oslo agreement reflected the principles India had stressed such as democracy, human rights and pluralism, Mr. Sibal said adding that it was up to the Sri Lankan Government to “ensure all these”.

Disagreeing with the view that India had adopted a “hands-off” approach, he said New Delhi was kept “fully informed” of the negotiations. “Everybody realises that India has a key role.” Colombo was “very receptive to whatever we tell them... we do not think there is any difficulty at all on that score”, he added.

Reiterating India’s stand on the conflict-resolution process - backing a negotiated political settlement that met the aspirations of all sections within Sri Lanka’s unity and territorial integrity - Mr. Sibal said New Delhi was fully in support of “a peace process” and emphasised that any solution will have to meet the acceptance of all communities “including the non-LTTE Tamil political parties”.

In a formal statement issued following the conclusion of Mr Sibal’s visit, India made it amply clear that any solution to the Sri Lanka’s conflict resolution process will have to ensure the working of democracy, pluralism and human rights on the ground. This important position, which has been repeatedly conveyed to the main Sri Lankan political players, found expression in a formal statement.

India has consistently held the view that it supported a peaceful, negotiated settlement that met the just aspirations of all elements of the Sri Lankan society within the island’s framework of unity, sovereignty and territorial integrity. Now it added the another important clause, “besides ensuring that the principles of democracy, pluralism and human rights are respected on the ground.”

## Broadcasting Equipment Stirs up Controversy

The controversy over broadcasting equipment imported for the Tamil Tigers has deepened with media reports that the LTTE was granted a temporary licence for a private FM radio station. The LTTE, the *Sunday Leader* said in a report on 15 November, was given the licence last month to broadcast at an assigned frequency of 98 MHz, subject to the condition that the station would be at Kilinochchi, with a coverage of 20 km radius and an altitude of 75 metres.

Though on the face of it, these assigned specifications could mean that the LTTE’s broadcasts would be out of range from southern India; the possibility of installing repeaters to extend the range still leaves the crucial question unanswered.

With Kilinochchi around 120 km,

as the crow flies, from southern India, the relative ease with which repeaters can be installed, the existing Voice of Tigers (VoT) network and the fact that signals are stronger across seas, could still make it possible for the LTTE’s broadcasts to reach Indian civilian pockets.

While the immediate purpose of the transmission equipment is to broadcast to civilians in the northeast, beaming into India form a longer-term strategy, given the fragile nature of the ongoing peace process.

The temporary licence, according to the *Sunday Leader*, was to broadcast “educational, sports, entertainment (with desirable family content) and foreign news”. Local news would be permitted “only with the approval of the Director of Information”.

The equipment imported includes transmitters, antenna, amplifiers, a 20-channel audio mixer and speaker systems, the newspaper said. The issue is bound to occupy the domestic political agenda in the days ahead.

The consignment, which was handled by the Norwegian embassy here was then sent with Government escort and handed over to the LTTE.

Asked about reports that the Tigers had acquired a fresh consignment of broadcasting equipment, during his recent visit to Sri Lanka, the Foreign Secretary, Kanwal Sibal, said, “the jury is out” on whether it was an FM, with short-range capability, or a longer range, capable of transmitting into southern India. If it was of a longer range, “we will evaluate it differently”, he said. It may be recalled that a senior Opposition leader, Anura Bandaranaike, had recently said that the LTTE had acquired broadcast equipment that could transmit into southern India.

## Peace now closer than ever before - LSSP

The ongoing peace effort received a major impetus with the LSSP going public with the view that "the question of a political settlement to the ethnic conflict in Sri Lanka has now been brought closer to realisation than at any other time".

These sentiments were expressed in a statement released on 20 November by LSSP General Secretary Batty Weerakoon.

Weerakoon said that on the eve of the Oslo conference the LSSP and Communist Party of Sri Lanka had called for a bipartisan approach by the UNF and the PA on the ongoing process and said the LSSP was making the present statement in keeping with what these parties have advocated in respect of maintaining people's confidence in the peace process.

He said this commenced with the PA's devolution package of 1994 "and is now being taken forward". Noting that the left parties in Sri Lanka have at all times advocated a bipartisan approach to the question of political solution to the ethnic problem, the LSSP said the "basic attitudes on both sides - the UNF govern-

ment and the main parliamentary opposition stood in the way of consensual politics in this domain".

The statement went on to say:

"Regional or provincial autonomy, mentioned by the LTTE, is a concept that falls outside the unitary-federal debate which in relation to the realities of our problem is of no relevance today. It cannot be overlooked that any solution that is reached has also to be referred to the people through a referendum if that is to be part of the Constitution. Both the UNP and SLFP have travelled on the road of devolution with the UNP's 13th Amendment to the Constitution and the PA's Constitutional Amendment that was brought to parliament in August 2000 and are aware of this reality.

"The 13th Amendment was devolution of political power though unnecessarily circumscribed. The PA's Constitutional Amendment was a major advance on it, but could not succeed because by then the PA had lost credibility with the LTTE. It is the LSSP's view that the latter amendment should be treated as the

basis for consensus between the UNP and SLFP on the matter in issue. In the months between February and August 2000 the PA and UNP had in discussions presided over by Her Excellency the president, with the present prime minister present, reached agreement on the scope and content of devolution. What had as yet to be agreed on was the unit of devolution.

"Autonomy is achieved at a certain level of devolution and the LTTE has now placed it on the political agenda. This is a very significant, salutary; and new development and it needs to be responded to positively by all those who sincerely wish to work for the consolidation of the peace that presently prevails.

The concept of 'autonomy' in respect of our ethnic conflict is not new. It was advocated by the late Dr. N. M. Perera when he in his 'Critical Analysis of the 1978 Constitution' commended the language provision in it as progressive but expressed reservation about its efficacy in relation to the escalating conflict. He wrote, 'What might have satisfied the Tamil community twenty years back cannot be adequate twenty years later. Other concessions along the lines of regional autonomy will have to be in the offing if healthy and harmonious relations are to be regained'.

## US, UK welcome Federal solution

Nov 6 - The United States and United Kingdom applauded the agreement reached between the Liberation Tigers of Tamil Eelam (LTTE) to work towards a Federal model. "The United States regards as extremely positive the announcement that the two sides have made progress in discussing political issues by agreeing to work to establish a federal structure within a united Sri Lanka," said a statement by US State Department Deputy Spokesman Philip T. Reeker

"We salute both sides and the Norwegian government for moving the peace process forward and welcome further progress toward a negotiated settlement based on the principles of democracy and respect for human rights, while maintaining the country's territorial integrity," the press statement said. "As we have said before, we hope that the outcome of negotiations will pay due regard to the security and well-being of all communities."

The UK also applauded the agreement, which will explore a solution to the

long running ethnic conflict encompassing Tamil aspirations for internal self-determination.

"I warmly welcome the significant progress made during the latest round of peace talks between the Government of Sri Lanka and the LTTE. The two sides agreed to explore a solution founded on the principle of internal self-determination for the Tamil people, based on a federal structure within a united Sri Lanka," said Foreign Office Minister Mike O'Brien. "It is important that the two sides have undertaken to address human rights, including the priorities and needs of women in the peace process, and the situation of children affected by armed conflict."

"I continue to applaud the commitment and will of the two parties to work together. There is still a lot of work to do. But I am encouraged that the progress being made will lead towards a solution that meets the aspirations of all communities of Sri Lanka," Mr O'Brien said.

## LTTE releases casualty figures

Colombo media reported that 17,648 members of the Liberation Tigers of Tamil Eelam (LTTE), including 241 Black Tigers, had been killed in battles since 1982.

According to an LTTE statement, 13,882 men and 3,766 women were killed in fighting, a Tamil newspaper, *Sudar Oli*, reported. Of these, 6,487 cadres and 125 Black Tigers were from Jaffna; 4,535 (47) from Batticaloa-Amparai; 2,521 (22) from the Vanni; 1,479 (16) from Trincomalee; 1,291 (10) from Mullaittivu; 1,037 (15) from Mannar and 297 (6) from other districts.

In addition, 10 rebels were killed since September 30, this year when a ceasefire has been in operation. As in the LTTE's parlance, its fighters attain a "hero's death", the 10 who were mentioned as killed after September 30, could have died during training or in some naval operation, military observers said.

Though the Tigers release the total number of fighters killed at periodic intervals, this time the district-wise death toll marks a difference.

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### About People and Events

#### WEDDING BELLS

We congratulate the following couples on their recent wedding.

*Thirukumaran, son of Mr. & Mrs Anandeswaran of Nallur, Sri Lanka presently of Steigstrasse 3a, 9422 Staad (SG), Switzerland and Jadia, daughter of Mr. & Mrs Ganeshakumar of "Ganeshapathy", Hintergasse 3, 9437 Marbach (SG) at Evangelisch Kirchgemeinde Haus Heidener STR 7, Switzerland on 22<sup>nd</sup> November 2002.*

#### IN MEMORIAMs

**Ninth Death Anniversary of  
Mrs Gnanambikai  
Perumal Pillai wife of  
late Dr. C. Perumal Pillai**



(04.07.1924 - 12.12.1993)

*Amma Nine years have drifted by, since you were taken from our midst. Your loving care and gentle guidance still strongly missed. In your peace we find solace.*

Your children Ravi, Usha, Jeeva, Ranjit and families.

### Mr. P. V. Nadarajah



*In loving memory of  
Mr. P. V. Nadarajah  
on the fourteenth anniversary of his passing away on 16<sup>th</sup> November 1988.*

*Fondly remembered by his beloved wife Thilagavathy; loving children Usha, Varathan, Nalini and Nanthini; sons-in-law Sivanathan, Rajkumar and Vathsayan; daughter-in-law Savithiri; grandchildren Bairavi, Luxmi, Uruthiran, Abhirami, Sebastian and Isabel. - 11 Stapleford Close, Southfields, London SW19 6TG.*

### The First year Remembrance



**Mrs Pavalam Ramasamy  
of Jaffna, Sri Lanka.**  
Born: 10.12.1923  
Died: 29.11.2001

*Dear Amma Everyone says you went away, but to us you continue to live with us everyday.*

*Sadly missed and forever remembered by your loving children Eng. Vijayaratnam (Head, Dept of Agricultural Engineering, Faculty of Agriculture, University of Jaffna), Vijayadevi, Vijayarani and Jegasothy (all of London); in-laws Selva (Research Officer in charge of Agricultural Research Station, Thirunelvely, Jaffna), Nathan, Sundaralingam, Thillainathan (all of Jaffna), Naguleswary (Jaffna); grandchildren Purushowththaman, Toothiransali, Luxana, Anand, Meni, Luxey and Vasantha.*

11 Bulstrode Avenue, Hounslow, Middlesex TW3 3AA.  
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### Forthcoming Events

**Jan 2 Amavasai**  
**Jan 4 South London Tamil Welfare Group (SLTWG) Drop in.**  
Tel: 020 8540 3285  
**Jan 6 Sathurthi; Feast of The Epiphany of the Lord Jesus Christ**  
**Jan 8 Shashti**  
**Jan 13 Karthigai; Feast of St. Hilary**  
**Jan 14 Thai Pongal; Vaikunda Eekathasi**  
**Jan 15 Pirathosam; Mattoop Pongal**  
**Jan 17 Full Moon; Feast of St. Antony**  
**Jan 18 Thai Pooam; SLTWG Thai Pongal Celebrations.**  
Tel: 0208540 3285  
**Jan 21 Sankadakara Sathurthi; Feast of St. Agnes**  
**Jan 22 Feast of St. Vincent**  
**Jan 25 SLTWG Drop In.**  
Tel: 0208540 3285  
**Jan 27 Feast of St. Anglea Merici**  
**Jan 28 Krishna Eekathasi**  
**Jan 29 Pirathosam**  
**Jan 31 Amavasai; Feast of St. John Bosco**  
**At the Bhavan Centre, 4A Castletown Road, London W14 9HQ, Tel:020 7381 3086/4608 Fax:0207381 8758. Net:www.bhavan.net**  
**Jan 25 10 a.m till 5 p.m. Yoga Day by John Shirbon**  
**Jan 25<sup>th</sup> & 26<sup>th</sup> 3 p.m. Bhavan's Day Celebrations given by Bhavan's students & teachers.**

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## Three Generations of Performing Artists



The Bharatha Natya Arangetram of 12 year old Deepaesh, son of Dr. & Dr. (Mrs.) Sivalingam took place at the Festival Place Auditorium in Alberta, Canada on 1<sup>st</sup> September 2002.

He was presented by his Guru and mother Dr. Kanchana Sivalingam, who choreographed and performed the Nattuwangam for the programme.

Deepaesh commenced the recital with Boomanjali, an invocatory item followed by the Jathiswaram in Malayamarutha Raga and Aathi Tala. The 'Nandi Chol' that followed to drum syllables depicting the various drums that 'Nandi' played. The main item Varnam was in Abogi Raga which expressed the parents' love for a child.

After the interval Padam on Sri Rama, followed by 'Siva Sangam' in Revathi raga with ten feet Shiva at the back was claimed by the audience as a feel of 'Kailash'. This was followed by 'Nanda Laala', a Bharathiyar song. The programme ended with an intricate Thillana in Sindubairavi Raga and a 'Sai' Mangalam.

Born into a family of famous artists and being a student in Mirdangam, Deepaesh's rhythm and nrithya were excellent. His movement was brisk and poses well executed. He was ably supported by Vocal - his grandmother Gana-Bhooshanam Smt Ambika Thamotheram (London), Mirdangam - Vadya Kalaimani Tanjore Sri Swaminathan (India), Violin - Sri. C. Gesavamoorthy (Toronto), Flute

his uncle Dr. T. Nimal Raj (London) and Tabla - Ojas Joshi (Edmonton).

The Chief Guest his grand aunt Kalasuri Smt Jayaluxmi Kandiah, Order of Australian Merit; Director of Natanalaya, Sydney, Australia and the Guest of Honour Dr. Raj Chandran praised Deepaesh's proficiency at this young age. The programme was compered by Mr. Saravan-Veylan and Miss Kauitha.

North American flavour of portraits of Deepaesh with a sit down dinner after the recital enriched the programme character to bring the new generation to cherish the beauty and traditions of classical Bharatha Natyam and Eastern Traditions. This production was truly a unique event.

Mervin Young

## Sathianesan

Honoured by University of East London



(From L to R) Cllr Sathianesan, Civic Ambassador Cllr Maire Collier and the Chancellor of the University Lord Rix

Newham Councillor Paul Sathianesan was awarded an Honorary Fellowship by the University of East London, in recognition of his services to the Tamil community, particularly the refugees. The award was made by the University Chancellor, Lord Rix at a ceremony held on 27<sup>th</sup> November 2002 at the Barbican Hall in the City of London.

Mr. Paul Sathianesan arrived in the UK as a refugee in July 1985, settled in Eastham and soon afterwards began voluntary work for the Tamil Refugee Action Group and the Refugee Council. To make ends meet, he worked seven nights a week as a cashier in a petrol station.

Paul is a Councillor for Wall End Ward and lead member for Heritage & Tourism in the Newham Council. He is also an active member of the World Council of Churches and has as founder of the Council for European Tamils helped forge a new identity for a widely dispersed Tamil community.

## Taprobane Travel Celebrates 25 years of Service



Taprobane Travel celebrated 25 years of excellent service to the community and was rewarded with the token presentation of a crystal decanter to its Managing Director Mr. Gamit Amerasekera (second from right in the picture above) by Mr. Manoj Gunawardena, Manager, UK & Eire, SriLankan Airlines. Far left is Ms Kamini Rodrigo, General Manager, Taprobane Travel and far right is Mr. Jeremy Soertsz, Sales & Marketing Manager, UK & Eire, Sri Lankan Airlines.



It was only a week earlier that Mr. Gamit Amarasekera as Managing Director of Sri Lanka Holidays, an associate company of Taprobane Travel received the prestigious Sri Lanka Tourism Award in recognition of his resounding success in the package holiday tour sector. Mr. Faisz Mustaph (left in above picture), High Commissioner for Sri Lanka in UK is seen handing over the award to Mr. Gamit Amarasekera (right) while the Chairman of the Sri Lanka Tourist Board Mr. Pady Withanna, (centre) looks on.

Our congratulations go to Mr. Gamit Amarasekera, Ms Kamini Rodrigo and members of the staff whose efforts have made these achievements possible. We look forward to more successes in the future..

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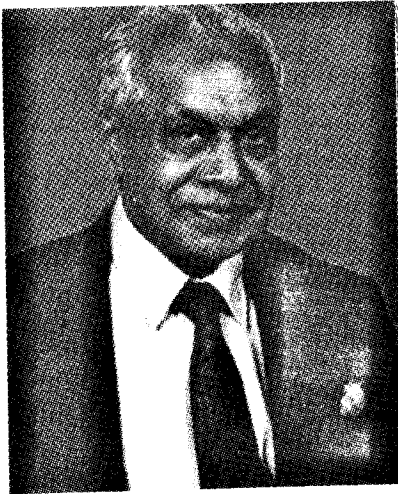
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## THE LIFE & TIMES OF MR T. MYLVAGANAM LOVINGLY REMEMBERED BY HIS FAMILY ON HIS 85<sup>TH</sup> BIRTHDAY



Mr Thillaiampalam Mylvaganam, fondly known as Myl by family and friends, was born on 27 November 1917 in Alaveddy, Jaffna. His father was an overseer with the Public Works Department and posted away from home often and he was raised in Jaffna by his mother who was a strict disciplinarian. He had the greatest "fear and respect" (a favourite value of his) and abundant love for his mother. He had an eventful childhood being in and out of over 7 schools!

When he completed his secondary education his brother Kanagaratnam, who was a medical practitioner, persuaded him to study Medicine. After a year's study he gave it up realising that it was not his chosen field. His eldest brother Selladurai, who was a mathematician and whom he revered, then asked him to do technical studies. Here when ragging broke out Myl and his batch mates decided to rag the seniors, as the freshers were far more in numbers!! The unfortunate result was that he was forced to leave. He then joined Law College but after a year realised that Latin was not his forte and gave it up, though the legal mindset and the training in logic would stay with him for the rest of his life.

Myl then chose to do commercial studies in Bombay and joined the prestigious Davar's College of Commerce around 1940. He excelled here receiving several awards for commerce and insurance studies. However, during the Second World War when the Japanese were poised to attack India, his mother requested him to return immediately to Sri Lanka and so in 1942 he was compelled to terminate his studies.

The knowledge and interest he gained for the subject of insurance later led him to be a very successful insurance agent for Sun Life Insurance and the Ceylon Insur-

ance Corporation. This role he carried out as a part time interest through most of his career. He worked with the Government Department that was responsible for issuing wartime provisions and supplies. Although well regarded and successful in this position, Myl left after disagreeing on a matter of principle with the head of the Department.

In 1946 he was appointed Administrative Secretary of the Ceylon Textile Chamber, an association of leading Ceylonese textile merchants, in Colombo. Whilst here, he responded to an advertisement for the position of Marketing Officer at the Australian Trade Commission in Colombo. A letter had been sent inviting him for an interview but unfortunately he was away from Colombo and on his return learnt that another candidate had been appointed. Spurred by his success in winning an interview but challenged by his reluctance to take defeat, he sought a meeting with the Australian Trade Commissioner. So impressed was the Trade Commissioner that he told him that the selected candidate was on a three month trial and if he failed to satisfy requirements that he would be called to accept the position. Luck was on his side – three months later in December 1949 he assumed duties as the Marketing Officer of the Australian Department of Trade in Colombo.

Just prior to being offered this new position, two leading figures in the Sri Lankan community, Mr K.C. Thangarajah and Mr P. Saravanamuttu were keen to recruit him to work in their organisation, Ceylon and Foreign Trades. When the position at the Trade Commission was offered Myl felt that he had to fulfil his commitment to these respected seniors and worked part-time with them for three months with special permission from the Australian Trade Commission.

True to another value that he upheld – of being "a man of men and matters" - Myl built up a vast connection of business associates both in Sri Lanka and Australia and excelled in promoting trade between the two countries. His work earned him many compliments from the Department as well as from Australian exporters. It was during his time at the Trade Commission in the 1970's that Australia reached its highest record of trade with Sri Lanka by becoming Sri Lanka's fourth largest source of imports. Myl had a wide knowledge of Sri Lanka's trade and industry, had high level contacts in the public and private sectors and a sound awareness of the government machinery and policies. His own network

of friends and contacts with Government administrators and political leaders helped him to succeed in his work as Australia's trade promoter in Sri Lanka.

In 1969 the Australian Trade Commissioner was withdrawn from the Colombo post and Myl was appointed as the officer in charge – he had created history in being the first locally appointed head of any foreign trade mission. This position he held with great success until his retirement in 1979. On retirement he was appointed a consultant in Sri Lanka for the Australian Wheat Board. He was also Trade Consultant to the Collettes group of companies and Samuel and Sons in Sri Lanka.

In 1983 he retired from the above and migrated to Australia with his family. They chose to live in Strathfield in Sydney. For the next fifteen years Myl derived a lot of pleasure in helping friends/new arrivals to settle in the new country. He assisted them by meeting them at the airport; immediately registering them with the Department of Social Security and the Commonwealth Employment Services; opening a bank account, viewing home units arranged through his real estate contacts. After only a week's break they were wheeled off to buy "a good, dependable" second-hand car "nothing extravagant or flamboyant till they have their feet firmly on the ground".

In Sydney Myl together with his wife Tilaka actively participated in the activities of the Saiva Manram (Sydney Murugan Temple) from its very inception and were given the honour of taking part in laying the foundation stone for the temple. He was a very enthusiastic member of the Tamil Senior Citizens Association and did not hesitate to voice his opinion on anything he felt was "not in line". Throughout his life in Australia, he never forgot his relatives or friends in Sri Lanka. He continued to maintain close contact with them being a source of practical advice and material support to many of them.

Another value he inculcated in his family was to "command respect rather than demand it". He certainly lived up to this throughout his life both socially and in his career. Until the very end his mind was very alert and his memory impeccable. He was proud of his achievements and was a contented man when he succumbed to his many ailments at the age of 83.

While mourning his demise his wife Tilaka; sons Chitta (and wife Dr. Kausala), Deva (and wife Balini); daughters Janaki (and husband Ramachandran), Dr Arul and Dr Vasuki (and husband Rocco DeLillo) celebrate his life on this his 85<sup>th</sup> birthday. His grand daughters Gauthri, Shankari, Aranee and Narmatha and his grandsons Branavan and Haran have many fond memories of their beloved grandfather.

**Tilaka, children  
and in-law Ketheeswaranathan**  
Sydney, 27 November 2002



## Sridas Presents Murali Manoharam and Veinguzhal Vasantham



Two compact discs titled Murali Manoharam and Veinguzhal Vasantham containing eight kritis each of well known composers, played on the flute with suitable accompaniments by Sivasambo Sridas of Scarborough, Ontario, Canada were presented at a colourful, well attended ceremony at the Council Chamber of the Scarborough Civic Centre on 8th December 2002. He is believed to be the first non-national to have released compact discs on the Indian Carnatic Flute.

Sridas was fascinated by the mellifluous sounds of the flute and Veena as a schoolboy in the 1950's in Sri Lanka and was drawn further into music learning from mere music appreciation in India. Later he learnt from several sources but particularly from Dr. Ramani and his associates and blossomed into an accomplished musician within a few years.

He belongs clearly to the post-Mali generation, which has forgotten not only the pre-Mali Sanjeeva Rao mode of play, but even Mali himself, since Dr. Ramani has settled down as the high priest of the new school. There is no trace of even a

single item from the earlier Rao's repertoire of kritis like "Viripai" or "Natachinatachi".

The flute is now played with all gamakas very much like a Veena or violin and Sridas plays it much on the line of Dr. Ramani. His choice of kritis seems to be dictated more from the style of a vocal concert with Tyagaraja compositions dominating. The standard format is adopted of elaborating the raga first followed by playing the kriti with kalpana swaras. The CD recording is technically and aesthetically of very high caliber and Sridas deserves our hearty congratulations for making two first class items in Carnatic music. Both are a pleasure to listen and savor.

One may add another compliment. Instrumentalists in general do not pay as much attention to the overall structure of a musical composition, as they simply follow the raga base and Tala outline. Sridas is far more meticulous than most instrumentalists in regard to the structure of compositions.

By way of minor criticism, one may say that each CD is a little overcrowded with eight songs. Perhaps six in each with more Alapana would have made for more leisurely listening.

Sri Lankan Tamils settled all over the world have chosen to make Carnatic music and Bharatanatyam an important part of their cultural identity. These two CD's reinforce that. He was elevated to the super grade both in Flute and Veena in Sri Lanka Radio. These two CD's were produced recently in Canada where Sridas has made his home.

**Professor V. Subramaniam**  
Ottawa, Canada

(Continued from page 14)

LTTE to task for the physical attacks on EPDP offices may stem from this concern of the international monitors. The SLMM needs to reconsider whether this partiality towards the LTTE is worth the danger of eroding the confidence of the rest of the country.

At the beginning of the peace process, a degree of latitude in implementing pledges made is understandable. Getting the government and LTTE to stop the war was itself a tremendous achievement. The effort to keep them away from using their guns has continued to be successful despite the bomb attacks against the EPDP offices. In ending twenty years of war, it makes sense for the Norwegian facilitators and the parties themselves to bend over backwards to accommodate the other. But after a year of no-war, there is sufficient consolidation of the peace process for the appeasement to cease where it concerns the gap between words and deeds. Or else the human rights abuses of war are replaced by the human rights abuses of no-war, which is not an acceptable alternative to the victims.

Ultimately, the peace process will only last if the words and deeds of the parties correspond to each other. The words that the government and LTTE are currently uttering are receiving the highest praise, because they conform to the needs of a peaceful and lasting settlement. But if their acts are different, there will not be conformity to the needs of justice, human rights and peace. Instead there will be continuing mistrust and opposition that can fatally weaken both the parties and the process itself.

For instance, the crisis within the eastern Muslim community erupted after the SLMC leader Rauff Hakeem and LTTE leader Velupillai Prabhakaran signed an agreement that was dishonoured in practice by the LTTE from its very inception. Not only was Minister Hakeem's position weakened within his party, the SLMC's support for the peace process has become more questioning and conditional. Likewise if the LTTE continues to dishonour its pledges to respect the political pluralism in the north and east, the credibility of the peace process itself will be undermined in the eyes of the people who will be the final arbiters of its success. □

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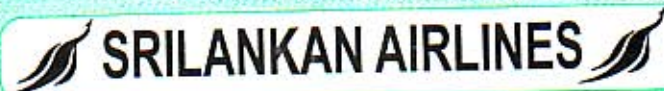
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