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LTTE leader V. Pirapaharan meeting Norwegian Deputy Foreign Minister Vidar Helgesen



Prime Minister Ranil Wickremesinghe returns from US to a hero's welcome



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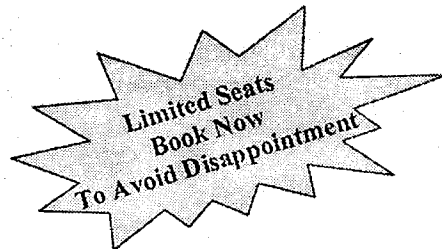
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-Voltaire



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Whither the peace process?

The much-awaited LTTE proposals for the setting up of an 'Interim Self Governing Authority' for the Northeast of Sri Lanka were released to the public on 1 November. As anticipated, the proposals were detailed and went outside the framework of the present Constitution of the island. Many pointed to the significance of the occasion because it was the very first time, besides its objective of a separate state, the LTTE had ever placed a set of proposals for discussion. The Government for its part said that there were fundamental differences between its proposals and those of the LTTE, but it was ready to resume negotiations. Some analysts described the LTTE proposals as going far beyond the federal parameters set out in Oslo during previous talks between the parties and the Tokyo declaration by the international community. Some have even characterized them as a blueprint for an emerging separate state of Tamil Eelam.

However, even before a proper assessment of the LTTE proposals could be made, the island was plunged into an unexpected political crisis. The crisis was precipitated by President Chandrika Kumaratunga on 4 November when she summarily dismissed three important cabinet ministers – defence, interior and mass communication – bringing all of them under her own control. She also prorogued parliament until 19 November thereby preventing the Finance Minister from presenting the annual budget as planned on 12 November. The President sought to justify her action on grounds of national security.

Prime Minister Ranil Wickramasinghe, who was on a high profile visit to the United States, reacted angrily. He and his cabinet wanted the ministries of the dismissed ministers to be restored and parliament reconvened immediately. He described the President's action as a 'desperate and irresponsible attempt to undermine the peace process and the economic dividend of the people.'

Many have blamed the President for precipitating the present political crisis. However, others allege the President was provoked into action by the adventurist moves by the Prime Minister and his Government to impeach, first, the Chief Justice of the Supreme Court and, then the President herself.

The immediate casualty of this self-inflicted political crisis is the peace process itself. The Government's view is that without its own ministers in control of defence, interior and mass communication, it would not be able to continue with the peace process. After holding separate discussions with the President, Prime Minister and the LTTE leader Mr Velupillai Pirapaharan, an exasperated Norwegian Deputy Foreign Minister announced that Norway was suspending its facilitatory role in the peace process. "We have one clear conclusion. Peace talks could have started tomorrow, provided there were clarity about who is holding political authority and responsibility on behalf of the government to ensure the continuation of the ceasefire agreement and the resumption of peace negotiations. Until last week there was such clarity. Today there is no such clarity. Until such clarity is re-established, there is no space for further efforts by the Norwegian government to assist the parties," he told the press.

There is no doubt that the President's actions and the events that followed have created confusion and uncertainty with regard to the peace process. The departure of the Norwegian facilitators, even temporarily, has made the situation worse. It is to be noted that the Norwegians remained patient and continued with their efforts at peace making even after the LTTE pulled out of peace talks in April of this year and continued to remain so up to now. What prompted the Norwegians on this occasion to act differently and hastily pull out so abruptly and publicly is a matter of concern.

However it is matter for relief that the Government and the LTTE have given clear assurances that the Ceasefire Agreement would be respected, and that the Sri Lankan armed forces are instructed by the President to continue extending their full co-operation to the Sri Lanka Monitoring Mission.

Besides the personal rivalry in pursuit of power, the current political crisis demonstrates the tensions that have developed in the cohabitation arrangement between the President and the Prime Minister. It is in this crisis-ridden context that the idea of forming a national government of reconciliation and reconstruction has been mooted by the President. Already the Prime Minister and the President have had two meetings and further meetings are planned. A bipartisan consensus approach to the peace process has been tirelessly advocated for a long time, but without success. If the peace process is not put back on track as soon as possible, the present stalemate may not last and the process itself may disintegrate. The danger is that little incidents may spiral out of control and drift into an inadvertent situation of war.

What the people expect is for the main political leaders to avoid the path of partisan confrontation and seek a way to share political responsibility in the national quest for peace with justice.

Power struggle puts peace process in jeopardy

The dramatic events that emanated from the power struggle in Colombo between President Chandrika Kumaratunga and Prime Minister Ranil Wickremasinghe has resulted in the Norwegian facilitators suspending their role in the peace process in Sri Lanka. Commencing with the dismissal by the President of three cabinet ministers on 4 November while the PM was in the United States, the political crisis is developing into a major confrontation which according to many analysts may lead to a general election that neither the President nor the Prime Minister wants.

The political crisis in the south virtually overshadowed what was described as a historic event, the long awaited submission by the LTTE of its counter-proposals for the setting up of an Interim Self Governing Authority (ISGA):

Ministers sacked: Nov 4 - The Presidential Secretariat in a press release said that the President, Ms. Chandrika Kumaratunga, has removed Mr. Tilak Marapone, Mr. John Amaratunga and Mr. Imtiaz Bakeer Markar from their posts as Minister of defense, interior and media respectively. The press release further states that President has removed the ministers concerned from according to the powers vested with her under the Constitution.

The President has informed the removal to the ministers concerned by letter individually. Ms. Chandrika Kumaratunga has said in the letters she has taken this decision in the interests of the country, the press release added. Meanwhile, the President has also removed the permanent secretaries of the ministries of defense, interior and media, Colombo sources said.

Parliament prorogued: Nov 4 - President, Kumaratunga prorogued the sittings of the Parliament until 19 November as Sri Lanka army took position at the state radio and TV stations and at Sri Lanka Telecom, the island's tele-

communications nerve-centre. Security has been tightened at the government printing press where the gazette notification of the President's proclamations is to be published and made law.

Unless the President secures the support of enough MPs from the Prime Minister Ranil Wickremasinghe's ruling United National Front soon to form a new government, she will have to either prorogue Parliament or dissolve it.

Prime Minister Ranil Wickremasinghe's government was due to present its budget on 12 November. Sri Lanka's share market that was on a bull run as prospects of peace got brighter last week, plunged as news of the political crisis spread.

The President appointed former Inspector General of Police, Mr. Cyril Herath as the new secretary of defence and her media spokesman, Mr. Harim Pieiris as the Director General of the state TV, Rupavahini.

President's actions 'desperate': Nov 4 - Responding to the actions of Sri Lanka's President Chandrika Kumaratunga, Mr. Ranil Wickremasinghe, the Prime Minister, currently visiting Washington, DC, said in a statement that the "irresponsible and precipitous actions of the President [are] aimed at plunging the country into chaos and anarchy."

The PM in a statement said, "Whilst being out of the country on an important visit to the United States, a co-chair of the donor community, in furtherance of Sri Lanka's peace process and economic development, I have learnt that the President, Her Excellency Chandrika Kumaratunga has precipitated a national crisis in an attempt to subvert the mandate given to my government by the people on December 5, 2001 and reinforced in March 2002 at the local authority elections.

"I pledge to you the people, your government will not allow this desperate and irresponsible attempt to undermine the peace process and economic prosperity of the people to succeed. I

remain resolute in implementing the mandate of the people for peace, democracy and prosperity with the fullest support and continued confidence of the international community.

"It is blatantly obvious that these opportunistic actions are timed to deprive the people of the economic and social benefits that they are on the verge of reaping as a result of the solid foundations laid by your government over the last two years. Be rest assured I will continue my mission for the people undeterred and conclude my crucial program in Washington, D.C., including the meeting with President George W. Bush, which is part of the ongoing process of consolidating the peace, unity and economic prosperity of all our people. I therefore call upon all of you, the people, the armed forces, police and public service to remain calm and vigilant in the face of this deliberate attempt to endanger the peace process, which we will together overcome."

EU, UN, US express concern: Nov 4 - The European Union has expressed its concern over the action of Sri Lanka's President, Chandrika Kumaratunga, Tuesday to sack three government ministers and the deployment of troops in Colombo. "The Presidency of the European Union and the European Commission believe that the recent developments in Sri Lanka may put at risk the spirit of cohabitation [between the President and the Prime Minister and the Cabinet of Ministers] which has proven vital for the sustained forward momentum of the peace process," the EU said in a statement.

The following is the full text of the joint statement issued by the Presidency of the European Union and the European Commission.

"The Presidency of the European Union and the European Commission have noted with concern the actions this morning in Sri Lanka, including deployment of troops in the capital and the action to bring under the remit of the President the Cabinet portfolios of Defence, of Interior, and of Communications.

"The Peace Process in Sri Lanka has made substantial progress up to now. This momentum has been assured by continued cooperation and commitment of both the government of Sri

Lanka and the LTTE, and by support of ordinary Sri Lankan citizens.

"The spirit of cohabitation, which has prevailed between the Presidency and the Prime Minister and the Cabinet of Ministers, has contributed significantly to this positive situation.

"The international community, including the European Union, has shown its strong commitment to this process. Norway is acting as the facilitator to the peace talks and the rest of the international community is providing funds for reconstruction as well as full political support and other measures, such as the monitoring mission.

"The Presidency of the European Union and the European Commission believe that the recent developments in Sri Lanka may put at risk the spirit of cohabitation which has proven vital for the sustained forward momentum of the peace process.

"The Presidency of the European Union and the European Commission urge the two principal parties to continue to work together in support of a negotiated political solution, as envisaged by the peace process. The goals of peace and prosperity that Sri Lanka so much deserves can only be achieved through the continued cooperation and commitment by all the players involved."

A statement from the United Nations said that Kofi Annan, the Secretary-General of the UN, is following closely the political developments in Sri Lanka. "He hopes that President Kumaratunga's decisions, which were announced today, including a temporary suspension of parliament, will not have a negative impact on the peace process." The Secretary-General wishes to reiterate that he continues to support this process, the statement said.

Meanwhile, the United States expressed concern over the impact of the actions of Sri Lanka's President on the peace process. "We are concerned that these events could have a negative effect on the peace process and talks with the Liberation Tigers of Tamil Eelam, and we stand firmly behind the government of Sri Lanka in its search for peace after 20 years of bloody conflict," State Department spokesman, Mr. Adam Ereli, said. "We urge the president and prime minister to work together, to bolster the peace process and to protect Sri

Lanka's democratic institutions," he said.

Indian concern: Nov 5: India has expressed concern over developments in Sri Lanka where President Chandrika Kumaratunga sacked three ministers and suspended parliament, and urged dialogue to avoid a constitutional crisis.

"We are surprised at the sudden political developments in Sri Lanka...," Foreign Ministry spokesman Navtej Sarna said in a statement.

"We hope that the situation does not provoke a constitutional crisis which would impact on the political stability in Sri Lanka and on the ongoing peace process (between the island nation government and Tamil Tiger guerrillas)," Sarna told the Press Trust of India news agency. He said India hoped that a way could be found through political dialogue to avoid any constitutional crisis.

Unwanted political crisis: Nov 5 - Noting that the present alarming crisis in Sri Lanka is an end result of joint failure by both the opposition (PA) and the government (UNF), the National Peace Council (NPC), a Colombo based Sri Lankan peace group, in a media release issued in Colombo today warned that the "situation of political turmoil will prevent progress being made in the peace process."

The full text of NPC's media release follows:

"The country has been plunged into an escalating and open ended crisis following the President's take-over of the ministries of Defence, Interior and Media, and the two week suspension of Parliamentary sittings. The timing of the crisis has been doubly unfortunate as it comes at a time when the country's attention should be focused on engagement with the LTTE by making an adequate and genuine response to the LTTE's proposals for an interim administration. Now the declaration of a State of Emergency comes as a great shock to the National Peace Council and to all peace loving people.

"The escalating confrontation between the government and opposition has turned the people's hope and optimism for the future into one of tremendous anxiety, both of a breakdown in

the peace process and a loss of economic developmental and reconstruction prospects. We note that the President, Government and LTTE have all been separately reiterating their commitment to the peace process, but the situation of political turmoil will prevent progress being made in the peace process.

"Inter party rivalry has been the bane of efforts to resolve ethnic conflict for the past five decades. We regret that the government failed to go beyond the scope of the Liam Fox bipartisan agreement of 1997 that called mostly for full information flow between the two sides. On the other hand, the opposition was unable to win the government's confidence that they would put the peace process before political considerations. The present alarming crisis is an end result of this joint failure.

"The National Peace Council calls on the political leaders scale down their confrontation and safeguard the peace process by finding a way to share political responsibility in the national quest for peace with justice. They should realise that they are engaged in a political battle that the people do not want. We also appeal to all groups who are committed to a peaceful resolution of ethnic conflict, both local and international, to bring influence to bear on Sri Lanka's political leaders to arrive at a bipartisan approach to the peace process even at this very late stage."

TNA pledges support: Nov 5 - The Tamil National Alliance parliamentarians have expressed their support to the UNF government led by Prime Minister Mr. Ranil Wickremasinghe through individual affidavits. They handed over their affidavits to the UNF government chief whip Mr. Mahinda Samarasinghe.

No return to hostilities: Nov 6 - President Kumaratunga was committed to the continuity of the ceasefire agreement and to keeping open the channel of communication with the LTTE with the objective of arriving at a negotiated settlement within a united country, the Presidential Secretariat said in a press release. "The President wishes to assure the people of the country that there will be no return to hostilities," said the press release.

"The United National Front government will continue to negotiate with the

LTTE and will be guided and supported in its quest for a negotiated settlement to usher peace with dignity to all communities in Sri Lanka," said the press release.

Meanwhile, presidential advisor Mr. Mano Tittawela at a press briefing held Thursday said that the President has no intention of toppling the present government. The suspension of parliament and the declaration of State of Emergency would not destabilize the self-confidence and the economic growth of the country. The President has taken the greatest care in the key measures with minimum impact on the stability of the country, said Mr. Tittawela. According to Mr. Tittawela, "The President is for co-habitation but with due dignity and respect." He further said the President's action is to ensure national security and stability. Prorogation of parliament and the introduction of the State of Emergency were to be effective for the least period of time and they are meant to ensure stability and prevent extremist elements from instigating violence.

LTTE strong and will be patient: Nov 7 - "We have to observe the political turmoil in Colombo quite soberly. As you all know our leader has made no comment on the situation - he remains judiciously silent. We can remain patient as long as we are strong. Selfish gain and self-aggrandizement motivate and guide the politics of Sri Lankan leaders. Sri Lanka's President has scuttled the peace process at a time when things were headed in the right direction," said Col. V. Karuna, LTTE's eastern commander, addressing a function in Batticaloa.

"The current situation (in Colombo) is creating fear among our people. We have been expecting this to happen for a long time. We have warned you from the beginning that the Sri Lankan government will not grant Tamils their rights willingly. Like smashing the pot when the milk in it is churning into butter, the Sri Lankan President has sabotaged the peace process at a crucial time - at this juncture where we submitted our proposal to take forward peace talks towards fructification. No one in the world expected her to behave like this at this juncture. We prepared the proposal (ISGA) for the In-

terim Self Governing Authority to fulfil the political aspirations of the Tamil people.

The President who expected calamities in the aftermath of our presenting the ISGA wanted to scuttle this peace process. She has acted irresponsibly. The President has precipitated instability in the south for selfish reasons. We have to observe the political turmoil in Colombo quite soberly. As you all know our leader has made no comment on the situation- he remains judiciously silent. There is no need for us to feel agitated over anything because we are strong. Therefore we should be patient. We can be prepared to act according to the developments there (Colombo)."

PM returns: Nov 7 - United National Front (UNF) government ministers, parliamentarians and party activists thronged the country's international airport and accorded warm welcome to the Prime Minister Mr. Ranil Wickremesinghe when he returned home this morning around after a high profile official tour to the United States of America (USA) which included a meeting with President George W. Bush.

A large crowd estimated one hundred thousand had gathered at Katunayake International Airport site to welcome Prime Minister and he was greeted and garlanded by large number of people along the way to his official residence in Colombo.

Mr. Ranil Wickremesinghe said, "Peace is at risk due to the President's undemocratic action. I still command majority in parliament and would take appropriate steps in a day or two to consolidate my position and to bring a complete change in the present political situation which followed by the dismissal of three of my ministers and suspension of parliament," said Mr. Wickremesinghe. "My first aim is to find a solution to the present political crisis and to bring a complete change in the present atmosphere," stressed Mr. Wickremesinghe.

Political impasse widens: Nov 10 - The political gap between UNF and PA widened today as Prime Minister said he was prepared to face an immediate election while the President in a letter addressed to the Prime Minister has

demanded to form a "Grand Alliance of all national and patriotic forces" with the objective of forming a "Government of National Reconstruction and Reconciliation".

In a letter addressed to the Prime Minister Wickremesinghe, President Kumaratunga invited him and other leading figures of the UNP to "discuss the current political situation in the country" said a press note released by the Presidential Secretariat. It stated further that "during the proposed meeting the President will seek the views of the Prime Minister and senior members of the United National Party on her call for a Grand Alliance of all national and patriotic forces, with the objective of forming a Government of National Reconstruction and Reconciliation."

Govt wants CBK to take over peace talks: Nov 10 - The United National Front government spokesman and Constitutional Affairs Minister, Professor G.L. Peiris, said in a statement that if Sri Lanka's President was not willing to assume control of the peace process, the UNF government must be "invested with responsibility for all aspects of the process, as was the case prior to the events of November 4th."

Following a meeting of the cabinet chaired by the Prime Minister, Mr Peiris issued the following statement:

"Ministers of the Cabinet noted with deep concern the developments, which have occurred in the country since Tuesday 4 November, and the implications of these events in respect of the two major challenges confronting the country at the present time - peace process and the revival of the economy.

The Memorandum of Understanding with regard to the peace process was entered into by the Government in February 2002 on the basis of unfettered control of all ministries and institutions linked to the implementation of the Agreement which the Ministers emphatically characterized as valid and lawful, and accepted by the international community. The position has changed fundamentally in consequence of the events, which occurred during the last few days regarding the Ministries of Defense, the Interior and Mass Communication.

Ministers of the Cabinet noted, in

particular, that these developments have taken place at a delicate and significant stage of the process when the alternative proposals of the LTTE had been received and the Government had called upon the Royal Norwegian Government, in its capacity as facilitator, to arrange a preliminary meeting between the parties in order to lay a foundation for the resumption of substantive discussions.

This action was taken on the basis that the way forward consisted of direct talks to narrow down the differences between the position of the parties, as reflected in their respective proposals, and to consolidate a process which has saved innumerable lives and brought substantial economic and social benefits to the country. The LTTE had indicated their willingness to recommence the dialogue after 26 Th November. The Government has stated its position that a Muslim delegation should participate in talks in the future.

It is in these circumstances that, during the absence of the Hon. Prime Minister on an official visit to Washington, there occurred this surprising sequence of events, which is bound to place a fragile process in potential jeopardy.

The government is firmly convinced that, as a pre-requisite of success, one person must have overall charge of the process. This necessarily involves control of all aspects of it, and of institutions having responsibility for all matters integral to the process. Ministers of the Cabinet assert that truncated responsibility, especially against the background of the recent events, will clearly destroy the cohesion and effectiveness of the process which had been conducted until November 4 on the footing of proper co-ordination of all relevant functions under the leadership of the Hon. Prime Minister.

If her Excellency the President is willing to assume control of the process, as a whole, and is able to secure the support of all stakeholders, the Government will be happy and entrust her with this responsibility and to support her initiative. If there is no affirmative response to this proposal, the Government, which has an unequivocal mandate from the people to pursue a negotiated political settlement with the LTTE, must be invested with responsi-

bility for all aspects of the process, as was the case prior to the events of November 4.

PM, President talks inconclusive:

Nov 12 - The meeting between the President Kumaratunga and the Prime Minister Wickremesinghe ended inconclusively after discussing issues relating to the peace process and prospects for a government of national reconciliation.

The Prime Minister told the President that he would get back to her after consulting his party and allies, sources said.

Full text of the news release signed by the secretaries of both the President and the Prime Minister follows: "The President and the Prime Minister met today at the President's House at 11.30 am in a cordial and friendly atmosphere. The meeting lasted for 2 ½ hours. After an exchange of views on events leading to the present situation the President and the Prime Minister decided to move forward and continue the dialogue with all parties concerned. It was planned to have a further meeting between the president and the Prime minister in the course of next week. The discussions were attended by W. J. S. Karunaratne, Secretary to the President, Bradman Weerakoon, Secretary to the Prime Minister and Mano Tittawella, Senior Adviser to the President and Senior Director General of the President's Office."

President meets Norwegian envoys:

Nov 12 - Norwegian deputy foreign minister Mr. Vidar Helgesen, special peace envoy to Sri Lanka, Mr. Erik Solheim, Norwegian Ambassador to Sri Lanka, Mr. Hans Brattskar, and an officer of the Norwegian embassy in Colombo, Mr. Tomas Strangeland, met with Sri Lanka's President, Ms. Chandrika Kumaratunga, and discussed the resumption of peace talks with the Liberation Tigers of Tamil Eelam (LTTE) at the Janadipathi Mandiraya (President's Residence) in Colombo. Former foreign Minister and advisor to the President, Mr. Laksman Kadiragamar, also attended that meeting. The country's political situation also figured in the meeting.

LTTE leader on need for political stability: Nov 13 - Norwegian Deputy

Minister, Mr. Vidar Helgesen, special envoy Eric Solheim, Norway's Ambassador for Sri Lanka, Mr. Hans Brattskar met the Leader of the Liberation Tigers of Tamil Eelam (LTTE), Mr. Velupillai Pirapaharan, for discussions about the peace process and the current political crisis in Colombo in Kilinochchi. Mr. S. P. Thamilchelvan, the head of the LTTE's political division and Mr. Pulthevan, the Director of the LTTE Peace Secretariat were also present at the discussions with the Norwegian team.

The Norwegian team was led by Mr. Vidar Helgesen and comprised special peace envoy Mr. Erik Solheim, Norwegian ambassador in Colombo Mr. Jan Brattskar and embassy official Mr. Tomas Strangeland.

"Mr. Pirapaharan sought guarantees from the Norwegians that the Sri Lankan government would continue its commitment to the cease fire and for the safety of the LTTE's political activists in areas controlled by the Sri Lanka army," Mr. Thamilchelvan said, after the meeting between the Norwegian delegation and the leaders of the LTTE.

Mr. Pirapaharan, had told the Mr. Helgesen that the LTTE would remain committed to the peace process and to the Ceasefire Agreement (CFA) with Colombo. "Mr. Pirapaharan told the Norwegian delegation that unity regarding the peace process should emerge among the leaders of the south and the crisis and confusion in the south had undermined the trust the Tamil people had in the peace process," Mr. Thamilchelvan told the press.

Meanwhile answering questions from the press at the Kilinochchi grounds where he was waiting to board the SLAF after the meeting with Mr. Pirapaharan, Mr. Vidar Helgesen said: "There is no time frame for the resumption of the talks. But I must say that Mr. Pirapaharan stated that if it was up to the LTTE they would like to start talks as soon as possible, that they should have started the talks already. He (Mr. Pirapaharan) squarely said that it was a matter for the south."

"We had a very good meeting, constructive talks for the prospects of the peace process," Helgesen said. Responding to a question as to when talks would resume between LTTE and the

Sri Lankan government he said: "That has not been decided yet. The LTTE has stated very clearly that they would like to see the talks resumed as soon as possible but the situation in the south, of course, is what will determine when the talks will be able to start again. Norway has no stand regarding the issues in the peace process. It has no stand as regards the situation in the south."

"We are of course interested to learn what implications the situation now in the south will have for the peace process. We have further meetings with Sri Lanka's Prime Minister and President this afternoon."

Call to reconvene parliament: Nov 13 - "The burning problem of United National Front Government for the moment is the need to reconvene the parliament which has been prorogued by the President till November 19. No useful purpose will be served in resuming peace talks with the LTTE until a solution is found to the current political crisis consequent to the take over the key ministries Defense, Interior and Mass Communication and the prorogation of the parliament by the President," said Cabinet spokesman and Minister Mr. G.L. Peiris at the weekly press briefing this morning.

Mr. Peiris further said that the leaders of all constituent parties in the UNF government would accompany the Prime Minister at the next round of talks scheduled to be held next week with the President.

Mr. Peiris added, "the Government should have the military powers to take forward the peace process and economic reforms and only these powers could be cancelled by election or by changing the composition of the parliament."

Talks would be held among the constituent parties of the United National Front government with regard to the President's proposal for forming a national government. It was revealed in the talks held between the Norwegian peace envoys and the UNF leaders that there could be difficulties if the responsibility of the peace process was to be divided, Mr. Peiris said responding to a question by journalists at the briefing.

PM withdraws from peace process: Nov 14 - Prime Minister Mr. Ranil

Wickremasinghe said that he had informed the President Ms Chandrika Kumaratunge to take charge of the peace process as he was unable to take forward such process launched two years ago due to current political crisis.

"I have informed my decision to the LTTE and to the donor countries and India through the Norwegian peace envoys," Mr. Wickremasinghe told members of the ruling parliamentary group meeting which was held today at the parliamentary complex.

Mr. Wickremasinghe added that he would not extend his support to President's call for a national government if she thinks of only sharing cabinet portfolios. He pointed out that his government has a majority in parliament. At that stage it was inappropriate to think about sharing cabinet portfolios between two main political parties.

President wants PM in talks: Nov 14 - President Kumaratunge requested the Prime Minister, Wickremasinghe, to continue the peace negotiation efforts in the context of recent changes. "President Ms Chandrika Kumaratunge is of the view that there is not only clarity but also countrywide support for the settlement of ethnic problem in Sri Lanka. She reiterates however the solution should be sustainable and honourable one," senior Director General of the Presidential Secretariat, Mr. Mano Tittawela, said in a press release issued on behalf of the President in response to a statement by the Norwegian Deputy Foreign Minister Mr. Vidar Helgesen.

The press release further states: "The President says that the objective of her efforts in the past few days was to establish the clarity and support. She has appealed once again to relevant parties to put the country before self and to join hands in forming a Government of National Reconstruction and Reconciliation"

The President has made it clear in her talks with Mr. Helgesen that she will respect the ceasefire agreement. She also gave an assurance to the effect that the freedom of movement for LTTE political cadres in areas controlled by the government security forces would also be respected. On the instruction of the President, Sri Lankan armed forces

have extended their fullest co-operation to the Sri Lanka Monitoring Mission (SLMM).

"Taking over of three ministries by President is completely in agreement with the constitution of Sri Lanka. Unanimous decision of the Supreme Court was that solely the President of the country should hold the function of the defense. Our citizens of Sri Lanka are duty bound to abide by the provisions of the constitution."

"The President reiterated that the ceasefire agreement continues to be in place and the negotiations between the Government of Sri Lanka and the LTTE should continue. This position has been made clear to the Prime Minister when he met the President last Wednesday. The President has informed the Prime Minister that every assistance will be given by the defense authority to comply with the provisions of the agreement. The President requested the Prime Minister to continue the negotiation efforts in the context of recent changes."

"It is the President's view that the Government of National Reconstruction and Reconciliation should be established in Sri Lanka. In such situation all parties could assist in taking forward the peace process. The President further suggested to the Prime Minister that a committee should be appointed to ensure the smooth continuation of functions between the defense authority and the Peace Secretariat."

"The President has been engaged in discussion with leaders of political parties, members of diplomatic community and representatives of donor countries in this regard. The President will meet the Prime Minister next week to conduct further negotiations with regard to her proposals."

Armed Forces to maintain ceasefire: 14 Nov - President Chandrika Kumaratunga has given Norwegian facilitators firm assurances on her commitment to the ceasefire agreement and the peace process, the Presidential Secretariat said yesterday.

At a meeting on Thursday evening the President told the facilitators she had given orders to the Armed Forces to maintain the status quo regarding the ceasefire agreement and the peace process.

Responding to LTTE concerns over an alleged statement by the Navy Commander saying SLMM representatives would no longer be allowed on Navy ships, the President said no such order had been given to the Navy and reassured the facilitators there would be no changes that would have an adverse impact on the peace process or the ceasefire agreement.

The Presidential Secretariat said: "The Norwegian Deputy Foreign Minister Vidar Helgesen, Norwegian Ambassador Hans Brattskar and Tomas Stangeland of the Norwegian Embassy called on President Chandrika Kumaratunga on Thursday evening at President's House.

"During the 1 ½ hour meeting the facilitators briefed the President on their meeting earlier in the day with the LTTE leader Prabhakaran in Killinochchi and thanked her for the opportunity to report back on the LTTE concerns.

"According to the Norwegians the LTTE fears for the safety of its cadres with the recent change to the Defence portfolio and for the continuation of the ceasefire agreement signed in February 2002. Further the rebels would like their political cadres to continue operating in the government-controlled areas. The LTTE also voiced concern over an alleged statement by the Navy Commander saying SLMM representatives would no longer be allowed on Navy ships. The President said no such order had been given to the Navy and reassured the facilitators there would be no changes that would have an adverse impact on the peace process or the ceasefire agreement. Responding to the LTTE's confusion regarding contradictory statements from certain People's Alliance politicians, President Kumaratunga explained that free expression prevailed in a democratic set-up but however stressed that the PA as a group had never derided the peace process.

"The President also refuted allegations that she had termed the ceasefire agreement between the government of Sri Lanka and the LTTE as 'illegal' in her address to the Nation on the November 7 and said she had been quoted out of context. She emphasized that she had merely explained that Defence as per the Constitution should come under the purview of the President. 'My main obligation is to a lasting peace. I did point out flaws in the ceasefire agreement at the very outset but let it

continue. Some of my concerns have now been vindicated,' the President told the Norwegians. "She further stated that the Armed forces at all levels had been told to maintain the status quo.

"President Kumaratunga said Prime Minister Wickremesinghe having taken the peace process forward over the past two years, he should continue to give leadership and any problems that arise could be discussed with her.

"The President reiterated that she would not hesitate to sign any solution acceptable to all communities in the island when it is reached. The Norwegian facilitators in conclusion said they are now confident 'the peace process is in good shape'. However they stressed the need for the situation in the South to be resolved saying that stability was important for the smooth continuation of the process".

Norway withdraws: Nov 14 – "Peace talks could have started tomorrow, provided there were clarity about who is holding political authority and responsibility on behalf of the Government to ensure the continuation of the ceasefire agreement and the resumption of peace negotiations. Until last week there was such clarity. Today there is no such clarity. Until such clarity is re-established, there is no space for further efforts by the Norwegian government to assist the parties," Norwegian Deputy Foreign Minister Mr. Vidar Helgesen told reporters at a press conference held at Hotel Hilton today.

Although Mr. Vidar Helgesen expressed hope that the parties would remain committed to the Ceasefire Agreement (CFA), he made it clear that "the ceasefire will be much more difficult to sustain in a political vacuum".

The statement made by the Norwegian Deputy Foreign Minister stated:

"Over the past days we have had a large number of meetings, including three with Prime Minister Ranil Wickremesinghe, two with President Chandrika Bandanaraike Kumaratunga and one yesterday with LTTE leader Velupillai Prabhakaran.

Yesterday, in our meeting with the LTTE in Killinochchi, Mr Prabhakaran asked for a guarantee that the Ceasefire Agreement (CFA) would be respected. In particular he wanted an assurance that the freedom of movement for political cadres be respected in areas held by the Government. We have

received very clear assurances that the CFA will be respected and that the Sri Lankan Armed Forces (SLAF) are instructed to continue extending their full co-operation with the Sri Lanka Monitoring Mission. The freedom of operation and the security of SLMM personnel is of particular importance to the Nordic countries participating in the SLMM.

The international community has shown a remarkable degree of support and interest for the peace process in Sri Lanka. The amount of money pledged in the donor conferences in Oslo in November last year and in Tokyo in June this year clearly demonstrates the commitment of the international community to assisting Sri Lanka in its efforts for peace.

Since last week, however, developments that are not part and parcel of the peace process have changed that picture dramatically. The resumption of peace talks is seriously impeded by the political crisis in the south. This has disturbed the peace process and caused serious concerns in the international community.

We deem this a very serious situation. Not because the peace process is fragile, but because it might be made fragile. Even though most concerned parties and players pledge their commitment to upholding the ceasefire, and even though there is overwhelming public support for the peace process, we need to make clear that the ceasefire will be much more difficult to sustain in a political vacuum. If progress in the political negotiations is made impossible, the ceasefire will become increasingly fragile.

It is clearly not, and it has never been, within Norway's mandate to facilitate between the political parties in the south. As far as our mandate goes, we have one clear conclusion: Peace talks could have started tomorrow, provided there were clarity about who is holding political authority and responsibility on behalf of the Government to ensure the continuation of the ceasefire agreement and the resumption of peace negotiations. Until last week there was such clarity. Today there is no such clarity.

Until such clarity is re-established, there is no space for further efforts by the Norwegian government to assist the parties."

Don't sacrifice peace for political

gain: Nov 14 – “The ongoing power struggle between the President and Government has reached a stage where it is clearly endangering the peace process”, warned the National Peace Council (NPC), a Colombo based Sri Lankan peace group, in a media release today. NPC urged the Norwegian facilitators to reconsider their decision and appealed to the President and Government to create the conditions for their return.

The NPC’s statement said, “The ongoing power struggle between the President and Government has reached a stage where it is clearly endangering the peace process. The National Peace Council is very concerned about the decision of the Norwegian government to suspend its facilitative role due to the lack of clarity as to who holds power and authority in Sri Lanka. We urge the Norwegian facilitators to reconsider their decision and appeal to the President and Government to create the conditions for their return.

We welcome the verbal assurances of the President, Government and the LTTE that they are all committed to the

ceasefire and will continue with the peace process. The National Peace Council also welcomes the dialogue that has commenced between the President and Prime Minister in regard to finding a mutually agreeable solution to the crisis. We call on them to give respect to each other and desist from further acts of unilateralism.

In working towards a resolution of the crisis, the National Peace Council urges a three-fold basis that the parties can use to reach a principled settlement. First, we ask that all parties respect the mandate of the people for a negotiated settlement to the ethnic conflict. We note that two strategies were placed before the people at the last general election, who chose the path of peace through ceasefire, peace talks and an interim administration for the north east. The majority of people rejected the path of war for peace. The people’s mandate for peace needs to be given full political recognition at this time.

Second, peace talks that entail political and humanitarian issues go hand in hand with security considerations.

There can be no divorce of decision making authority on those matters. Decision making powers over the negotiation process needs to be vested within a single authority and cannot be separated, which is what the present crisis has done. Peace making after years of war requires a stable framework of negotiations that has consolidated political support including bipartisanship.

Third, we propose that the government and opposition, with the participation of parties representing all ethnic communities, deal with the main cause of the present crisis, which is the constitution. We call on all parties to commit themselves to prepare the framework of an interim constitution, which addresses both the problems of central governance and an interim self-governing authority for the north east.

The present crisis, and the dangerous political stalemate that has emerged, must provide the contending parties with the motivation to work together to save the peace process from disintegrating.” □

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ISGA: LTTE Proposal and Govt response

Nov 1: The Interim Self Governing Authority (ISGA) proposed by the Liberation Tigers will have plenary powers for the governance of the northeast, including powers in relation to resettlement, rehabilitation, reconstruction and development, raising revenue, law and order, and over land, according to the LTTE document released today. The ISGA will continue until a final settlement to Sri Lanka's ethnic conflict is reached and implemented, according to the document.

Thamilchelvan during his opening speech described the conditions that led to the armed struggle and called upon the media "to take this message of peace to the nooks and corners of the country."

Following are some excerpts from the document released during the press conference by Mr. S. P. Thamilchelvan, the Head of the LTTE's political division in Kilinochchi:

"Representatives of the Muslim community will have the right to participate in the formulation of their role in ISGA. The composition of the ISGA shall comprise members appointed by the LTTE, members appointed by the Government of Sri Lanka and members appointed by the muslim community in the northeast.

"The number of members of the ISGA will be determined to ensure absolute majority of the LTTE appointees in the ISGA and subject to this condition Muslim and Sinhala communities in the northeast shall have representation in the ISGA.

"Separate institutions for the administration of Justice shall be established for the northeast and judicial powers shall be vested in such institutions. The ISGA will take appropriate measures to ensure the independence of the judges.

"The ISGA will have powers to borrow internally and externally, provide guarantees and indemnities, receive aid directly and engage in or regulate internal and external trade.

"There shall be an independent Human Rights Commission appointed

by the ISGA.

"As part of the exercise of its executive powers, the ISGA shall have direction and control over any and all administrative structures and personnel in the northeast pertaining to the powers set out in clause 9 of this agreement.

"The ISGA may at its discretion create expert advisory committees in necessary areas. These areas will include, but are not limited to, economic affairs, financial affairs, judicial affairs, resettlement and rehabilitation affairs, development of infrastructure and essential services.

"Since land is vital to the exercise of the powers set out in clause 9 (jurisdiction of the ISGA), the ISGA shall have the power to alienate and determine appropriate views of all land in the northeast that is not privately owned.

"The ISGA shall appoint a special commission on administration of land to inquire into and report on the rights of dispossessed people over land and land subject to encroachment"

"The SGA shall determine the terms of competencies of the special commission.

"Occupation of land by the armed forces of GoSL, and the denial to the rightful civilian owners of unfettered access to such land is a violation of the norms of international law. Such lands must be immediately vacated and restored to the possession of the previous owners. The GoSL must also compensate the owners for the past dispossession of their land.

"The ISGA shall be responsible for the settlement and rehabilitation of displaced civilians and refugees in such land.

"The ISGA shall have control over the marine and offshore resources of the adjacencies [of the northeast] and the power to regulate access thereto."

Govt response

Nov 1 - Cabinet spokesman and Minister G L Peiris issued the following statement on behalf of the government:

The Government of Sri Lanka has received the proposal submitted by the Liberation Tigers of Tamil Eelam (LTTE) to the Ambassador of Norway on 31st October 2003.

This document outlines the LTTE's vision regarding the framework for a political solution to the conflict. It differs in fundamental respects from the proposals submitted by the Government of Sri Lanka. Both documents contain proposals in respect of which no agreement has been reached so far.

While the disparities between the positions of the parties are evident, the Government is convinced that the way forward lies through direct discussion of the issues arising from both sets of proposals.

The Government of Sri Lanka reiterates its firm commitment to a negotiated settlement and is convinced that it is not in the interest of either party to resume hostilities. The current ceasefire has held for almost two years and has brought relief and tranquility, with a variety of accompanying benefits, to the country. It is our earnest desire that all aspects of the peace dividend should be shared equally by the people of the North and East and the South.

The negotiations that were held between the parties over a period of seven months until the suspension of talks in April this year resulted in agreement regarding a series of core principles representing the foundation of a just and viable political settlement. Pre-eminent among the documents which articulated these principles was the Oslo Declaration of December 2002. The international community gave emphatic support to the peace process and consistently emphasized the principle of partnership.

More recently, the Prime Ministers of Sri Lanka and India, in the joint communiqué issued in New Delhi at the end of the official visit by Prime Minister Ranil Wickremesinghe to India in October 2003, made a definitive statement about the parameters within which a negotiated political solution should be arrived at.

It is the conviction of the Government of Sri Lanka that the challenge at present is to consolidate and build upon the gains accruing to the country from the process so far and to direct its future course to reach a sustainable settlement.

Human rights, democracy, plural-

ism and genuine power sharing constitute, in our view, the basic values underpinning a negotiated settlement. We regard these values as essential and indispensable in the context of an interim structure and indeed with regard to the peace process culminating in a final accord. The Government is committed to pursuing negotiations in keeping with the principles reflected in the documents referred to above.

Accordingly, the Government will request the Royal Norwegian Government, in its capacity as facilitator, to arrange an initial meeting in late November or early December to address a range of preliminary matters in order to pave the way for the resumption of substantive talks very early in the New Year.

The Government's approach to these talks is one of principled negotiation directed towards the establishment of common ground in respect of significantly divergent positions."

LTTE's proposals 'significant'

Nov 4 - "The LTTE's proposal is the first time I've seen such a comprehensive delineation of the aspirations of the LTTE, and in this regard I think

it's significant," United States Deputy Secretary of State Richard Armitage is reported to have told in a press meet in Washington.

"Our strategic interest is where there is violence and trouble any place - it can spread to other places. So to that regard, we have a strategic interest," Armitage explained to the Press.

Rediff reported that Armitage has sought to allay apprehensions in some quarters, including India, that the US taking on a lead role in the peace process because of Washington's strategic interest in the island nation, especially the possibility of facilities to US warships and aircraft.

"First of all, the US government, contrary to what is sometimes popular belief, can do more than one thing at a time. For the United States, we see a real possibility that President (Chandrika) Kumaratunga - who began the search for peace-(and) Prime Minister Ranil Wickremesinghe - who continues to search for peace - may actually be able to develop a significant, we would say, strategic centre of gravity to be able to bring or unite society behind a peace accord.

"The overwhelming interest we have

is one of humanity," he argued. "And that is the development of Sri Lanka. We want this island - this nation of over 20 million - to be a full, complete partner in the economic life - not only of South Asian, but of the globe. We see no reason why Sri Lanka can't be an engine, an engine of growth in South Asia and I look forward to the day, when it will be," Armitage said according to Rediff.

When asked about the possibility of the 'terrorist' designation being lifted, Armitage reportedly said, "This in itself does not remove in any way the LTTE from the FTO list. In order to be removed from the list, the LTTE must, in word and deed eschew the use of terrorism - that is violence against innocent as a political weapon."

Noting that the Interim Self Governing Authority (ISGA) proposals "does go outside the bounds of Oslo and that envisioned in Oslo and Tokyo, where we talked about a federation, a democratic society, respect for human rights and territorial integrity of the entire island.... we need to kind of come back towards the boundaries envisioned by Oslo," Armitage said according to Rediff. □

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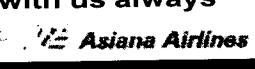
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The following is the full text of the proposals submitted by the Liberation Tigers of Tamil Eelam (LTTE) on 1 November 2003 to the Sri Lankan Government through the Norwegian facilitators:

LTTE Proposals for Self-Government

Recognising that the majority of the Tamil people in the NorthEast, by their actions in the general elections held in the year 2000, gave their mandate

Consistent with the principles of the rule of law, the human rights and equality of all persons and the right to self-determination of peoples,

Determined to bring lasting peace to all persons of the island of Sri Lanka,

Acknowledging with appreciation the services of the Royal Norwegian Government, the Norwegian people and the international community in attempting to bring peace to the island,

Recognising that a peaceful resolution is a real possibility, despite the challenging history of the peace process between the Tamil people and the Sinhala people,

Determined to establish an interim self-governing authority for the NorthEast region and to promote for the urgent needs of the people of the NorthEast by formulating laws and policies and effectively and expeditiously executing all resettlement, rehabilitation, reconstruction, and development in the NorthEast, while the process for reaching a final settlement remains ongoing,

Being aware that the history of the relations between the Tamil people and the Sinhala people has been a process of broken promises and unilateral abrogation, by successive governments of Sri Lanka, of pacts and agreements solemnly entered into between the government of Sri Lanka (GOSL) and the elected representatives of the Tamil people,

Bearing in mind that successive Governments of Sri Lanka have perpetrated persecution, discrimination, State violence and State-orchestrated violence against the Tamil people,

Noting that the Tamil people mandated their elected representatives to establish an independent sovereign, secular State for the Tamil people in the elections subsequent to the Vaddukoddai Resolution of 1976.

Bearing in mind that the Tamil armed struggle as a measure of self-defence and as a means for the realisation of the Tamil right to self-determination arose only after more than four decades of non-violent and peaceful constitutional struggle proved to be futile and due to the tolerance of means to resolve the conflict peacefully,

Recalling that the Liberation Tigers of Tamil Eelam (LTTE) first took measures towards peace by unilaterally declaring the ceasefire in December, 2000 and again in December, 2001, opening highways, facilitating trade and the free movement of people, and entering into peace negotiations in good faith in the hope of creating an environment conducive to the return of normalcy and a just resolution of the conflict,

Taking note of the political courage of the present GOSL in reciprocating to the 2001 ceasefire,

Realising that the war in the island of Sri Lanka was principally confined to the NorthEast resulting in the destruction of the social, economic, administrative, and physical infrastructure of that area, and that the NorthEast still remains the region in the island of Sri Lanka affected by war,

acknowledging the LTTE as their authentic representative, Knowing that the LTTE exercises effective control and jurisdiction over the majority of the NorthEast area of the island of Sri Lanka,

Realising that reaching a final negotiated settlement and the implementation thereof is expected to be a long process,

Affirming the necessity for the safe and free return of all refugees and displaced persons and their urgent need for unimpeded access to their homes and secure livelihoods at land and sea in the NorthEast,

Mindful that institutions and services provided by the GOSL have proved to be inadequate to meet the urgent needs of the people of the NorthEast,

Recognising the failure of the Sub-committee on Immediate Humanitarian and Rehabilitation Needs (SIHRN) and other Sub-Committees formed during the peace negotiations, which failure, was due to the composition of such Sub-Committees which repeatedly led to inaction,

Acknowledging the recognition by the GOSL of the necessity for an Interim Authority, as mentioned in its 2000 election manifesto,

Realising that maintenance of law and order is an essential pre-requisite for a just and free society,

Recognising the need for raising revenue to meet the urgent needs for the Resettlement, Rehabilitation, Reconstruction and Development of the NorthEast region, which has been devastated by war, and for the carrying out of any function of Government,

Recognising the importance of control over land in resettlement, rehabilitation, reconstruction and development,

Mindful that the Tamils did not participate in the making of the 1972 and 1978 constitutions, which institutionalised discrimination and denied them an effective role in the decision-making process,

Noting the practice in international relations over the last decade of solving conflicts between Peoples through agreement between the parties to the conflict on terms of equality and through innovative and imaginative measures,

Relying on international precedents for establishing interim governing arrangements in war-torn countries having the force of law based solely on pacts or agreements between the warring parties recognised by the international community,

Noting that measures such as the Ceasefire Agreement, including the role of the Sri Lanka Monitoring Mission (SLMM), and the establishment of SIHRN and the NorthEast Reconstruction Fund (NERF) constitute valid precedents for making such arrangements,

Where, two Parties, namely the Liberation Tigers of Tamil Eelam and the Government of Sri Lanka, hereby agree to the following provisions:

1. Interim Self-Governing Authority

An Interim Self-Governing Authority (ISGA) shall be estab-

lished comprised of the eight districts namely: Amparai, Batticaloa, Jaffna, Kilinochchi, Mannar, Mullaitivu, Trincomalee and Vavuniya in the NorthEast, until a final negotiated settlement is reached and implemented.

Representatives of the Muslim community have the right to participate in formulation of their role in the ISGA.

2. Composition of the ISGA

2.1 The ISGA shall consist of such number of members as may be determined by the Parties to this Agreement.

2.2 The Composition of the ISGA shall be:

2.2a. Members appointed by the LTTE,

2.2b. Members appointed by the GOSL, and

2.2c. Members appointed by the Muslim community in the NorthEast.

2.3 The number of members will be determined to ensure:

2.3a. An absolute majority of the LTTE appointees in the ISGA.

2.3b. Subject to (a) above, the Muslim and Sinhala Communities in the NorthEast shall have representation in the ISGA.

2.4 The Chairperson shall be elected by a majority vote of the ISGA and shall serve as the Chief Executive of the ISGA.

2.5 The Chairperson shall appoint the Chief Administrator for the NorthEast and such other officers as may be required to assist in the performance of his/her duties. The Chairperson shall have the powers to suspend or terminate any such appointment.

3. Elections

The provisions of Clauses 2.2 and 2.3 shall continue until elections for the ISGA are held. Such elections shall be held at the expiry of five years of the coming into force of this Agreement, if no final settlement has been reached and implemented by the end of the said period of five years. An independent Elections Commission, appointed by the ISGA, shall conduct free and fair elections in accordance with international democratic principles and standard under international observation.

4. Human rights

The people of the NorthEast shall be accorded all rights as are provided under international human rights law. Every law, regulation, rule, order or decision of the ISGA shall conform to internationally accepted standards of human rights protection. There shall be an independent Human Rights Commission appointed by the ISGA, which shall ensure the compliance with all such human rights obligations. The Commission will seek the assistance of international human rights bodies to facilitate the rapid establishment of an effective regime for protecting human rights. The Commission shall be entitled to receive petitions from any individual person, award compensation to any such affected person, and ensure that such person's rights are restored.

5. Secularism

No religion shall be given the foremost place in the NorthEast.

6. Prohibition against discrimination

The ISGA shall ensure that there is no discrimination on grounds or religion, race, caste, national or regional origin, age or gender in the NorthEast.

7. Prevention of bribery and corruption

The ISGA shall ensure that no bribery or corruption is permitted in or under its administration.

8. Protection of all Communities

No law, regulation, rule, order or decision that confers a privilege or imposes a disability on any community, which is not conferred or imposed on any other community, shall be made

concerning culture or religion.

9. Jurisdiction of the ISGA

9.1 The ISGA shall have plenary powers for the governance of the NorthEast including powers in relation to resettlement, rehabilitation, reconstruction and development, including improvement and upgrading of existing services and facilities (hereinafter referred as RRRD), raising revenue including imposition of taxes, revenue, levies and duties, law and order and over land.

These powers shall include all powers and functions in relation to regional administration exercised by the GOSL in and for the NorthEast.

9.2 The detailed modalities for the exercise of such powers and the performance of such functions shall be subject to further discussion by the parties to this agreement.

10. Separation of powers

Separate institutions for the administration of justice shall be established for the NorthEast, and judicial powers shall be vested in such institutions. The ISGA shall take appropriate measures to ensure the independence of the judges.

Subject to Clause 4 (Human Rights) and 22 (Settlement of Disputes), of this Agreement, the institutions created under this clause shall have sole and exclusive jurisdiction to resolve all disputes concerning the interpretation and implementation of this agreement and any other disputes arising in or under this agreement or any provision thereof.

11. Finance

The ISGA shall prepare an annual budget.

There shall be a Financial Commission consisting of members appointed by ISGA. The members should have distinguished themselves or held high office in the fields of finance, administration or business. The Commission shall make recommendations as to the amount out of the Consolidated Fund to be allocated to the NorthEast. The GOSL shall make its good faith efforts to implement the recommendation.

The ISGA will, giving due consideration to an equitable distribution, determine the use of fund placed at its disposal. These funds shall include the NorthEast General Fund, the NorthEast Reconstruction Fund and the Special Fund.

The GOSL agrees that any and all of its expenditures in or for the NorthEast shall be subject to the control of the ISGA.

11.1 NorthEast General Fund

The NorthEast General Fund shall be under the control of ISGA and shall consist of:

11.1.a. The proceeds of all grants and loans made by the GOSL to the ISGA and the proceeds of all other loans made to the ISGA.

11.1.b. All allocations by the GOSL from agreements with states, institutions and/or other organisations earmarked in any such agreements for the NorthEast.

11.1.c. All other receipts of the ISGA, other than the funds specified below.

11.2. NorthEast Reconstruction Fund

The NERF shall continue to exist in its present form except that control over it will be transferred to ISGA.

All grants given for the reconstruction of the NorthEast, will be received through the NERF. Utilisation of resources from NERF will be directly determined and supervised by the ISGA.

11.3. Special Fund

All loans and any grants which cannot be channelled through the NERF for the specific purpose of RRRD will be received into the Special Fund. As in the case of other Funds, the ISGA

shall control the Special Fund.

12. Powers to borrow, receive aid and trade

The ISGA shall have powers to borrow internally and externally, provide guarantees and indemnities, receive aid directly, and engage in or regulate internal and external trade.

13. Accounting and auditing of funds

13.1 The ISGA shall appoint an Auditor General

13.2 All Funds referred to in this Agreement shall be operated, maintained and audited in accordance with internationally accepted accounting and auditing standards. The accounts will be audited by the Auditor General. The auditing of all moneys received from international sources shall be subject to approval by an internationally reputed firm appointed by the ISGA.

14. District committees

14.1 In the effective exercise of its legislative and executive powers, the ISGA may formulate District Committees to carry out administration in the districts and delegate to the Committees, such powers as the ISGA may determine. The Chairpersons of such committees shall be appointed by the ISGA from amongst its members in order to serve as a liaison between the ISGA and the Committees.

14.2 The other members of the Committee shall also be appointed by the ISGA, which shall have the powers to suspend or terminate any such appointment. In appointing such members, due consideration shall be given to ensure representation of all communities.

14.3 The Committees will function directly under ISGA.

14.4 The Chief Administrator of the ISGA shall appoint Principal Executive Officers in the districts, who shall also function as the Secretaries to the Committees. The Chief Administrator shall have the powers to suspend or terminate any such appointment.

14.5 All activities and functions of the Committee shall be coordinated through the respective Secretaries to the Committee.

14.6 Sub-committees may also be appointed to facilitate administration.

15. Administration

As part of the exercise of its executive powers the ISGA shall have direction and control over any and all administrative structures and personnel in the NorthEast pertaining to the powers set out in Clause 9 of this Agreement.

The ISGA may, at its discretion, create expert advisory committees in necessary areas. These areas will include but are not limited to Economic Affairs, Financial Affairs, Judicial Affairs, Resettlement and Rehabilitation Affairs, Development of Infrastructure, and Essential Services.

16. Administration of land

Since land is vital to the exercise of the powers set out in Clause 9 (jurisdiction of the ISGA), the ISGA shall have the power to alienate and determine the appropriate use of all land in the NorthEast that is not privately owned.

The ISGA shall appoint a Special Commission on Administration of Land to inquire into and report on the rights of dispossessed people over land and subject to encroachment, not withstanding the lapse of any time relating to prescription.

The ISGA shall determine the term of competencies of the Special Commission.

17. Resettlement of Occupied Lands

The occupation of land by the armed forces of the GOSL,

and the denial to the rightful civilian owners of unfettered access to such land, is a violation of the norms of international law. Such land must be immediately vacated and restored to the possession of the previous owners. The GOSL must also compensate the owners for the past dispossession of their land.

The ISGA shall be responsible for the resettlement and rehabilitation of displaced civilians and refugees in such lands.

18. Marine and off-shore resources

The ISGA shall have control over the marine and offshore resources of the adjacent seas and the power to regulate access thereto.

19. Natural resources

The ISGA will have control over the natural resources in the NorthEast region. Existing agreements relating to any such natural resources will continue in force. The GOSL shall ensure that all monies due under such agreements are paid to the ISGA. Any future changes to such existing agreements should be made with the concurrence of the ISGA. Future agreements shall be entered into with the ISGA.

20. Water use

Upper riparian users of river systems have a duty to ensure that there is a fair, equitable and reasonable use of water resources by lower riparian users.

The GOSL and the ISGA shall ensure that this internationally recognised principle is followed in the use of water resources.

21. Agreements and contracts

All future agreements concerning matters under the jurisdiction of the ISGA shall be made with the ISGA. Existing agreements will continue, but the GOSL shall ensure that all proceeds under such agreements are paid to the ISGA. Any changes to such existing agreements should be made with the concurrence of the ISGA.

22. Settlement of disputes

Where disputes arise between the Parties to this Agreement as to its interpretation or implementation, and it cannot be resolved by any other means acceptable to the Parties including conciliation by the Royal Norwegian Government, there shall be an arbitration before a tribunal consisting of three members, two of whom shall be appointed by each Party. The third member, who shall be the Chairperson of the tribunal, shall be appointed jointly by the Parties concerned. In the event of any disagreement over the appointment of the Chairperson, the Parties shall ask the President of the International Court of Justice to appoint the Chairperson.

In the determination of any dispute the arbitrators shall ensure the parity of status of the LTTE and the GOSL and shall resolve disputes by reference only to the provisions of this Agreement.

The decision of the arbitrators shall be final and conclusive and it shall be binding on the Parties to the dispute.

23. Operational period

This Agreement shall continue until a new Government for the NorthEast, pursuant to a permanent negotiated settlement, is established. The Parties will negotiate in good faith to reach such a settlement as early as possible.

Provided however, that at the end of four years if no final agreement has been reached between the Parties to this agreement, both Parties shall engage in negotiations in good faith for the purpose of adding, clarifying, and strengthening the terms of this Agreement.

LTTE's self-rule proposal and crisis in co-habitation

Dr Jehan Perera

● Balancing self-rule with shared rule

The long awaited LTTE proposals on the type of interim administration they seek for the north east made their appearance on October 31, on which day the proposals were handed over to the Norwegian facilitators to be forwarded to the government.

This action by the LTTE underlined the central role that Norway continues to play in the Sri Lankan peace process. The preamble to the LTTE's proposals, described as proposals on behalf of the Tamil people, also acknowledged with appreciation the services of the Norwegian government and the international community.

It was only the following day, on November 1, that the LTTE proposals were released to the media at its headquarters in Kilinochchi, and thereby made known to the general public. The immediate reaction of journalists directly covering the release in Kilinochchi was neither negative nor emotional. A key reason for this was that the proposals had been prepared with a great deal of thought and concern about how they would be perceived by the world at large.

Hence, there were no immediate red flags that could set anyone's blood boiling upon a quick reading.

In its proposals the LTTE refrained from frontally addressing emotive issues. They made no mention either of their own military or of the right of the Sri Lankan military to be present in the northeast, or the Sinhalese settlements in the north east. The LTTE's proposals also did not call for a change in the national flag or anthem or the special place accorded to Buddhism in the Sri Lankan constitution. Any mention of these could have generated an emotional response from Sinhalese nationalists.

However, a closer scrutiny of the LTTE proposals would reveal that they are maximalist in spirit, as indeed could have been anticipated from an organisation that waged war for the cause of

complete Tamil separation from Sri Lanka. The drafters of the LTTE's proposals would have had to justify their new strategy of negotiations to their cadre who had spilt so much blood for the Tamil cause.

The LTTE proposals, in sum, call for the establishment of an Interim Self Governing Authority (ISGA) for the north east in which the LTTE would have an absolute majority of members. Thereafter the proposals indicate that complete autonomy is sought in virtually every aspect of the political and economic life of the people. There is no mention of the federal consensus arrived at by the government and LTTE during the Oslo peace talks in December 2002. Federalism means both self rule and shared rule. The LTTE's proposals focus on the self rule aspect alone.

Governmental concerns

The LTTE proposals call for separate institutions to be set up for the north east in respect of police, judiciary, elections, taxation, local and foreign grants and loans, and trade among others. There is an assurance that internationally mandated standards of human rights, accountability, multi-ethnic representation and free and fair elections will prevail. But all the institutions that are to be set up to ensure such good governance practices will be under the sole control of the ISGA which will have an absolute LTTE majority.

In a society such as Sri Lanka's where the spirit of power sharing is yet to be learnt and practised, obtaining an absolute majority is a potential licence for unilateralism. When this potential is coupled with autonomy, the result can be a high degree of control. It is noteworthy that the LTTE's proposals make no provision for integration with the nationally prevailing structures. Viewed in this context it is not surprising that the Sri Lankan government's response to the LTTE proposals was cautious and restrained. The government's immedi-

ate response was to say that there were fundamental differences between the LTTE's proposals and those submitted several months earlier by the government.

In its own proposals regarding an interim administration for the north east, the government specifically excluded matters pertaining to police, land, revenue and security from the purview of the interim administration. But in the LTTE's counter proposals, all the above with the exception of security are specifically considered to be the domain of the ISGA. Further, in the government's proposals an absolute majority in the interim administration was conceded to the LTTE.

But provision was made for a minority veto on matters that affected the interests of the Muslim and Sinhalese communities living in the northeast. This provision is absent from the LTTE's proposal, which is silent about how the minority communities in the north east could truly share power with the LTTE-appointed majority.

On the ground the Muslims and Sinhalese of the east, who presently constitute over 60 percent of the population, have strongly protested their inclusion into an LTTE dominated administration. The Muslims in particular have been vociferous about their opposition, as in the Sri Lanka Muslim Congress they have a political party that draws virtually all its strength from the east. The SLMC's first response to the LTTE's proposals has been to say that they do not meet Muslim aspirations.

The government's cautious response to the LTTE's proposals could also be due to its apprehensions about a backlash against them from Sinhalese nationalists bolstered by opposition political parties. Pro-war Sinhalese nationalists who call for the military subjugation of Tamil separatism last week physically attacked leading Sinhalese and Tamil cultural artistes who had gathered together for an inter-ethnic cultural festival. What this increasingly frustrated minority needs is the politically motivated backing by the major opposition parties to run amok and riot on the streets as occurred on past occasions when governments appeared to make concessions to Tamil demands for regional autonomy.

The unfortunate history of post-independence Sri Lankan politics is that

opposition parties have seized upon governmental concessions to Tamil parties as betrayals of the Sinhalese to mobilise popular opposition to the government. The last occasion for this unsavoury practice was in Parliament itself in August 2000 when many members of the present government acted with a total lack of decorum, hooted and burnt copies of the draft constitution that President Chandrika Kumaratunga sought to present before Parliament. Today, alas, it is the turn of President Kumaratunga and her party to repay with the same coin those who wield the reins of the government.

Paradigm shift

There is much to commend in the LTTE's proposals, in particular their willingness to give weight to the principles of good governance, representative democracy and accountability. The fact that the LTTE has invested so much time and effort in a political and non-violent endeavour is to be appreciated by those who seek a peaceful solution to the ethnic conflict.

This constitutes a paradigm shift for the LTTE, to use the phrase often used by the government's chief negotiator Prof. G.L. Peiris to describe the advances in the peace process.

For nearly six months the LTTE focused its attention on the production of its interim administration proposals, holding a wide range of consultations with local and international experts in its capital of Kilinochchi and also in numerous foreign countries, including France, Northern Ireland, Denmark, Norway and Switzerland. The document they have produced is a concise exposition of Tamil thinking over which there is, of course, the final authority of the LTTE. There is no doubt that the proposals are maximalist in spirit. But they are an opening offer in negotiations in which there has got to be give and take.

With its proposals for an Interim Self Governing Authority the LTTE has given concrete form to its expectations in a manner that is essentially compatible with peaceful coexistence in a united Sri Lanka.

The fact that the LTTE has recognised the right of the Sri Lankan government to appoint members to the ISGA, and have not challenged the right of the Sri Lankan security forces to be present in the north east, are specific indicators of a preparedness to accept a united country. Further, even with regard to the new regional institutions they have proposed, such as the police and judiciary, there appears to be an openness to

dialogue with the government on how to set them up and their composition. It is unlikely that the government will either have the ability or the intention to set up new institutions that supersede the existing ones during an interim administrative period. New institutions that require legal and constitutional change, and are of a permanent nature, are more appropriate for the final political settlement.

Federal system

The powers over police, land, taxation and judiciary claimed by the LTTE, are basic to most federal systems. Of course, in democratic societies federal powers are not only a matter of regional elites wresting powers from central elites, but are in the nature of power sharing at all levels right down to the people.

Further, in true federal systems, there are elaborate systems of checks and balances, which include accountability to higher levels of authority and, ultimately, to the people themselves at free and fair elections. This is a reality that the LTTE needs to realise and hopefully will respect in the negotiations on the interim administration proposals.

Self rule as proposed by the LTTE needs to be supplemented by shared rule, both by north east Tamil representatives at the central level, and by the Sri Lankan government at the regional level. There is certainly a need for an ISGA until the final political settlement is reached, but it will need to be compatible with a united framework of governance.

The good offices of the international community led by Norway, and especially those who understand the federal spirit, would be essential in bridging this gap in the creation of a federal and democratic Sri Lanka.

● Solution to the crisis in cohabitation

It seemed as if the country was just about to take off to peace and development after twenty years of self-destructive conflict. The LTTE had presented its political proposals for an interim administration that weekend. This move was immediately welcomed by the international community, including the United States, as a step forward in the peace process. They collectively urged a return to the negotiating table. The business climate had improved, and major foreign investors were finalising their plans for employment generating investments in the economy. It was at this juncture that power politics rudely interrupted, and brought us all back to typically Sri Lankan reality.

Within days of the President's take over of three key ministries, including that of defence, Sri Lanka is back in the doldrums and the situation on the ground has deteriorated. The sudden collapse of the stock market will deter long-term economic investments for some time until stability is seen to be reestablished. Sri Lanka's international image as a country on the mend has suffered an immense blow, with the international media likening us to a South American banana republic of old, where tin pot dictators seized power at the drop of a hat, and sent the army to the streets. There was no justification for calling the troops out, but that is what the President did.

Fortunately, it is still only the economy that has been weakened. The peace process is not yet a victim of the political changes. Despite the LTTE sending in its interim administration proposals, peace talks were not expected, in any event, to recommence before the new year. But when the President's take-over was announced, and troops brought out onto the streets, there was apprehension that the ceasefire itself might be endangered. The President responded to these concerns in a positive manner by affirming her commitment to the ceasefire, to the peace process and to the rulings of the international monitors. To a considerable extent, this was a reversal of her earlier stance in respect of each one of them.

In the coming weeks until the political crisis is resolved, it will be very important for the President, the government and the LTTE to act with utmost caution in relation to military matters. There are potential flash points that could trigger off war that the people do not want and only vested interests want. It will be difficult for the government to ensure stability in the peace process without control over the defence ministry. This may explain the government's decision to notify the general public and the international community that President Kumaratunga and her team should take charge of the peace process at this time.

However, such a decision on the part of the government to abdicate its responsibility regarding the peace process is not a responsible one. At the general election of December 2001, the last national election that the country had, the people were presented with two visions of conflict resolution. The PA led by President Kumaratunga described the LTTE as terrorist. It pledged to reform the constitution while at the same time waging the war with the LTTE until they

agreed to the constitution. The UNF led by Prime Minister Wickremesinghe offered a ceasefire, peace talks with the LTTE and an interim administration for the northeast. The majority of people chose the UNF with its vision.

Dangerous ploy

The government's decision to call on President Kumaratunga to take charge of the peace process may be to show the world at large that she is unable to take on that task. But the government should neither seek to escalate the conflict or abdicate its responsibility to lead the peace process. This is a dangerous political ploy that could cost the country dearly. Realistically speaking, it will be next to impossible for the President and her team to negotiate successfully with the LTTE whom they constantly describe as terrorists. The fact that the President's team rejected the LTTE's interim administration proposals in toto in just two days, clearly shows ineptness on their part when it comes to conflict resolution.

The short shrift with which the President's team dealt with the LTTE's proposals, that this militant organisation laboured over for six months and went around the world to seek advice, may have been intended to please the gallery of Sinhalese nationalists. But it failed in the ABC's of conflict resolution, which is to show respect for the opponent with whom a negotiated settlement is sought. The President's team seems to think that negotiating with the LTTE is like taking a legal brief to the courts. It is not. There is no judge to hear the case, there is only a facilitator who has no power, except what the parties to the conflict give it.

This is not the time for political ploys to expose the President and her team. Difficult though it is, the government has to negotiate a settlement with the President while at the same time continuing to take the peace process forward. The basis for such a negotiated solution would be recognition of two realities. The first is that the President is indeed vested with enormous executive powers until the end of her term of office in December 2005. She obtained those powers legitimately by winning the presidential election in December 1999. There is no getting around that fact, which permits her to take over the three ministries and more if she so desires.

The second reality is that the President's take-over bid was really a failure. She and her advisors did not intend to merely take-over three ministries and have the process end with that. They

anticipated that members of the government would cross over to their side and provide the President with a parliamentary majority. The President and her team believed they could actually form a new government of their own. This did not materialise and so the President has no parliamentary basis for governance. The President's call for a Grand Alliance of all political parties in parliament and for a government of national reconciliation came only after this failure, and will justifiably be discounted because of it. The loser cannot call the shots.

While it is true that the Sri Lankan presidency is vested with enormous powers in theory, the experience over the last two years shows that a hostile parliament is even more powerful. Evidence from the time of King Charles I of England in the 17th century, to President Khomeini of Iran and President Chirac in France in modern times shows a similar pattern. Parliament, with its control over public finance, and with its numbers, is always more powerful than the chief executive in a confrontation. But this does not mean that the government should aim for outright victory over the President. The government should compromise, which is what negotiations are about.

Compromise solution

A compromise between the government and President could be achieved on a three-fold basis. First, it would be necessary for the government to find a face saving solution for the President. She would not wish to be seen to be relinquishing the three ministries she took over. Therefore, it may be possible for her to keep the three ministries, but have three deputy ministers perform the day-to-day operations of the ministries. This was the case with the Ministry of Defence during the period of the last government. The deputy minister for defence was clearly in charge of defence. He stayed in that position despite dismal results without the President interfering.

The second basis for a negotiated settlement would be to accede to a request made by the President at the very commencement of the government's term of office, that her nominee should be on the government's negotiating team. This is a fair request, and would add to the representativeness of the government's negotiating team. If the Muslim community could demand that it have a representative at the peace talks, surely the main opposition party is entitled to have one too. It is a sign of the government's own unwillingness to recognise the basic principles of cohabita-

tion that it disregarded this early request of the President in a most cavalier fashion.

Certainly the President's nominee would need to be someone who is acceptable to the government also. There are highly respected persons, such as those who formed the National Integration Programme Unit (NIPU) of the last government, or the advisor to the Ministry of Constitutional Affairs of the last government, who would be suitable candidates. They have shown their commitment as true friends of a negotiated settlement both during the period of this government and the previous government. The presence of a Presidential nominee would ensure that the solution would be easier to legitimise amongst the Sinhalese people as well.

The third basis for a negotiated settlement would be to find a direct role for the President as a democratically elected leader of the country who commenced the peace process with courageous leadership. It was during her period that it became uncontroversial to talk about an ethnic conflict rather than a terrorist problem. It was she who frontally confronted the critics of a federal type of political solution, proposed a semi-federal model and who invited the Norwegians to be facilitators. The President deserves recognition both locally and internationally for the very positive role she once played. A new role for her, best suited to her strengths, but mindful of her weaknesses, needs to be found.

There is a need for urgency in the task of conflict resolution. Political stability must quickly be reestablished for Sri Lanka to fulfill its economic promise and for the people to enjoy fully the peace dividend. If the conflict between the President and government is not speedily resolved, there is also the danger of the international community losing their faith in the Sri Lankan leadership. They may begin to see our leaders as persons who only care about their powers rather than about their responsibilities to the masses of people.

The conflict between the President and government appears too much of an elite struggle for power at all costs. Instead of trying to defeat each other totally, and escalating the conflict, our political leaders need to negotiate with each other in the same way the government is negotiating with the LTTE. And they need to keep in mind, especially the President and her team, that the mandate of the people at the last general election was for a negotiated peace and not for a war for peace. □

Proposal for an Interim Self Governing Authority: A Review

Muttukrishna Sarvananthan

The Liberation Tigers of Tamil Eelam (LTTE) has submitted a proposal to set up an Interim Self Governing Authority (ISGA) for the North&East (N&E) Province of Sri Lanka. This is the first time the LTTE has come out with its own proposals for the resolution of the ethnic conflict in Sri Lanka, which is a positive development. The ISGA proposal is an astutely crafted and well-written document that deserves praise. Besides, LTTE's proposition for a secular ISGA is laudable. However, these proposals go beyond an "interim" administrative mechanism. Nonetheless, these proposals provide a sound basis for negotiating a final solution to the ethnic conflict in Sri Lanka. In any case, the executive powers sought by the proposed ISGA (whether in the interim or in the final solution) can be vested only to the representatives of the people of the N&E Province who are directly and freely elected by the people themselves. This review is written purely in the interest of the freedom and welfare of the people, especially Tamil-speaking, of the N&E Province of Sri Lanka.

There are at least three significant omissions in the ISGA proposal; one is positive and the other two negative. The LTTE appears to have departed (at least on paper) from their claim to be the "sole" representatives to "authentic" representatives of the Tamils, which is a positive development. A far more critical omission is that nowhere the term democracy is used in the document. Though in Clause 3 which refers to Elections, it is mentioned that at the end of five years after the establishment of the ISGA free and fair elections will be held "in accordance with international democratic principles and standards under international observation", it is not convincing enough for two reasons. Firstly, an "independent Election

Commission appointed by the ISGA" would hold these elections, which cannot be democratic because the unelected LTTE representatives would control the ISGA. Secondly, there is no guarantee that elections will be held after five years, because Clause 23 says that "This agreement shall continue until a new government for the North East, pursuant to a permanent negotiated settlement, is established. — Provided, however, that at the end of four years if no final agreement has been reached between the Parties to this agreement, both Parties shall engage in negotiations in good faith for the purpose of adding, clarifying, and strengthening the terms of this agreement". Thus, Clause 23 gives a loophole for the LTTE to drag on the peace negotiations towards a permanent settlement beyond four years and seek extension/s and/or amendment/s to the present proposal rather than face an election. The LTTE can use Clause 23 to postpone elections indefinitely. Third omission is the term reconciliation from the ISGA document. If the ethnic conflict in Sri Lanka is to be resolved by federal system of governance then reconciliation between different ethnic communities is central. The ISGA document mentions about Resettlement, Rehabilitation, Reconstruction and Development (RRRD) only. The exclusion of reconciliation in the proposal casts doubt on the professed objectives of the ISGA.

The reviewer's position is that the LTTE cannot be trusted on its words, rather it should be judged by its deeds. Although the ISGA proposal affirms the commitment to uphold "international human rights law", and make financial resources entrusted to the ISGA conforms to "internationally accepted accounting and auditing standards" there is no guarantee that these will be

followed in practice given the LTTE's past record. Even if we forgive LTTE for reneging on similar commitments in the past during the time of war we cannot forgive LTTE's blatant disregard for its own commitments during the nearly two years of peace since early-2002. The following are some examples of LTTE's callous disregard for its own undertakings and commitments, and for international norms and values during the last two years of peacetime.

- Although the LTTE gave an explicit commitment not to recruit children under the age of 18 to the UN Special Representative for Children in Armed Conflict in 1998 it continued to recruit children with impunity. In 2002, during the peacetime, the LTTE reiterated its commitment not to recruit children to the Director General of the UNICEF and agreed to release children under their custody. In accordance with an agreement with the UNICEF the LTTE released a first batch of 49 children to a transit and rehabilitation centre in Kilinochchi in October 2003. On the very next day after the release they forcibly abducted around 25 children in the Eastern town of Valaichenai. This is a vivid example of the contrast between the words and deeds of the LTTE even during peacetime.
- The LTTE has, to date, failed to abide by the ruling of the Sri Lanka Monitoring Mission (SLMM) on the issue of a newly constructed camp in the Trincomalee district. The ruling is almost six months overdue. Besides, the LTTE sometimes refuses access to their territory for the SLMM, which goes against the Memorandum of Understanding (MoU).
- The LTTE has still not adhered to the commitment made in the MoU with the GoSL in February 2002 on "free" movement of people through the A9 highway, because of the continued requirement to obtain a travel pass and imposition of several arbitrary and illegal taxes on the people and goods passing through the highway.
- There are anecdotal evidences of the LTTE and TRO pilfering relief

goods destined for the returning IDPs even during the last two years of peacetime. How can such an organisation entrusted with the task of maintenance of law and order and establishment of an independent judiciary? In this reality the Clause 7 on Prevention of Bribery and Corruption and the commitment to "internationally accepted accounting and auditing standards" (Clause 13) sounds nakedly dubious.

When the LTTE has not bothered to fulfil their commitments and undertakings in the past two years of *de facto* administration in the N&E, how can we expect it to fulfil commitments and undertakings made in the proposed ISGA? Even without any legal status and power if they are able to act with impunity how can they change under a set up with such enormous "sole" executive powers?

Further, if the proposed ISGA fails to uphold the guaranteed rights and commitments, the people or the GoSL have no recourse to justice at the level of the Central Government. Although the proposal suggests establishment of an "independent" Human Rights Commission in the N&E (Clause 4) and setting up of a Tribunal to solve disputes between the parties to the agreement (Clause 22) they are totally inadequate to protect the rights of the people of the N&E. How can the proposed Human Rights Commission be independent when it is expected to be appointed by an un-elected ISGA? How can the proposed Tribunal be impartial when it is going to be represented by the un-elected LTTE and the GoSL in equal number? Moreover, what is alarming is that "In the determination of any dispute the arbitrators shall ensure the parity of status of the LTTE and the GOSL and shall resolve disputes by reference only to the provisions of this agreement. The decision of the arbitrators shall be final and conclusive and it shall be binding on the Parties to the dispute". Under any federal administration there should be recourse to justice at the Central Government level if some dispute between a citizen and the regional government or between the regional and central governments cannot be resolved at the regional level.

The LTTE's demand for an independent judiciary for the N&E and sole jurisdiction over maintenance of law and order under the ISGA would be unacceptable for the people of the N&E, particularly for the Tamils and Muslims. These would effectively lead to a "sole" or "authentic" dictatorship of the LTTE. Under any federal system judicial power and maintenance of law and order have to be devolved to the regions. But such regional judicial service and police service have to be constituted by elected legislature on the basis of merit and competence. At the moment what the LTTE is asking for is the recognition and legitimisation of their *de facto* judicial and police services which cannot be accepted for a number of reasons. The judicial and police services of the LTTE are recruited by an un-elected organisation and the overwhelming selection criterion is the loyalty to the LTTE and its leader. Such an overtly partisan judiciary and police service cannot be independent and impartial and cannot represent a multi-ethnic Tamil nation in the N&E. No sane person in the N&E would accept a judicial service and a police force composed overwhelmingly of school dropouts.

The ISGA proposal has totally disregarded the concerns and welfare of the largest minority community in the N&E, viz. the Muslim community. In this respect the reviewer suggests the following broad contours for discussion to resolve the national question in Sri Lanka.

Sri Lanka could be delineated into five nations as follows:

1. Tamil Nation - comprising 7 districts of the present N&E Province and could be named Tamil Eelam in order to satisfy the "thirst of the Tigers".
2. Muslim Nation - contiguous areas of concentration of Muslim community in the Ampara district and adjoining areas of the Batticaloa district could form this nation.
3. Hill Country Tamil Nation - contiguous areas of inhabitation of the hill country Tamils could form this nation.
4. Buddhist Nation - sacred areas around Kandy and Anuradhapura could form this Nation (*a la* Vatican) in order to satisfy the Buddhist clergy. This is the only part of the country that

should have a state religion, viz. Buddhism. The rest of the country should become secular.

5. Sinhala Nation - the areas other than the aforementioned could form this Nation.

Thus, Sri Lanka could become an amalgamation of the foregoing five nations. All the proposed five nations should adhere to a uniform democratic model based on pluralism, secularism (barring the Buddhist Nation), equal opportunities (gender/caste/religion/language/class) and human rights. These five nations should be given full autonomy except external security, currency, and foreign policy. The proposed five nations should be able to attract foreign aid and investment and engage in international trade directly. An appropriate mechanism of fiscal federalism should be evolved. Moreover, the proposed five nations should be granted inalienable right to self-determination including secession if and only if at least two-thirds of the population within a particular nation consent at a referendum to do so and at least three of the five nations approve such secession. The Central Government should not be given the power to dismiss any regional government unless any one of the latter abrogates the uniform democratic model agreed to. Even in such scenario the Central Government may dismiss a regional government if and only if at least three of the five nations agree to such action. The contents of LTTE's proposal for an ISGA could form the basis for further discussion on the specific powers to be devolved to the regions.

In recent months theft of luxury vehicles in the Central, North-Western and Western Provinces are increasing at an alarming rate. According to the Sri Lanka Police luxury vehicles are hijacked from these provinces and taken into the LTTE-controlled Vanni region for sale. If this is in fact true then who else other than the LTTE is rich enough in the dearth poor Vanni to purchase these super luxury vehicles? Thanks to the generosity of their "development partners" such as the UNICEF, World Bank, ADB & EU and the pillaging of the Tamil and Muslim population in the pretext of taxation the LTTE has unambiguously become the

richest institution in the N&E Province. The fleet of brand new posh two-wheel and four-wheel vehicles in the hands of the LTTE during peacetime could become an envy of dictators around the world. The LTTE carry on with abductions, murders, and robberies with impunity even during the peacetime. Is this the type of organisation that is likely to subject itself to "internationally accepted accounting and auditing standards" and to the "principles of the rule of law"? In order to prove its bonafides why not the LTTE subject its revenue (by way of variety of taxes and contributions from various donors) collection and expenditures incurred in the past two years of peacetime to audit by an internationally renowned accounting and auditing firm?

Even in the absence of an ISGA the LTTE has taken effective control of public and private institutions in the N&E Province during the past two years of peacetime. Besides, the LTTE trespasses on all walks of life by way of taxation. For instance, the Jaffna University (and to a lesser extent the Eastern University) is controlled by the LTTE through their proxies among students and academic staff. The Tamil print media is another institution under the effective control of the LTTE. Not only the regional Tamil newspapers but also the national Tamil newspapers have been coerced and/or bribed to become LTTE's propaganda organs. For example, news reporters and journalists of a regional Tamil newspaper have been provided motorcycles by the LTTE to propagate their news and views. Almost all the Tamil newspapers (both national and regional) have shunned alternative news and views during the past two years of peacetime. If the

LTTE's writ can run so effectively under a *de facto* politico-military administration what would be the fate of the people of the N&E under the proposed ISGA?

The LTTE seems to demand executive powers and jurisdiction in line with the Palestinian Authority. However, what the LTTE fails to understand is that the Palestinian Authority is a duly elected body of the people of Palestine. The Palestinian people directly and freely elected President Yasser Arafat and the legislature. Therefore, if the LTTE wants to enjoy the powers it seeks through the proposed ISGA then it should face an election or at least a referendum in the N&E in order to legitimise their claim to be the authentic representatives of the Tamil people.

A careful reading of the ISGA proposals by the LTTE reveals that their own interests have taken precedence over the interests of the Tamil community. That is, what the proposed ISGA envisages is monopoly of power to the LTTE and not devolution of power to the people (particularly Tamils) of the N&E. Several actions of the LTTE in the past two years (let alone the period before) also confirm this. Forcible prevention of the reopening of the Jaffna Public Library in February 2003 by the LTTE is one. Forcible cancellation of the National Sports Festival to have taken place in Jaffna in October 2003 is another. LTTE's opposition to the relocation of the Sri Lanka Army (SLA) camp at Ganams and Subhas hotels in the city of Jaffna to the edge of the city is third example. The business community of the Jaffna city has been demanding the closure of the SLA camp in the heart of the city in order to boost business resurgence. Though the SLA agreed to relocate this camp to the edge of the

city the LTTE insisted on total withdrawal and thereby prevented normalcy being restored to the heart of the Jaffna city. The foregoing are some of the naked forcible actions by the LTTE to prevent restoration of normalcy and reconciliation in the past two years of peacetime. Reconciliation and resto-

ration of normalcy in the N&E are anathema to the LTTE because those will deplete its propaganda arsenal.

In the ISGA proposals the LTTE has sought compensation from the GoSL for forcible occupation of private lands by the armed forces in the high security zones and elsewhere. This is a justifiable demand. However, will the LTTE also compensate the Muslim people who were expelled from their habitats in the Northern Province and belongings removed by the LTTE? Further, after the LTTE forced the people of Jaffna to evacuate the peninsula in late-1995 they ransacked the deserted houses. Not only furniture and consumer durables but also windows, doors, and roof tiles were removed and taken away by the LTTE to the Vanni jungles. What military significance did these household furniture, windows, doors, and roof tiles have for the LTTE? Will the LTTE also compensate the private owners of dwellings whose possession they removed? During the forcible evacuation of the Jaffna City in late-1995 the LTTE also removed chemicals, computers, and valuable books from the library of the University of Jaffna. This pillage of the belongings of the University of Jaffna by the LTTE was analogous to the burning of the Jaffna Public Library in 1981 by state-sponsored hooligans and armed forces. Will the LTTE pay compensation to the University of Jaffna? Whilst demanding "parity of status" with the GoSL (Clause 22) will the LTTE apply the same parity of status as regards payment of compensation for past misdeeds during the time of war?

As mentioned at the outset the LTTE should and will be judged by its deeds than by its words whether by the Tamil community or the rest of Sri Lankans or the international community. Therefore, it is high time the LTTE transforms itself into a genuine democratic political organisation and subject itself to public scrutiny by way of referendum or election. Only then they will have legal and moral recognition. Certainly the ISGA proposals are worthy of consideration for a lasting durable solution to the ethnic conflict in Sri Lanka. However, the devolution of powers sought in the ISGA proposal can only be granted to elected representatives of the people of North&East, whether in the interim or in the long-term. □

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Impact of Power struggle on the peace process

Prof. Jayadeva Uyangoda

President Kumaratunga's taking over of three key Ministries of the UNF government occurred just four days after the LTTE unveiled their proposals for an interim self-governing authority. It is unfortunate that the power struggle between Prime Minister Wickremesinghe and President Kumaratunga exploded at such a crucial moment of Sri Lanka's peace process. What the two leaders could have ideally done is to consult each other as to how to respond to LTTE proposals in order to expedite the next phase of peace negotiations. Instead, Mrs. Kumaratunga has chosen a strategy of hostile confrontation. The implications of this unfolding power struggle for the peace process are yet to be seen.

The LTTE proposals for the interim administration seek re-constitution of the Sri Lankan state, within a framework of dual power, in the Northern and Eastern provinces. This vision is conceptualized in the notion of interim 'self-governing' authority. It seeks a fairly advanced form of power-sharing, more than in a regular federal model. The framework of state as envisaged in the Tiger proposals comes closer to a confederation model.

There seem to be three crucial components in the Tiger proposals. First is the setting up of institutions for what they call the interim self-governing authority (ISGA). The scope of powers of these institutions and their relative autonomy from the structures of the Sri Lankan state are clearly conceptualized and elaborated. The second component in the proposals is the broad political-ideological principles within which the LTTE has worked out the basic contours of a negotiated political settlement, from interim to final. These are basically the so-called Thimpu principles, namely, the Tamil nationhood, the right of Tamil nation for self-determination and the unified political unit of the North-East within which the

Tamil self rule should be territorialized. The third component suggests the course of action once the five-year interim period comes to an end.

As many commentators have noted, the LTTE proposals go beyond the existing constitution. This feature of the proposals has also aroused sharp reactions from many critics. But, the LTTE's approach to a settlement to the conflict, whether interim or permanent, is one that envisages re-constitution of the Sri Lankan state. From the militant Tamil nationalist perspective, a credible political alternative to secession and separate state has to be one that is not governed by the limitations of the existing constitution. Besides, both the UNF and PA have also agreed that the existing constitution is inadequate to address the core issues of the ethnic conflict. The PA and President Kumaratunga have even gone to the extent of saying that the existing constitution is an obstacle to making any progress towards a settlement. On that point, the PA, UNF and the LTTE share a common perspective.

The confederationist dimension of the LTTE's perspective on the ISGA gives a maximalist character to the proposals. This has prompted many critics to say that the ISGA proposals are a recipe for separation. In the UNF government's initial response too it was noted that the LTTE proposals carried a fundamental divergence from the government's own proposals.

Instead of dismissing the LTTE proposals as unacceptable, there is an alternative way to look at this issue in order to advance the negotiation process. The LTTE's maximalist proposals are a response to the UNF government's minimalist proposals. Similarly, the LTTE has also addressed core issues of the ethnic conflict and how those core issues should be seen in a settlement from the Tamil nationalist perspective. At least, the LTTE can no

longer be accused of avoiding the core issues. From the perspective of negotiations, the next task is to find a common ground between these two incompatible positions, the minimalist and maximalist. If the two sides are really committed to a settlement, the government cannot go down from its minimalist position as much as the LTTE hopefully cannot go beyond its maximalist position. Since the negotiation positions of the two sides are now on the table and since there is a wide gulf between the two positions, there is indeed enough room for the resumption of negotiations. There is also an enhanced role for the mediator. Mediation and negotiation are necessary not when parties agree, but when they disagree.

Unfolding power struggle

However, the prospects for early resumption of talks are now caught up in the unfolding power struggle in Colombo. Obviously, the UNF administration, deprived of its partial control of the Defense Ministry is now a weakened entity. Its immediate future is also not stable since the President has the option either to re-constitute the regime, or even to dissolve parliament. The political uncertainty that surrounds the fate of the government makes early resumption of talks rather difficult. Actually, the power struggle between the UNF and SLFP leadership, or the rivalry between the two ruling families and the two ruling individuals in Colombo, has now taken precedence over the national priorities. This is Sri Lanka's real misfortune. Sri Lankan people have leaders who push their personal battles to the center of national agenda precisely at a time when the process towards managing the country's ethnic conflict has entered a crucial turning point.

However, President Kumaratunga who has now emerged as the center of both the state and the government cannot ignore the negotiation process or the LTTE's ISGA proposals. Indeed, the moment she took over the three UNF ministries, the LTTE proposals also fell on her table and she cannot now pass the buck, because it has come to stay there as long as she remains committed to her new role in the structure of

governance. This requires her to ignore the advice of some political friends whose company she has recently enjoyed. Working out an agenda for the resumption of political engagement with the LTTE is a crucial and immediate task. As she has already indicated, she will have to abide by the cease-fire agreement.

But the real challenge for Mrs. Kumaratunga will be about how she should respond to LTTE's ISGA proposals. Some of her key advisors have already dismissed them as totally unacceptable. Such a negativist reaction can hardly pave the way for the resumption of talks with the LTTE. The problem with Mrs. Kumaratunga is that most of her constitutional and political advisors think and act on outdated categories concerning the state, sovereignty, devolution and group rights, although she herself has made a significant break from archaic constitutionalist thinking.

President Kumaratunga's other challenge concerning the LTTE proposals is not to let her party to repeat her mother's mistake of 1972. When the Federal Party presented a federalist constitutional framework to the Constituent Assembly, the United Front government of the SLFP, LSSP and CP dismissed that federalist proposal, with no adequate discussion, branding it as a stepping-stone to separation. The lack of political categories of thinking to creatively respond to a federalist constitutional proposal was covered up by a fetishistic attachment to the notions of a unitary state and the unity of the people. Thirty-one years later and after two decades of civil war, the LTTE which has waged war for a separate state, has now come out with their proposals for political unification on their terms.

One may disagree with them. It is also easy to dismiss them as a recipe for secession. But that will be only repetition of the same old mistake that proved itself to be devastatingly costly. Alternatives offered by the Tamils have always been seen by Sinhalese leaders as extremist, non-negotiable and unacceptable. It is now up to Mrs. Kumaratunga, ideally in collaboration with Mr. Ranil Wickremesinghe, to alter that cycle of mistakes. That indeed presup-

poses a paradigm shift in political thinking and vision. Will our leaders stand that test? Events in the next few weeks will provide us an answer.

From conflict to accommodation

The official communiqué about the meeting between the President and the Prime Minister, held recently, has a clinical, matter-of-fact, tone. It does not say much about the substance of their deliberations. Obviously, there is no agreement reached between the two leaders on any of the contentious political issues that have made it necessary for them to meet. One silver lining in an otherwise gloomy picture of this situation is that they have agreed to meet again to continue the 'dialogue.'

Both the President and the Prime Minister are in a crisis of their own making, although they might not perceive it that way. For months, they have been engaged in an exercise of mutual outbidding, working towards a zero-sum outcome in the conflict between the two centres of state power, the presidency and the parliament. What exploded in the open last week is the inevitable outcome of a power-struggle embedded in a multiplicity of contexts.

The dynamics of inter-party competition as well as factional and personal rivalries have emerged in a large-than-life fashion against a background of constitutional impediments to accommodative governance. Somewhat unintended, yet profoundly symbolic, context is the fact that the LTTE had just presented to the government their proposals for re-constituting the entire state structure. The challenge before the President and the Prime Minister now is to manage this conflict in such a way that its potentially destructive consequences are arrested and political stability restored.

The dominant tendency in the two camps immediately after the November 03 showdown has been to continue to seek zero-sum outcomes from the conflict. The two leaders have also been under constant pressure from those around them to further outbid each other by opting for unilateralism. Some of the recent actions of the two leaders are also largely governed by strategies designed for unilateral gains.

In her call for a patriotic grand alli-

ance, the President kept open the option to isolate, attack and even dismiss from office an uncooperative UNF. In his call for the President to take over the responsibility of peace talks, the Prime Minister retained the option of ensuring a disastrous failure for the President. Some of the immediate aides and advisors of the two leaders might prefer continuing confrontation, leading to greater escalation.

It is in this context that the commitment of the President and the PM to continue their dialogue has become important. Indeed, there have been signs of de-escalation particularly from the PA side. The PA Executive Committee's view that the LTTE proposals, though unacceptable, were a basis for negotiations is a way forward from the earlier hard-line position adopted by the SLFP. The Daily News editorials under the new dispensation are not only conciliatory, but also strongly supportive of the peace process.

Meanwhile, among powerful sections of both camps, there seems to be a preference for fresh parliamentary elections. Mid-term elections under normal circumstances would have been a credible option to let a political crisis resolve itself. However, in Sri Lanka's present circumstances, an election campaign is less likely to contribute to political stability.

On the contrary, it may escalate political tension amidst much violence. An election campaign will also force the main contenders to defer any serious consideration being given to the next phase of negotiations with the LTTE. Furthermore, in an election campaign defined by utmost hostility between the UNF and the SLFP, the latter is most likely to take a strongly Sinhalese nationalist stand, in alliance with the JVP, to isolate the former from the Sinhalese electorate. In such a context, the LTTE's ISGA proposals will be transformed into the main criterion of demarcation between the UNF and PA. Passion and hatred, not reason and moderation, would be summoned to make political judgment.

Heightened electoral passion is highly unlikely to provide for the Sinhalese polity a constructive framework for responding to LTTE's proposals. Besides, there are no signs that there

will be an electoral outcome producing a stable regime. Dissolving parliament and holding fresh parliamentary elections is more likely to prolong the present impasse than resolving it.

As it was pointed out at a recently held civil society consultation on the present situation, the crisis also offers opportunities for its constructive management. Such an approach requires from the two sides that they find a framework of accommodation within which not only the present crisis is managed, but also the two major national issues, the peace process and constitutional reform, are effectively addressed.

The centrality of the peace process, despite its intractable nature, to political stability is beyond question. Similarly, the present crisis is largely located in the constitutional framework within which the three main organs of state power - the executive, the legislature and the judiciary - have been pushed into a relationship of confrontation.

In fact, both the President and the Prime Minister are products and victims of the present constitution and there is no reason for victims to fight it out till death. They should emancipate themselves from the shackle. That requires joint action.

Reforming of the present constitution is also at the heart of any meaningful attempt to resolve the ethnic conflict. In fact, almost all the political actors, specifically the UNF, PA and the LTTE, agree that a political solution to the ethnic conflict requires a radical re-working of the 1978 constitution.

The disagreements are about the extent to which one should go. Ironically, the PA and the LTTE have been most radical on this score. In fact, the differences between the LTTE's ISGA proposals and the PA's constitutional reform package of 1995 are much less than the gulf between the LTTE proposals and the UNF government's pro-

posals for an interim administration. Meanwhile, it needs to be noted that long-term resolution of the crisis in Colombo as well as a political solution to the ethnic conflict are both intertwined with a constitutional reform agenda. This is perhaps the immediate goal to which the UNF and PA should now re-direct their energies. A joint constitutional reform committee, co-chaired by the President and the PM, would provide an excellent and creative opportunity for partnership and inclusivity.

A modality of working together for the UNF and PA should be one that does not fall into the trap of either a 'national government' or a 'grand alliance.' Without a concrete programme for political reforms, neither a national government nor a grand alliance can survive its inner contradictions, particularly in a thoroughly fragmented polity like ours. What the PA and the UNF need today is a political framework of accommodation to facilitate collective initiatives for the peace process and constitutional reforms that are central to the success of the next phase of negotiations with the LTTE. Such a framework of accommodation can ideally rest on the analysis that the President's taking over of the Defense Ministry resulted in restoring, to some measure, the political equilibrium between the two rival centres of power in the absence of constructive cohabitation. Perhaps, the UNF might feel that the asymmetrical relationship that earlier existed between the two power centres is now altered in favour of the President. Yet, what is really detrimental to the peace process would be the continuing tension between the President and the Prime Minister, either propelled by the unwillingness of the UNF to accept the post-November 03 equilibrium, or by a PA desire to weaken the UNF in a prelude to a 'patriotic grand alliance' with a multiplicity of

smaller allies. The President's suggestion, made in her TV address to the nation, that the PM should continue to lead the negotiation process while she takes responsibility of national security is a non-starter, because the framework it offers to the PM is responsibility without power.

The UNP's preference to get the defense portfolio back to successfully carry forward the peace process has the self same drawback. It accords the President constitutional responsibility for security without actual power. What the November 03 crisis suggests as an alternative is sharing of both power and responsibility. Power-sharing, along with burden-sharing should be the conceptual premise on which a framework of accommodation can ideally rest. Such a framework will also stabilize the newly effected power symmetry in Colombo, which is crucial to carry the peace process forward in its forthcoming phase.

Can the PA and UNF agree on a moratorium of hostilities seeking partnership in the peace and constitutional reform processes? If they can, it would be an important first step towards constructive political engagement in the South. Because it will create an atmosphere for re-stabilization through de-escalation of tension and dialogue between two leaders who represent equally powerful, and rival centers of power.

The next step will involve working out of the much needed framework of accommodation through dialogue. This essay has already suggested some measures necessary for such a framework. The democratic civil society as well as the international community would certainly be there to share the burden for working out creative options.

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Concessions and compromise crucial to avert showdown

Gaston de Rosayro

From both outside and internally the political developments in Sri Lanka are being viewed with concern.

President Chandrika Kumaratunga using her Executive prerogative has suspended parliament, sacked three ministers. The President's startling move, likened by some observers to a constitutional coup d'état has deservingly made global headlines and is continuing to do so.

Still many were taken totally unawares by the Presidential move, although several analysts maintain that such an action was not totally unexpected. Observers argue that Mrs. Kumaratunga's sudden attempt to destabilise her main political rival, Prime Minister, Ranil Wickremesinghe, while he was away in Washington to meet the United States President, George Bush, was fairly predictable considering the many ground realities of her own predicament.

Nonetheless there is cause for concern that the nation's deepening political crisis could impede the fragile peace negotiations between the Government and Tamil Tiger rebels. Not unexpectedly, the world of diplomacy and the country's concerned inhabitants reverted to prayer in the hope that the situation would not provoke a constitutional crisis that would send it plunging into a hopeless political confrontation. But judging by the visiting prime minister's calm reaction in Washington, as witnessed on the foreign TV news bulletins, many would have imagined that the looming crisis had been blown entirely out of proportion.

While the panicky feathers began flying in the Government dovecotes as if the sky appeared to have fallen in, Mr. Wickremesinghe absorbed in his diplomatic mission to the White House appeared to take the whole political reversal lightly in his stride. Undeniably, the Sri Lankan premier's deportment could hardly have been measured as the fearful image of a political leader under siege. And his demeanour while fielding questions from arguably the world's most elite press corps appeared to be the epitome of equanimity.

Downplay

Indeed, his infuriating smirk and his patronising attitude served to downplay the events to a degree that made them seem not as earth-shattering political developments but rather as some juvenile parish-pump infractions that he would take care of on his return to Colombo.

He lay emphasis on his party's majority in the legislature and said the Government was stable and would go ahead with its promised reforms. He also made light of the developments, reminding the international media that such storms in his neck of the political woods were the rule rather than the exception.

Even now, several commentators continue to stress that Mr. Wickremesinghe has found himself in a dither, to say the least. They may have a point there. Still, many have not given him adequate recognition for his composed and commendable organizational ability as a skillful political tactician. All the same, many analysts assert he was sculpted in the replica of his granduncle and political guru, president Junius Richard Jayewardene.

Not surprisingly, more than a few of his late mentor's foxy uniqueness appear to have rubbed off on him. Not the least among them both the "Old Man's" political proficiency and the ability for unruffled manoeuvring even in the course of the most serious crises.

In similarity to the late president Jayewardene, who was never known to have lost his sangfroid, Mr. Wickremesinghe too has become a major imponderable. Many of his party insiders concede that often there is no way of knowing what is going on inside that stylishly coiffured head.

Throughout his tenure as prime minister, Mr. Wickremesinghe has been relying on staying power and composed dialogue rather than plumping for rash discourse or provocation against both the rebellious Tamil Tigers and his southern political detractors.

Certain discerning observers contend that up to now he has made all the right moves to ensure that his party holds fast to its well-earned political profits rather than pursue a worthless campaign of vengeance against his adversaries.

Without a doubt, his critics insist that he has often remained content during times of crisis to desist from making any moves at all. That is why, they claim disparagingly, he cannot be accused of making a false step.

The Government has accused Mrs. Kumaratunga of "gross abuse of presidential powers". Indeed, the Presidential action, which is within the Executive's authority, came three days after the Tamil Tigers released a plan for power sharing which her party claimed would lead to a divided country.

Speaking on national television, the President said she had exercised her legal authority "to safeguard the interests of the country".

The Government rebutted the presidential claim as complete eye-wash, pointing out that there wasn't the slightest need for concerns over national security. Besides, it claims that the whole world is aware that there is absolutely no necessity to justify declaring a state of emergency.

But there has been speculation that the real reason behind the constitutional commotion is that the ruling party has been engaged in a secret mission to oust the president in parliament later this month. Some secret that!

The alleged plan by key ministers involved the presentation of an impeachment motion against the President following an impeachment motion against the Chief Justice Sarath N. Silva which was tabled in parliament on Tuesday.

Analysts conceive the President's gambit as a knee-jerk defensive reaction to ensure her political survival. At present, the air is thick with talk of denigration and challenges. This includes the accustomed portion of bluff and bluster from both big party heavyweights relating to the rounding up of legislative votes as well as threats of impending defections.

Impasse

Compounding the complexity of the problem is the constitutional impasse in which the President, who is the also leader of the main rival opposition party is considered the Government's arch-enemy. Clearly there is bound to be obvious conflict between the two hats she wears.

Not unnaturally, the Government since it assumed office has been whining continually that its every attempt to achieve social and economic reforms while being focussed on forging a national peace accord has been thwarted

at every turn by presidential caprice.

Many of its hawks have been affirming that it is about time some of those presidential powers were removed. Doing so would be an essential part of their strategy in dislodging an insufferable constitutional obstruction that cannot be endured any longer. However, it is not for want of trying that it has not been able to untangle the constitutional enigma. In the UNF's eleventh year of office in October last year, two of its constitutional amendments were crumpled by a Supreme Court decision.

The essential component of the 19th Amendment had been to pre-empt Mrs. Kumaratunga from harbouring any ambitions to use her sweeping Executive powers to provide the Government with a sturdy kick in the behind by dissolving parliament after it ended its 12 months in office on December 5 of that same year.

The 18th Amendment introduced by the Cabinet which concerned the Conscience Voting Bill dealing with providing immunity for members of the con-

stitutional council had been completely kayoed by the Supreme Court in its entirety.

The exhausting political confrontations between the Executive and the legislature have been continuing far too long. But consider as well the present Executive's vulnerabilities:

The constitution precludes Mrs. Kumaratunga from contesting the presidential election in 2005, following the end of her second term as the elected Executive President. She is also evidently conscious that a parliamentary poll will not bring her opposition alliance the possibly hoped for results.

Few observers have any doubts over who will win in the event of a general election being called, or as a matter of course, a presidential poll.

Mrs. Kumaratunga's best gamble for her continued political existence would be to form a national government that would ensure her a two-thirds majority in parliament. That would be the only possible way that she as the present incumbent of the office would be able to

abolish the executive presidency before the 2005 presidential poll and arrange to remain as the country's political "maharane".

The entire political presentation that has become international drama has also provided some delectable grist for the rumour mill that is very much a part of the country's culture. The local phone lines were buzzing busily with some of the most incredible gossip being bandied around.

While the nation and the world watches the enfolding political drama with trepidation, it will all the same convey the fervent hopes of all peace-loving people that a senseless face-off might be averted by saner counsel and compromise. Because this is a juncture in which the nation is engulfed in perhaps its darkest hour.

It is a time of unprecedented crisis where sensible heads and conciliatory concessions are required from all our political leaders. That is the sort of urgency the imminent crisis demands.

(Daily Mirror, 10/11/2003)



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\$649m aid committed to Northeast: Oct 14 – “The World Bank, the Asian Development Bank, UNHCR, UNICEF, UNDP, the World

Food Program, the European Commission, Australia, France, Germany, Italy, Japan, Netherlands, Sweden, the United Kingdom and the United States have committed a total of US\$ 649 million to the North East to date. The donor community stands ready to support reconstruction and recovery in the conflict-affected areas,” said a joint donor press release issued from the offices of Worldbank in Colombo today.

The press release added: Sri Lanka now has a rare opportunity to strengthen peace, reduce poverty and broaden the space for economic development. The road to Jaffna was reopened after 12 years, the economic embargo on LTTE-held areas lifted last year and large tracks of land de-mined. 311,000 IDPs have returned to their homes since the ceasefire. This represents 40% of the internally displaced population registered in January, 2002 and over 50% of the IDPs who had indicated a willingness to return to their homes in a joint Government-UNHCR survey conducted in mid-2002.

The donor community pledged increased financial resources for relief and reconstruction in the North East in response to a joint Government-LTTE appeal in Oslo in November, 2002. 55 schools and 25 health facilities have been reconstructed using donor funds. Another 93 schools, 90 health care centers and 75 office buildings in the North East have been identified for repair in 2004 using US\$ 12 million of international resources. 45 kilometers of the A-9 highway have been rehabilitated and work on the remaining 50 kilometers almost complete. Donor resources financed the repair of 238 kilometers of rural roads, 108 irrigation tanks and 156 wells. 32,734 IDP families received the donor-financed Unified Assistance Scheme cash grant of Rs 25,000 as at September 30, 2003.

Death for Dalada bombers: Oct 15 A Sri Lankan court handed down the death sentence to two men for organising the 1998 bombing of the country’s holiest Buddhist shrine, which killed 23 people.

The High Court in the central town of Kandy sentenced Muthysamy Dharmalingam and Krishnasamy Ramachandra, both from the minority Tamil community, for their involvement in the January 1998 bombing. It sentenced another man to 20 years in jail and freed a fourth, a court official said. All the men were accused of staging the truck bombing of the Temple of the Tooth in Kandy.

The bombing of the World Heritage site outraged Sri Lankans as well the international community. A few days afterwards the Sri Lankan government outlawed the LTTE, which was held responsible for the attack.

The men can appeal against the sentence. The country has not carried out capital punishment for more than 27 years and death sentences are automatically turned into a life term in prison.

TNA meets Indian Foreign Minister: Oct 15 - The visiting Indian Foreign Minister, Mr. Yaswant Sinha, told the

NEWS TRACK

Tamil National Alliance that the Indian government would extend its support to all efforts taken to find a peaceful political solution to the

island’s ethnic conflict through democratic means, safeguarding human rights and based on the concept of multi-racial country, TNA sources said.

TNA parliamentary group leader and Secretary General of Tamil United Liberation Front, Mr.R.Sampanthan, met Mr.Yaswant Sinha Tuesday at a dinner hosted by the Indian High Commission for the visiting Minister. Both held discussion about the present peace process, TNA sources said.

Mr.Sampanthan told the Indian minister that the Liberation Tigers of Tamil Eelam (LTTE) has been actively participating in the current peace process with dedication and with genuine interest in finding a peaceful political solution and the proposed Interim Administrative structure has been designed as a vehicle to take forward the peace process to find a permanent political solution.

Canadian FM visits Jaffna: Oct 16 – “I have come to Jaffna today to see first hand the devastation wrought by the long and tragic conflict, and to gain better understanding of the ground realities,” said Canadian Foreign Minister Mr. Bill Graham, addressing a press conference Thursday at the UNHCR office in Jaffna. “Canada’s major foreign policy objective with regards to Sri Lanka is to promote a permanent political settlement of the conflict between the government and the Liberation Tigers of Tamil Eelam (LTTE),” said Mr. Graham. He said that he met with the Security Forces commander and leaders from “a broad section of civil society people who have lived in the region throughout the conflict, and who are dedicated to assisting the population rebuild shattered lives.”

“In my meeting with the military commander, I discussed the complex military situation in the High Security Zones. The government is now working on this issue. They have some security concerns regarding resettlement in high security zones,” said Mr. Graham in reply to a question.

“I have come to Sri Lanka at this critical juncture in the peace process to underline Canada’s strong and continued support for peace,” said the Canadian Minister, adding that a “negotiated settlement is the only way to secure lasting peace. A negotiated settlement must satisfy the legitimate aspirations of all Sri Lankans regardless of language, ethnicity or religion.”

“Canada has long experience with federalism. We have learned how peoples of diverse language, ethnicity and religion can live and prosper together. I believe that some form of federalism, tailored to Sri Lanka’s unique circumstances, offers the most viable political solution. For the past year, the Canada-based Forum of Federations has been sharing knowledge and expertise on federal options with all parties to the peace process. The Government of Canada has been funding this work, and I am pleased to announce today that Canada will continue such support, as long as the parties find it useful,” said Mr. Graham.

“The LTTE must actively re-engage in peace talks, and

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once back at the table, stay the course," he stressed adding that the legitimate aspirations of the Tamils - indeed all Sri Lankans— to live in peace and dignity would only be served by a negotiated settlement. "Canada has a direct interest in the peaceful resolution of conflict in Sri Lanka. The conflict here has had a direct impact on Canadian society. More than 200,000 people of Sri Lankan origin now call Canada their home. We have welcomed them and they have enriched our society. There are now close ties of family, friendship and business between our two countries."

LTTE delegation meets Norwegian FM: Oct 16 - The LTTE's peace delegation led by the head of the organization's political wing, Mr. S.P. Mr. Thamilchelvan, met with the Foreign Minister of Norway, Mr. Jan Petersen, Thursday at the Royal Norwegian Foreign Minister.

The Norwegian delegation included the special peace envoy for Sri Lanka, Mr. Erik Solheim, and advisor Lisa Golden.

The LTTE's Special Commander for Batticaloa-Ampara, Col. Karuna, was part of the delegation. The general secretary of the LTTE's Peace Secretariat, Mr. Pulithevan, and the deputy head of the LTTE's Women's political wing, Ms. Thamilvili, also took part in the meeting with the Norwegian Foreign Minister.

Mr. Petersen wanted to know in detail the progress made so far in formulating the Interim Administration proposals and requested Mr. Thamilchelvan to brief him on the current political situation, LTTE sources said. According to the sources, Mr. Thamilchelvan told Mr. Petersen that while the LTTE's Interim Administration proposals formulated in Paris were under review by the leader of the LTTE, Mr. V. Pirapaharan, the LTTE found that certain amendments were necessary, and therefore had to conduct further deliberations with experts from the Tamil Diaspora who initially helped formulate the proposals.

According to sources, Mr. Petersen expressed keen interest in the details and showed his understanding of the ground situation in the Northeast. "Norway, as the facilitator, will take all possible measures to bring about a conducive environment for the resumption of talks and the eventual resolution of the conflict," Mr. Petersen told the LTTE delegation.

Hakeem meets Indian FM: Oct 16 - Mr. Rauff Hakeem, the leader of the Sri Lanka Muslim Congress and a Minister in the United National Front Government, met with the visiting Indian Foreign Minister, Mr. Yashwant Sinha and told the latter that it was of paramount importance to safeguard Muslim interests in the proposed Interim Administration for the Northeast, sources said.

Mr. Hakeem, who met with Mr. Sinha at the dinner hosted by Indian Highcommission in Colombo for the visiting Minister, explained his party's stand and said his party would not compromise its demands, the sources said.

He said that he was happy to note that India was showing concern that all communities should benefit from a solution, and added that he was awaiting the counter-proposals of the Liberation Tigers to study the proposals and provide his suggestions and opinions.

Defence deal with Delhi: Oct 22 - Sri Lanka's usually squabbling main parties united in a rare display of unity to support increased defence and economic cooperation with neighbouring India.

President Chandrika Kumaratunga's party which is bitterly opposed to Prime Minister Ranil Wickremesinghe welcomed the outcome of his two-day visit to New Delhi where both countries agreed to enhance their trade and military ties.

A spokesman for Kumaratunga's Sri Lanka Freedom Party (SLFP) also welcomed India's support for the island's peace effort by linking any interim arrangement to the final solution of the conflict. "We welcome the statement released at the end of the visit," Sarath Amunugama said referring to the three-page joint statement which outlined economic cooperation and agreed to open discussions on a defence cooperation agreement.

The two countries already have close military ties, with India providing training to members of the Sri Lankan security forces as well as the police. Sri Lanka wants more training opportunities and to buy hardware from India. Following Wickremesinghe's talks with his Indian counterpart Atal Behari Vajpayee and other key ministers, the two sides on Tuesday pledged to forge defence ties and work towards a Comprehensive Economic Partnership Agreement. The two South Asian neighbours made other announcements on more civilian flights and the prospect of licensed fishing in a bid to avoid fishermen from the two countries poaching in each other's waters.

"The two prime ministers discussed the ongoing cooperation in training and supply of equipment to the Sri Lankan defence forces and agreed that the two sides will commence discussions with a view to conclude a defence cooperation agreement at the earliest," a joint statement said. The statement did not give details such as dates for the beginning of the negotiations or a time-frame for the forging of the programme, but defence officials here said talks on enhancing training were already underway.

The Colombo government and the LTTE have been observing a Norwegian-backed ceasefire since February last year. Peace talks have been suspended since April, but the rebels said this week they were ready to resume talks.

Police block demonstrators: Oct 22 - The Eastern Peoples' Front held a hartal (general shutdown) and demonstration in Trincomalee town against the presence of the Sri Lanka Monitoring Mission and the establishment of an Interim Administration for the northeast province. However the Police did not allow the demonstrators reaching the SLMM office, which is located along the Inner Harbour Road.

Only shops belonging to Sinhalese were seen closed in response to the hartal call. Shops belonging to Tamils and Muslims were found opened. Schools functioned as usual. Work in the government offices were not disrupted. In short, normalcy was not disrupted in Trincomalee town, media sources said.

The anti-peace demonstration commenced from the fourth milepost on the Trincomalee-Kandy road Wednesday morning. Around 12.30 p.m. it reached the town and then proceeded towards the office of the Sri Lanka Monitoring Mission which is located along the Inner Harbour Road

via Dockyard Road and Post Office Road.

Protestors shouted slogans in Sinhala and Tamil languages, accusing the Prime Minister and the SLMM of joining hands to hand over the northeast to the LTTE in the name of establishing interim administration.

The police immediately barricaded Inner Harbour Road at the junction very close to the SLMM office by keeping two Police lorries across the road when the demonstrators attempted to go to the SLMM office with an effigy of the SLMM head in Sri Lanka, which they carried, from the start of the demonstration. Police riot squad was at the scene in preparedness to quell any disturbances if the demonstrators disobeyed their order, Police said.

As the Police were strict in their position, demonstrators abandoned the idea of going to the SLMM office. Later they tied the effigy with the electric post located at the scene and set fire to it amid shouts that the SLMM should immediately go home instead of aiding and abetting the LTTE to achieve its separate state in connivance with the United National Front government led by Prime Minister Mr. Ranil Wickremasinghe. Thereafter demonstrators dispersed from the site peacefully, the sources said.

President wants SLMM head sacked: Oct. 23 - President, Ms. Chandrika Kumaratunge, has requested the Norwegian Prime Minister to remove the head of the Sri Lanka Monitoring Mission, Major General (ret.) Triggve Teleffsen, immediately from his post, saying his actions have caused serious doubts in the implementation of the ceasefire agreement, the Presidential Secretariat said.

Ms. Kumaratunge has written to the Norwegian Prime Minister following the allegation made by the Sri Lanka Navy commander that the SLMM had thwarted an attempt by the Navy to capture a ship of the Liberation Tigers of Tamil Eelam (LTTE) that, the Navy alleges, had been carrying arms during the previous week. According to the sources, the President has informed the Norwegian Prime Minister that the SLMM head was not impartial, and his action regarding the security of her country was not satisfactory.

SLFP protest demonstration: Oct 24 - Thousands of people participated in the demonstration organized by the main constituent of the opposition People's Alliance, the Sri Lanka Freedom Party (SLFP), against the United National Front (UNF) government of Sri Lanka Friday in Colombo, saying the UNF was paving the way for the division of the country. Demonstrations began from five corners of the city at Sugathathasa Stadium, Chandra de Silva Stadium, Henry Pedris Stadium, Campbell Park and Bandaranaike Memorial International Conference Hall.

Leader of the Opposition, Mr. Mahinda Rajapaksa, Parliamentarians Mr. Anura Bandaranaike, General Anuruddha Ratwatte, Mr. Mangala Samaraweera and several leading members of the SLFP were seen leading the demonstrations.

Several demonstrators shouted slogans and carried banners and placards blaming the UNF government for signing a ceasefire agreement with the Liberation Tigers of Tamil Eelam (LTTE), which they said was a 'betrayal of the nation'.

SLMM monitoring will continue: Oct 25 - The Sri Lanka

Monitoring Mission (SLMM) in Sri Lanka said that the President's letter asking the Norwegian Prime Minister to remove the SLMM head would not affect the SLMM monitoring activities in the island, the State controlled Sri Lanka Broadcasting Corporation reported in its evening news broadcast quoting the SLMM spokesperson Ms Agnes Bragadottir.

With the President's letter to Norwegian Prime Minister requesting the removal of the SLMM head, some sections of the media carried reports that the SLMM would withdraw from ceasefire monitoring. "The media reports concerned are unfounded," Ms. Bragadottir said.

President's letter would not affect the monitoring activities of the SLMM in Sri Lanka. Monitors would continue to discharge their duties without any interruption, SLMM spokesperson Ms Agnes Bragadottir reiterated according to the SLBC news broadcast.

SLMM spokesperson declined to comment on the President's letter on the removal of SLMM head. But she said the response to the President's letter would be made by appropriate branch of the Norwegian government.

Exports increase: Oct 26 - Sri Lanka's exports jumped by 11 percent and imports increased by nine percent in the first eight months of the year but the trade deficit also widened, the Central Bank said Monday.

Export earnings up to August were 3.341 billion dollars, compared with 3.009 billion recorded during the corresponding period in 2002, the bank said in a statement.

It said imports cost 4.217 billion dollars, up from 3.876 billion dollars in the first eight months last year.

The trade deficit in the first eight months of 2003 widened to 876 million dollars, up 10 million dollars from January-August 2002.

"Nevertheless, increased foreign exchange inflows due to growth in tourism, port services, private transfers and capital account flows increased foreign exchange liquidity (and) enabled the Central Bank to purchase 258 million dollars from the market during the first eight months of 2003," the bank said.

Sri Lanka is targetting Gross Domestic Product growth in 2003 of at least six percent, up from four percent last year, on the back of a ceasefire with Tamil Tiger rebels that has held since February 2002.

Norwegian FM responds to SL President: Oct 29 - The Norwegian Foreign Ministry in a press release today said that the Foreign Minister, Mr. Jan Petersen, had responded to the letter from Sri Lanka's President, Ms. Chandrika Kumaratunga, in which she referred to incidents on October 16, 2003, involving the Norwegian-led Sri Lanka Monitoring Mission (SLMM). The response described the steps the Government of Norway (GoN) would take in response to her complaints and said that the SLMM would continue its monitoring without change while the GoN looks into the complaints of Ms. Kumaratunga.

It was earlier reported on October 26 that Ms. Kumaratunga had requested the Norwegian Prime Minister, Kjell Magne Bondevik, to remove with immediate effect the Head of the SLMM, Maj. Gen. (Retd.) Tryggve Tellefsen. Ms. Kumaratunga had also sent written instructions on the

same day to Commanders of the Army (Lt. Gen. Lionel Balagalle), the Navy (Vice Admiral Daya Sandagiri) and the Air Force (Air Marshal Donald Perera) on Friday, that they need not take instructions or advice from Maj. Gen. Tellefsen.

Mr. Petersen said in his response to Ms. Kumaratunga's letter that he would await the reports of the inquiry the Government of Sri Lanka had launched into the October 16 incident and carefully study it and also undertake a separate examination of the issues concerning the Sri Lanka Monitoring Mission.

The full text of the press release follows:

"The Norwegian Minister of Foreign Affairs, Mr Jan Petersen, today replied to a letter of 23 October 2003 from the President of Sri Lanka, Ms Chandrika Kumaratunga, regarding a reported incident on 16 October 2003 involving the Norwegian-led Sri Lanka Monitoring Mission.

"In his letter Jan Petersen informed the President of Sri Lanka of the steps that Norway will take in this matter and referred to the inquiry the Sri Lankan Government has launched into the reported incident.

"Jan Petersen said he will study carefully the report of the Government of Sri Lanka and also undertake a separate examination of the issues regarding the Sri Lanka Monitoring Mission.

"Further, Jan Petersen stated that in this process he will consult closely with the governments of Denmark, Finland, Iceland and Sweden, which participate in the Sri Lanka Monitoring Mission, in order to jointly assess the situation and the implications for the presence of the international monitors in Sri Lanka.

"Jan Petersen has asked the head of the Sri Lanka Monitoring Mission, Major General (ret.) Tryggve Tellefsen, to be available for these discussions, including meetings with the Nordic governments.

"The Government of Sri Lanka and the Liberation Tigers of Tamil Eelam will both be consulted as parties to the ceasefire agreement, under which the establishment of the Sri Lanka Monitoring Mission was agreed.

"Jan Petersen confirmed that the Government of Norway remains committed to facilitating the peace process in Sri Lanka at the request of both parties., - adding that, the Sri Lanka Monitoring Mission will continue to monitor the ceasefire agreement, upon the parties' request, while we look into the incident."

LTTE submits IA proposals: Oct 31 - Mr. S. P. Thamichelvan, Head of the Political wing of the LTTE today submitted the Interim Administration (IA) proposals to the Norwegian Ambassador in Sri Lanka, Mr. Hans Brattskar, at Kilinochchi in northern Sri Lanka. Mr. Brattskar arrived in Kilinochchi by SLA special aircraft and returned to Colombo the same day with the LTTE proposals. The proposals were submitted to the Government of Sri Lanka the same evening.

Documentary on 'Volcanic Birds': Nov 2 - A documentary video production labelled Akkini Paravaikal ('Volcanic Birds') depicting the evolutionary growth of the women Tiger movement, including the early experiences in the battle field, training methods used and social difficulties faced by fighters within the conservative Tamil society, was released in Kilinochchi on November 1, LTTE sources in Vanni said.

Senior Commander Col. Balraj, who is generally credited with first deploying women fighting groups in the suc-

cessful attack against Mankulam camp in 1990, said that women Tigers have shown that they are equal to men in battlefield. Women Tigers have contributed immensely to LTTE's military successes, he added. The video documentary will help to inform our people and our future generations of the historic changes brought about by Tamil women in battle, Col. Balraj said.

Athiluxmy Sivakumar from Voice of Tigers, Senior LTTE member V. Balakumaran, and Ms. Arulanantham from University of Jaffna also spoke. Head of LTTE Women's Political Wing, Thamilini, speaking at the event described how the Tamil society is continuing to change as achievements of women tigers help to break dogmas rooted in Tamil society. Head of the Martyr's office of the Liberation Tigers of Tamil Eelam (LTTE), Mr. Pon Thiyagam, and Mrs. Thiyagam lit the ceremonial lamp. Senior Women fighter and Director of Sencholai Children's Home, Sudarmahal, hoisted the Tamil Eelam flag. Head of the LTTE's Nitharsanam Television section, Pramila, presided the ceremony.

Deputy Head of LTTE Political Section, S. Thangan, presented awards to the producers, artists and technical personnel who produced the video. The event concluded at 10pm after Uthayaluxmi who produced the script with Neriyaikai and Serumathi, gave vote of thanks.

Rotary housing project for IDPs: Nov 2 - A housing project comprising thirty-five houses constructed at a cost of about 3.46 million rupees for the returnees of internally displaced Tamil families implemented by the Trincomalee Rotary Club with the financial assistance of German Technical Co-operation (GTZ) was declared open at Varoethyanagar, a suburb in Trincomalee town by the Rotary Governor Mr. Gamini Jayawardene.

GTZ, a company owned by the Government of the Federal Republic of Germany is one of the official planning and implementation agencies for the official German Development Cooperation.

Mr. Gamini Jayawardene with the team leader of the GTZ-Integrated Food Security Programme (IFSP) in Trincomalee Dr. Genitz Dedo declared open the newly constructed first house in the project which belongs to Ms Sittampalam Chandra Devi, a widow mother of five children, all are girls. Trincomalee Rotary Club President Mr. R. Rajarammohan handed over the keys of the house to her.

With the ceasefire agreement came into force displaced from Varoethia Nagar are returning to their lands and constructing temporary huts as they have no means to put up permanent dwellings. Trincomalee Rotary Club has again come to the rescue of the villagers by formulating a project to build permanent houses with the financial assistance of the GTZ organization.

Each house, which costs about one hundred thousand rupees, has been constructed in a four hundred square feet plot with two rooms and a kitchen. The GTZ organization contributed eighty percent of the cost and the beneficiary the balance money to complete the work by his participation.

NPC on LTTE's ISGA proposals: Nov 2 - Noting "a great deal of effort has gone into formulating the proposals with the assistance of both local and international expertise and is indicative of a serious approach to dialogue and to the peace process", the National Peace Council (NPC) of Sri Lankan peace group, in a media release issued in Colombo

today said that "the LTTE has given concrete form to its expectations in a manner that is essentially compatible with peaceful coexistence in a united Sri Lanka".

The full text of NPC's media release follows:

The National Peace Council welcomes the LTTE's presentation of its proposals for an interim administrative structure is an important step forward in the peace process. We acknowledge that a great deal of effort has gone into formulating the proposals with the assistance of both local and international expertise and is indicative of a serious approach to dialogue and to the peace process. With its proposals for an Interim Self Governing Authority, the LTTE has given concrete form to its expectations in a manner that is essentially compatible with peaceful coexistence in a united Sri Lanka.

The LTTE proposals lay emphasis on the importance of incorporating standards of human rights, accountability and multi-ethnic representation in its proposed Interim Self Governing Authority. Translating these proposals into workable mechanisms for the north east is a challenge to the LTTE, and the rest of the Sri Lankan polity. There is also a challenge to find ways to link the new institutions proposed by the LTTE with existing and reformed national institutions in a manner compatible with a united framework of governance.

The LTTE's position that its proposals are open to dialogue and discussion at the negotiating table is an extremely constructive one. In any situation of conflict what might seem reasonable and just to one party to the conflict might seem threatening and unfair to other parties. The government has already pointed out that there are certain fundamental differences between the LTTE's proposals and its own. We welcome the government's statement that the LTTE's proposals constitute a basis for discussions and look forward to the resumption of government-LTTE peace talks in the near future.

Proposal merits no discussions – JVP: Nov 2 - The Janatha Vimukthi Peramuna (JVP) said that the interim administrative structure proposal submitted by the Liberation Tigers of Tamil Eelam (LTTE) deserves no discussions with any one and should be thrown into waste paper basket. The JVP pointed out that the proposal contained all powers required for a separate state in the island, media sources in Colombo said.

Addressing a press briefing in Colombo JVP Secretary General Mr. Tilvin Silva said the interim self-governing authority (ISGA) proposed by the LTTE would pave the way for a separate state. The LTTE proposals formed the foundation for Tamil Eelam in the country.

LTTE has used its powers to get what it wanted and it seemed the government was again ready to accede to LTTE requests, he said. He added that the LTTE proposals have gone beyond the devolution process in India and the government has succumbed to the pressure of the LTTE. JVP parliamentary group leader Mr. Wimal Weerawansa said he hoped to launch a program jointly with other political par-

ties which oppose LTTE interim administrative structure proposals.

U.S. supports resumption of talks: Nov 3 - Applauding the Norwegian government for its ongoing facilitation efforts, the U.S. Embassy in Sri Lanka in a statement issued today in Colombo, said that it also believed that "it is possible for both sides to reach agreement on an interim administration which, over time, must lead into a permanent peace settlement".

In a press release the Embassy said, "The U.S. Embassy has taken note of the LTTE's delivery of counterproposals made in response to the Sri Lankan Government's interim administration proposal for the North and East. The Embassy urges both parties to build on this step by resuming negotiations in a timely manner.

With a constructive approach and willingness to compromise, we continue to believe that a negotiated solution to the conflict is possible.

We also believe that it is possible for both sides to reach agreement on an interim administration which, over time, must lead into a permanent peace settlement and governmental structure, in keeping with the principles and statements put forward in Oslo and Tokyo. We salute the Norwegian government for its ongoing facilitation effort."

Hakim to prepare alternate proposals: Nov 3 - The leader of the Sri Lanka Muslim Congress and Minister Mr. Rauff Hakim said that he did not want to comment on the Interim Self-Governing Authority (ISGA) proposals made by the LTTE, adding however that he would submit alternate proposals to meet the aspirations of the Muslims in the north-east.

Mr. Hakim added that he would be meeting all Muslim parliamentarians on Wednesday and would formulate the alternate proposals to the ISGA of the LTTE. He would submit his proposals to the government and to the LTTE through Norwegian facilitator after holding discussion with Norway's Deputy Foreign Minister Mr. Vidar Helgessen who is due in Colombo on November 10.

SLFP's "grave concern" over LTTE proposals: Nov 4 - SLFP issued a long statement today condemning the Tamil proposal for Interim Self-Governing Authority. "The SLFP, and the millions who support it, will never be a party to robbing the people of Sri Lanka of their sovereignty. The SLFP will not allow any international consortium or "safety net", in the name of a spurious, unjust peace, to foist on the people of Sri Lanka any extra Constitutional arrangement that is not acceptable to all the People, all the communities that inhabit our land" said the statement.

The statement also said that the party "wishes to reiterate, on behalf of the people of Sri Lanka, its total and permanent commitment to the sovereignty of the Republic. Our Constitution declares that sovereignty is in the People, it is inalienable and indivisible: it is ours; it belongs to us. It is not a tradeable commodity to be weighed in the balance of expedience."

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Need for change in the law

T. R. Andhyarujina

THE ACTION of the Tamil Nadu Legislative Assembly, of punishing the editors and journalists of *The Hindu* for publishing reports of speeches in the Assembly and for editorial comments on its action of referring those reports to its Privilege Committee, raises in acute form the perennial problem of the protection of the freedom of speech and the Press from arbitrary exercise of the power of punishing for contempt possessed by the Legislature.

So far, the pronouncements of the Supreme Court in the *Searchlight* case (1959) and *Keshav Singh's* case (1964) appear to hold that freedom of speech guaranteed by the Constitution is subordinate to the right of the Legislatures to exercise their privilege to punish persons for writings that bring them into contempt.

This question now requires to be reconsidered by the Supreme Court in the context of its later day evolving jurisprudence - of expanding judicial control over all functionaries under the Constitution, howsoever high they may be - its activism in protecting the fundamental rights enshrined in the Constitution, and the practical abandonment of the exercise of such contempt powers by the House of Commons itself whose medieval powers and immunities are said to be the root and justification for the existence of such powers in our Constitution.

The justification for retaining parliamentary privileges in modern times is their ancillary character, that is, without them the Legislatures cannot discharge their functions, and any action that impedes their functions is a breach of privilege. The right of a member of the Legislative Assembly to freely speak in the Assembly is also a privilege, and any action that prevents such a right is a breach of privilege.

But the Constitution equally recognises that the fundamental right of freedom of speech of an individual (which includes freedom of the Press) to speak and write freely and reasonably criticise matters of public importance, including proceedings in the Legislature and the conduct of its members. In the exercise of this fundamental right to reasonably criticise the action of the Legislature, the Press does not "impeach or question the debate or speech in the Legislature", which is the ancient privilege given to the English House of Commons by the Bill of Rights in 1689. Nor does it bring the Legislature and its members into disrespect.

If the Press is punished for contempt of the Legislature when it exercises its fundamental right to report and criticise the actions of the Legislative Assembly and its members, as *The Hindu* did, no newspaper will be able to function for fear of contempt. Taken with the claim of the Legislatures as part of their privileges to have exclusive cognisance of the legitimacy of their actions for punishing for contempt, and immunity from any judicial review of the actions, this would be a prescription for unbridled autocracy, arbitrariness and negation of the rule of law.

There is good ground for believing that the Supreme Court mistakenly gave overriding powers to Legislatures in the exercise of their privileges over the fundamental right of freedom of speech in the *Searchlight* case in 1959, which was followed in *Keshav Singh's* case in 1964. But *Keshav Singh's* case itself exploded the theory that the exercise of the Legislature's right to punish for contempt was absolute and uncontrolled as it held that any action of the Legislature was examinable by the Court if it was violative of the funda-

mental right to freedom embodied in Article 21 (right to life and personal liberty) of the Constitution.

Since *Keshav Singh's* case, the Supreme Court has asserted judicial review in manifest ways over every authority under the Constitution. The highest legislative function of Parliament in making constitutional amendments is now subject to judicial review. Article 21 of the Constitution is now judicially construed in the widest amplitude to include many freedoms unrelated to freedoms of the person. Decisions of Speakers of Legislative Assemblies are subject to judicial review in matters of disqualification of members. The President's prerogative of pardon can be examined by courts. As Justice P.N. Bhagwati pithily put it in one case "Every organ of the government, be it executive, legislature or the judiciary, derives its authority from the Constitution and it has to act within the limits of its authority. No one, howsoever highly placed, and no authority, howsoever lofty, can claim that it shall be the sole judge of the extent of its power under the Constitution".

The powers of commitment to prison were once described in England as "the keystone of Parliamentary Privilege". It has now fallen into disuse. The last person to be committed by the House of Commons was Bradlaugh in 1880. The Joint Parliamentary Committee recommended in 1999 that Parliament's power to imprison persons, whether members or not, who are in contempt of Parliament should be abolished.

It has been suggested that the Legislature, by not defining the extent of its privileges, which it is obliged to do, is facilitating its unbridled power of punishing for contempt. This is true. But even if the Legislatures do not codify their privileges, if the power is subjected to judicial scrutiny, there will be fewer occasions for misuse of such powers.

(The writer is a Senior Advocate and a former Solicitor General for India. THE HINDU 14/11/2003)

BOOK REVIEW

The need for a rational peace dialogue

Sri Lanka's Peace Process - 2002 Critical Perspectives

Edited by Jayadeva Uyangoda & Morina Perera

Published by the Social Scientists' Association, Colombo.

A Review by Dr. John Gooneratne

Deputy Director General, Secretariat for Coordinating the Peace Process (SCOPP)

In a democratic society, and especially in a society where an effort is being made to bring to an end a long-running war, it is important to have those who are able to point out, when it is the case, that "The Emperor has no clothes on." The contributors to this volume, who write from a conflict resolution perspective, are eminently qualified in this task. They point out the shortcomings and how they can be remedied, the dangers and pitfalls in the peace process and how they can be avoided. They also point out the positive things that are being done, and add their encouragement to such efforts. This is what the title of the book calls "critical perspectives."

To follow the current Peace Process that was initiated in December 2001 requires the stamina and staying power of a long-distance runner. Negotiating with the LTTE to find a solution to the present conflict is a very complex and multi-path endeavour. The debate on this in our print and electronic media is quite intense. But one cannot say that the debate is as nuanced or even-handed as the complexity of the negotiating effort deserves.

By far the strongest viewpoint that comes across in the media is that of those who say - the LTTE is never to be trusted, and that their participation in the peace process is one act of trickery. But they don't offer an alternative course. Does one revert to war, which was seen to be inconclusive, wasteful in men, materiel and economic resources, and the source of untold human rights violations and social ills?

Opposed to this view are those who say that a pragmatic approach is needed, and for starters, it is important to keep the negotiations going. Instinctively, they know jaw jawing is better than war warring. But just jaw jawing is not enough.

One must have an appreciation of how one might jaw jaw to bring the current conflict to a peaceful resolution. And here, the assistance of those who have spent time in studying conflicts, both ours and others, and who are thus able to give a perspective on how things are proceeding, is of value. I call them scholar-activists. This is what the book edited by Jayadeva Uyangoda and Morina Perera attempts to do.

The book is designed to take the reader through the peace process up till early 2003, not simply in chronological stages, but in an issue-oriented fashion. The different writers contributing to this volume, through their analysis, also acquaint the reader with some of the current vocabulary of conflict resolution literature. The book takes the reader through these stages in a "critical" fashion.

To give an idea of the range of issues taken up in the book, I just like to take a sampling of a few of these "critical" contributions to the peace debate. A.M. Navaratna-Bandara in a chapter titled: "The Peace Process and Its Real Losers," has this to say: "So far the government's approach has worked well, though it allows only the elites to participate in the decision making process. It is very clear that this peace process has so far excluded the masses." We are aware of the high-profile case of the not-so-cozy cohabitation exercise, and the President's complaints about the authenticity of the copy of the Interim Administration proposals she received. It is an issue of how 'inclusive' the peace process is. If the peace process is not more inclusive and is kept at an elite level, Navaratna-Bandara states: "The government and the LTTE have completely ignored the enormous amount of discretion that the 'street

level' personnel appears to possess in implementing the clauses of the MoU." He gives a very apt comment on this point: "The situation in the East proves that the conflict will not end with the talks held in Thailand." If people don't feel they are "stakeholders" or "have ownership" of the peace process (just to learn a bit of the vocabulary of conflict resolution literature) then its successful completion is that much impeded.

Kumar Rupesinghe, who has broad experience in conflict resolution internationally, and has written extensively on the subject, takes up this same theme of the need for greater inclusivity, in the chapter "Towards a MoU Between the UNF and the PA." As he puts it: 'For a protracted conflict as in Sri Lanka to be transformed all the stakeholders must be brought into the framework where peace is the only viable alternative. In Sri Lanka the primary stakeholders are the government and the LTTE, but of crucial importance is the opposition.' And to this end he outlines two scenarios, and a proposal for a MoU between the UNF and the PA.

Sumanasiri Liyanage in the chapter: "Will the Pragmatism Work?" makes the very perspicacious observation: "One key element of conflict resolution theory is that the conflicting parties, when ready for negotiation, ought to read each other's position correctly, misinterpretation of the other's position may be self-pleasing, but such misinterpretations may lead to failure of negotiations at the end of the day." He makes this observation in the context of his opening sentence of the chapter: "The current peace process that earlier appeared to be heading for a successful resolution of Sri Lanka's conflict has now begun to show its weaknesses." Sumanasiri Liyanage also points to the "continuous charges of evasive sabotage and rumours of war preparation (that) have become headlines of the media coverage." And in this connection he warns that "spoilers" [another for the vocabulary of conflict resolution literature] can scuttle the peace process moving forward. He calls for 'a multi-faceted nonlinear approach different from the approach currently being adopted by the government.'

There are several engrossing chapters by Uyangoda. Not only is he a scholar-activist, he was also closely associated with the negotiations with the LTTE in 1994/1995, and was also a member of the government delegation to the negotia-

tions with the LTTE. As a result, his analysis and suggestions always have a sense of realism of the constraints that governments face in talks with the LTTE. I would choose just two or three observations he makes in some of his contributions.

He points out the case where, as conflicts persist, and new generations come on the scene, there is a tendency for the dynamics of the conflict to repeat itself, adding their own interpretation to the origins of the conflict, and keeping the conflict going. "Some of the recent academic literature on conflicts highlights the role of 'predator social formations' (PSF) in thwarting efforts towards peace making in internal conflicts. The PSF are those who thrive in the continuation of the conflict in the context of which they have come into being. They are more than simple spoilers. They include an amazingly wide variety of constituencies and characters - politicians and political parties, traders and entrepreneurs, military and guerrilla groups active in the protracted conflict itself." Uyangoda then asks the question: "Has Sri Lanka's ethnic conflict reached the stage of its resolution, in the sense of weakening or breaking up the conflict's reproductive dynamic?"

A comment Uyangoda makes in the chapter, "Peace in Sri Lanka: Prospects after Prabhakaran's Media Conference," is very apposite in the context of current efforts at negotiating an Interim Admin-

istrative Structure for the North and East provinces: "Researchers now argue that 'separatist wars' are special types of civil wars that have no definite ending or termination as such. The most feasible way to handle them is through interim processes, of course through trial and error, so that the militarized conflict is transformed into a political mode that requires no violence and war."

On the subject of inclusivity of the peace process touched on earlier, in the chapter titled "Peace Process, People and Civil Society," talking of the lessons to be drawn from other conflicts, Uyangoda makes the following observation: "In brief, we may conclude that no ruling party alone and by itself, even with the political backing of powerful external forces, could ensure peace in a protracted conflict, notwithstanding the fact that a peace deal has been reached with extensive international support."

A subject much discussed today is what is the nature of the interim arrangement being proposed. Will it be totalitarian or democratic? "The way many human rights activists problematize the peace dilemma seems to assume that a totalitarian peace could be the inevitable outcome of an unequal political exchange between a 'weak liberal state' and a 'fascist' entity." Uyangoda deals with this subject in the chapter "Illiberal Peace?" I should not fail to mention the contributions of the University Teachers for Hu-

man Rights (Jaffna) - UTHR (J). They are a persistent and dogged 'group.' In the 1980s they faithfully recorded and disseminated the human rights violations committed by the Armed Forces.

They gave details of the incidents, violations, names of those who suffered, and the localities they came from. It is an incredible record of their accuracy that, as far as I know, not one of their claims were contradicted by the state. Now it is the LTTE they point the finger at in the chapter "The Human Rights Dilemma." And their earlier record still holds good - none of the details of their current reports have been refuted as false.

The other contributors to this book include 'Cat's Eye', dealing with gender issues arising from the peace process, under the chapter titled "Women and the Peace Process;" Morinna Perera, Adrian Wijemanne and Nimanthi Perera-Rajasingham.

This collection of "critical" essays is sure to answer most of the questions a reader may have on the peace process, its nature, problems, prospects and the like. A very useful component in most of the essays is the theoretical buttressing it provides in an easy to digest manner. This helps the reader to make comparative assessments with other conflicts, in their different aspects, and thus build the capacity to think through issues rationally. A rational dialogue is what is needed, in place of an irrational one.

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Classified Advertisements

MATRIMONIAL

Aunt in UK seeks Hindu partner for slim, pretty niece, 33, 5'4", maths graduate working in Colombo University. Please send horoscope and details.

M 1366 c/o Tamil Times.

Jaffna Hindu parents seek professional partner for their son, 33, British, IT Professional, employed in UK. Please send details

M 1367 c/o Tamil Times.

Jaffna Hindu parents seek bride for their only child, medical doctor, 31, UK born, bride to be of same profession. Please send details.

M 1368 c/o Tamil Times.

Jaffna Hindu parents seek attractive university educated bride living in UK, minimum age 25 years, for their doctor son, 30 years and working in London. Send horoscope and details.

M 1369 c/o Tamil Times.

Malaysian Sri Lankan Hindu mother seeks professional partner for daughter, graduate, Computer Science B.Sc. (Hon), 32, living and working in UK. Please send horoscope and details.

M 1370 c/o Tamil Times.

Jaffna Hindu mother seeks suitable professionally qualified groom for bio-medical engineer daughter, 34, working in Norway government Hospital, permanent resident. Please send family details with horoscope.

M 1371 c/o Tamil Times.

Ceylonese Malaysian Hindu parents in UK seek pro-

professionally qualified bride for son, 41, M.Sc.(Elect. Eng.) from London, presently working as Senior Design Engineer in California. Please send details.

M 1372 c/o Tamil Times.

Uncle Doctor seeks a suitable partner for his attractive divorced niece, 30, living and working in Colombo, no encumbrances. Please send details.

M 1373 c/o Tamil Times.

Jaffna mother seeks professionally qualified groom for daughter, 30, 5'2", British citizen, Biomedical scientist in good employment. Please send details.

M 1374 c/o Tamil Times.

About People and Events

OBITUARIES



Born 04.01.30, Died 11.10.03

Mr Nagalingam Vamadevan of Thames Ditton, Surrey, UK; dearly beloved husband of Vimala; loving father of Suki, Hari, and Vamini; loving father-in-law of Viran, Nishanthi, and Ramesh; much loved Thatha and missed by Kyran and Maya; son of late Mr & Mrs Nagalingam of Karampan West, Kayts; son-in-law of late Mr & Mrs Appiah of Kondavil East, Kondavil; nep-

hew of Mr N. Navaratnam former MP for Kayts (Canada); brother of Mrs Parasakthy Eliathamby (UK), Mrs Kiruba Muthucomarasamy (Canada), late Mrs Ambika Kandiah, Mr. N Skandarajah (Canada), and Mrs Balasaraswathy Nagarajah (UK); Brother-in-law of late Mrs R. Kanagasabapathy, Mrs. S. Kanagasabapathy (Colombo), late Dr. A. Pathmanathan, Mr. A. Panchalingam (France), Mrs Pushpam Somasunderam (U.K), Mrs. Rane Retnarajah, Dr A Balasunderam (USA) and Mrs Indranee Rasiah (UK) passed away peacefully at the age of seventy-three (73). Friends and relatives paid their respects at his residence, 1 Sterry Drive, Thames Ditton; then at King George's Hall, Esher, Surrey; after which the cremation was held at Randalls Park Crematorium, Leatherhead.

The members of the family wish to thank all those who paid their respects in person, sent floral tributes, telephoned and telegrammed messages of sympathy and provided support during the period of bereavement.

-Vimala Vamadevan,
1 Sterry Drive, Thames Ditton, Surrey KT7 0YN.
Tel: 0208 398 6078.



Mrs Poomany Subramaniam, beloved wife of late K.S.Subramaniam (Popularly known as K.S.S., Retired Teacher and Hostel Warden, Jaffna Hindu College); daughter of late Mr. and Mrs C.M.Ponniah; sister of late Ramanathan, Parasakthy, Leela, Pathmanathan, Manonmany, late Puvanasingam and Nesarajan; mother of

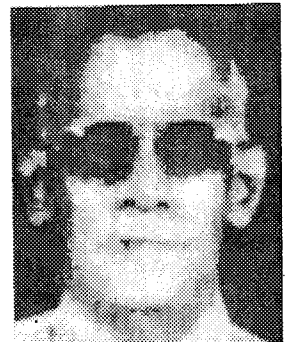
Kunam, Para, Mahes, late Narenthiran, Ranjit, Chandri and Sri; mother-in-law of Shanmugalingam, Easwary, Thisaiveerasingam, Kala, Ramanathan, Saba and Sakunthala has passed away on 24th August 03 after a brief illness at Suthumalai, Manipay.

Funeral rites were performed on 27th August 03 at her house and cremation took place at Thavady Cemetry.

She is sadly missed and lovingly remembered by her sisters, brothers, daughters, sons, daughters-in-law, sons-in-law, grandchildren and great grand children.

The members of the family thank all relatives, neighbours and friends who attended the funeral, sent floral tributes and assisted them in several ways during the period of bereavement.

-Chandri Saba (0141 3373917)



Mr. Nadarajah Ratnasabapathy of Abdul Caffoor Mawatha and Retired Manager, State Pharmaceutical Corporation and Owner of Pathy Tea Traders; son of late S.V.Nadarajah and late Thiyamutthu; son-in-law of late Mr. & Mrs. Ponniah; beloved husband of Mangaleswari; loving father of Chandradass, Mohanadass (both of UK), Kajendrani (Canada), Vasuki (UK), Sri Gowri (Sri Lanka) and Mathusudhanadass (UK); father-in-law of Jessica, Gnanamalar, Kanagasabai, Sivakumaran; grandfather of Amy, Olivia, Araan, Anushka, Jayanthi, Karthik, Seyon, Tenya and Lavanya passed away in Colombo on 2nd October 2003 and was

cremated at the Kannatte Crematorium, Borella on 5th October.

The members of the family wish to thank all relatives and friends who attended the funeral, sent floral tributes, messages of sympathy and for the support during the period of bereavement - 172 Fairlawn Park, Sydenham, London SE26 5SD; Phone: 020 8778 9013./ Mohana-dass- Phone: 0208 551 7363



Mr Saravanamuttu Kandiah Mathiaparanam (Nagathasan) of Chankanai, Sri Lanka, recently resident in Sydney and then Melbourne, Australia, passed away on Sunday 12 October 2003. His remains were cremated after the offering of last respects by a large gathering of friends and relatives at the Springvale Boyd Chapel (Melbourne) between 9:30 and 11:30 am on Tuesday 14 October 2003.

Mr Mathiaparanam son of

the late Mr Kandiah and late Mrs Ponnammah Kandiah; beloved husband of Annalakshmy; loving father of Ravichandhira of Glen Waverley (Melbourne), father-in-law of Narmatha, grandfather of Sai-Nivaeithan and Sai-Sarangan; brother of the late Kandiah Vimalathasan; uncle of Vimal Aravinthan (Melbourne) and Nandalal (Melbourne) and brother-in-law of Pathmadevi Vimalathasan (Melbourne), Dr Paramathipathy (Singapore), Vijayalakshmy Sanmugasundaram (London), Maylvaganam (Canada), late Poopalan, Jambunathan (Malaysia) and Gunalakshmy Kathirgamathamby (London).

Mr Mathiaparanam served as a lecturer at the Government Technical College, Maradana and later as a Senior Lecturer and Head of the Department of Engineering at the Jaffna Polytechnical College.

The family of the late Mr Mathiaparanam requests friends, relatives and well wishers to kindly accept this notification. Further, the family would like to thank all friends and relatives who visited him at the hospital, attended the funeral, sent floral tributes and messages of sympathy and helped during the period of bereavement.

- 39 Chivalry Avenue, Glen Waverley, 3150, AUSTRALIA.

Phone +61 3 9887 624

e-mail: ravi.ravichandhira

@roads.vic.gov.au.

IN MEMORIAMs

Fifth Death Anniversary



In ever loving memory of **Miss Daisy Selvaranee Rasiah**, Retired teacher, Sri Lanka on the fifth anniversary of your passing away on 10th November 1998

**"Love and remembrance
Last for ever"**

Sadly missed and fondly remembered by your loving sister Thevaranee and other members of the family

- 64 Jessup Close,
London SE18.

Fourth Year Remembrance

In ever-loving memory of **Viranjani Rajika Malalgoda** on the Fourth Anniversary of her passing away under tragic circumstances on 7th November 1999



To A Dear Daughter

Thinking of you our dear Chooty,
No one knows the heartache that lies behind our smile,
No one knows the loneliness that's with us all the while,
Silent tears fall gently that others do not see,
For a kind and loving daughter who meant the world to us.
Chooty, may you rest eternally in the lap of our Mother Sai,
Miss you lots and love you forever.

Mum & Dad

To A Dear Sister

Our dear Chooty,
Loved and missed more than words can say,
Since that sad day you went away,
No longer in our lives to share,
But in our hearts you're always there.
May Baba give Peace to your Soul.
We love you forever.

Aiya & Saloni

25th Anniversary Remembrance



Dr. T. Kanagaratnam,
11 Dutch Road, Tellippallai, Sri Lanka

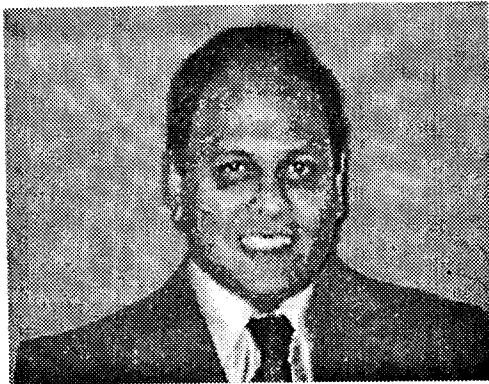
In treasured memory of a devoted husband and father who departed on 20.10.78

**Your presence we miss,
Your memory we treasure
Loving you always,
And forgetting you never.**

Fondly remembered by his ever-loving wife Mangal-apoovathy and children Shantha, Ranji, Gunam, Saro, Nalayini, Daksha; son-in-law, daughters-in-law and grandchildren

- 'Greenacres', 63 Sandown Road,
Tunbridge Wells, Kent.

The Second Year Remembrance
In Ever Loving and Treasured Memory of
Sivagnanam Gratian Nirmalanandan



*We shall meet again in a brighter land
Where farewell is never spoken.
We shall clasp each other, hand in hand
And the clasp shall not be broken*

Sadly missed and devotedly remembered by his loving wife Chandra, Beloved mumma, the family and friends

Second Year Remembrance

In ever loving memory of **Mrs Pavalam Ramasamy**
who passed away on 29th November 2001



Dear Amma,
Everyone says that you left us, but to us you continue to live with us everyday. Sadly missed and fondly remembered by your loving children; Eng. Vijayaratnam (Head, Dept. of Agricultural Engineering,

Faculty of Agriculture, University of Jaffna), Vijayakumar (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 London), Naguleswary (Jaffna); grandchildren Purushowthaman, Toothiransali, Luxana, Anand, Meni, Luxey and Vasanth.

- 11 Bulstrode Avenue,
Hounslow, Middlesex TW3
3AA. Tel: 020 8577 6377.

Mrs Chandra Ragupathy

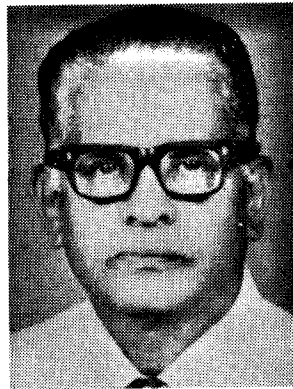


In ever loving memory of my wife **Chandra** on the eighth anniversary of her passing away on 26th November 1995.

Sadly missed and fondly remembered as always by her loving husband Ragupathy

- 262 Wrinklemarsh Road,
London SE3 8DW.

In Ever Loving Memory of Our Dearest Appah



Richard Jeyarajasingam

Born: 20.11.1928 Called to glory: 27.11.1990

*Thirteen years can never fill that void.
But, the spiritual leadership
and the testimony of your life,
Held us to rely on the promises of our Lord and
We are comforted by the hope we have,
Of our reunion in the New Jerusalem.*

Fondly remembered
Ranee, Children and their families

FORTHCOMINGS EVENTS

Nov 29 6 p.m. Colombo Hindu College Past Pupils' Association presents **Cultural Evening 2003**, a colourful event with top variety of Vocal, Instrumental and Dances, at Upper Hall, Sudbury Primary School, Watford Road, Wembley, Middlesex. For tickets Tel: 020 8548 4194/8904 2027/8395 3686/8540 7641

Dec.1 Third Kaarthigai Somavaram

3 Feast of St. Francis Xavier

4 Sukkla Eekathasi

5 Pirathosam

6 Feast of St. Nicholas

7 Thiru Kaarthigai Deepam: Feast of St. Ambrose

8 Full Moon; Sarvalaya and Home Deepam; Fourth Kaarthigai Somavaram

9 Sri Vinayagar Viratham starts; Feast of the Immaculate Conception of Blessed Virgin Mary

12 Sankadakara Sathurthi

13 Feast of St. Lucy

14 Feast of St. John of The Cross

15 Fifth & last Kaarthigai

Somavaram

19 Krishna Eekathasi

21 Pirathosam

22 Amavasai

24 Boxing Day

25 Christmas Day; Feast of St. Stephen

26 Sathurthi

28 Sri Vinayagar Viratham ends

29 Thiruvembavai starts; Feast of The Holy Family

31 Feast of St. Sylvester

WEDDING BELLS

We congratulate
the following couple
on their recent wedding.

Gopikumar, son of Mrs M. Gnaneswaran of 112 Buckland Way, Worcester Park, Surrey KT4 8NP and late Mr. Gnaneswaran and **Kauthami** daughter of Mrs B. Kangeyan and late Mr. Kangeyan on 9th November 2003 at Wandsworth Town Hall "Civic Suite", London SW18 2PU.

Australian Newsletter

Navarathiri was observed across Australia and cultural events to mark the occasion were held in Sydney, Brisbane, Darwin, Perth, Adelaide and Melbourne. Diversity is well recognised in a multicultural society like that in Australia and aspirations, beliefs, traditions, and practices of different people are nurtured well. Eelam Tamil Association (formerly known as Ceylon Tamil Association) in Victoria is celebrating its silver jubilee this year. When only a small number of Tamils lived, the need for such an entity was advocated by none other than Mr Chandrahasan, son of late SJV Chelvanayakam whilst on a visit to Melbourne. The concept of collective voice touched the hearts and minds and thus born Ceylon Tamil Association under the leadership of Professor. C J Eliezer. It was established with a cultural focus and with the passing of time has evolved to become a leading Tamil organization in Victoria. It is vociferous in its campaign to alleviate the sufferings of Tamils in Ceylon and supports the just cause of Tamil people. Since inception it grew from strength to strength and it is in the forefront of social, political and cultural activities today. Its name was altered replacing "Ceylon" with that of Eelam in 2000. A grand function held in September at Kingston Arts Centre commemorating the silver jubilee along with annual "Muthamil Vizha" under the leadership of Mr K. Gopalakrishnan featuring traditional dances, drama, musical etc. and a souvenir was released to mark the occasion. TRO, TEEDOR and TECH Australia organised an Indoor Sports Festival for the second consecutive year. It was an occasion for younger members of the community to interact with each other and indeed a fitting occasion for sports loving Australians. Consortium of Tamil Associations in Victoria felicitated two of the recipients of the Order of Australia medal, Mr Kandiah Thangarajah, President of Tamil Australian Friendship Society and Bishop Deakin, an ardent human rights supporter. Yadavan Yoga-natham, young and promising vocalist from Ceylon along with Ravi Ravichandhira a reputed local artist from Mirdhanganam, AGA Gnanasudaram, a disciple of legendary Lalgudi Jayaraman on Violin and R Thiagarajan, disciple and son of another legendary Dr N Ramani on Flute rendered magnificent recital at Prasanthini Janarthanan's bharathanatyam arangetram. Prasanthini, a disciple of Narmatha Ravichandhira spectacularly commenced with an invocation to Manipay Maruthady Vinayakar and rapt the audience with her luminous performance.

S. Sitsabesan, Melbourne

Global Peace Yaatre

The Vishva Hindu Parishad of Sydney organised a Vishva Dharma Prasaar Yaatra of several religious and spiritual leaders for propagating 'Peace on Earth' based on the Vedic concept of Vasudhaiva Kuttumbam (World is one family). This Yaatra followed on from world peace efforts urged at the Millenium World Peace Summit of Religious and Spiritual Leaders organised by the United Nations in 2000. The Yaatra was blessed and supported by several Hindu / Buddhist religious / spiritual leaders like H.H. Dalai Lama, H.H. Jagadgune Sankaracharya, Ven. K. Siri Sumedha Thero, Satya Sai Baba, Dayananda Saraswati and Pramukh Swamiji of Swaminarayan Panth. The Yaatra has visited 40 international cities, 30 countries and three continents. It came to Sydney as part of its Asia Pacific leg of the journey.

The function took place on 1st October at the State Sports Centre at Sydney Olympic Park, Homebush Bay. The programme began with Women's, Hindu Youth, Business and Professional group meetings at 2 p.m.. From 6 p.m. onwards there were discussions on World Peace by the visiting religious / spiritual leaders representing the Hindu and Buddhist religions. The speeches were interspersed with bhajans and religious music recitals. The symposium concluded after 11 p.m. and there was a vast crowd to witness this unique event.

Deepavali at the NSW Parliament House, October 29th to 31st October 2003

Hindus in the State of New South Wales enjoyed a special Deepavali last month. The NSW Parliament House was decorated with lights in a symbolic gesture that the Australian community in general was rejoicing with the Hindus. This historic occasion was widely reported in the press and the electronic media.

Last year, at the annual Deepavali Fair, the Chairman of the Hindu Council, Dr. A. Balasubramaniam requested the Chief Guest, the Hon. Mr. Bob Carr, Premier of NSW to consider lighting the Parliament House to celebrate Deepavali. He agreed and appointed Ms. Virginia Judge, State M.P. for Strathfield to make the arrangements. As a result this dream came to fruition this year.

The interior of the historic building was lit with Deepavali lights and the foyers were decorated with statues of Ganesha, Durga, Saraswathi, Mahalakshmi and Shiva. Sev-

eral State MPs spoke including the Deputy Premier Dr. Andrew Refshauge. He conveyed the good wishes of the Premier Bob Carr to all the Hindus gathered in the Jubilee Room of Parliament House. Dr. Refshauge acknowledged the enormous contribution made by the Indian community in Australia. Ms Virginia Judge, the host for the day spoke eloquently about the state of the world today and how much we can learn about the spirit of peace promoted by the late Mahatma Gandhi. The Indian Consul-General Mr. M. Ganapathi pointed out in his speech that Deepavali is one festival that cuts across all boundaries of caste and language in India. "It is a festival that reinforces India's secular credentials" he said.

The Chairman of the Hindu Council, Dr. A. Balasubramaniam said that the efforts of the Hindu Council had finally been rewarded. He said that it was a day to be remembered by all and that event would be recorded in Hansard. "It has taken 200 years for Mahalakshmy to enter this historic building. Now that she is here, I am sure She would shower her blessings on all the Parliamentarians here", he said to loud applause.

Snacks and sweets were served courtesy of Taj Indian Sweets as the guests were invited to view the Deepavali lights on the roof garden and the exhibition of Indian Arts and Artefacts in the foyer area.

Deepavali Fair

The Annual Deepavali Fair organised by the Hindu Council was held at Fairfield Showground on 12th October 2003. This event is awaited with great anticipation by the South Asian Community in Sydney.

The proceedings began with a poja to Sri Ganapathy and Mahalaxmi and morning bhajans. Cultural programmes were organised from morning to evening with Bharatha Natyams, Folk Dances, Dances from Bollywood Movies and Bhangra.

There were nearly a hundred commercial stalls including an amazing variety of food stalls. Since the event is organised by the Hindu Council, the food is always vegetarian. There were even several ladies displaying the art of Mehndi on several eager customers.

The Federal Attorney General Mr. Ruddock was the Chief Guest. He and other dignitaries including the Indian Consul-General Mr. M. Ganapathi were welcomed in the evening by the Hindu Council Committee and its chairman Dr. A. Balasubramaniam. The highlight of the evening was the burning of Ravana's effigy and fireworks which were met with oohs and aahs. The thousands of visitors present left with the spirit of Deepavali in them.

Devi Balasubramaniam, Sydney

Kalaipperarasu Ponnuthurai A Paragon of Culture

It is with feelings of deep sorrow and veneration that I write these words of tribute and appreciation to honour Mr. A.T.Ponnuthurai who was called to rest on October 9, 2003 at Nallur, Jaffna. He was popularly called A.T.P. by almost everyone who knew him.

A.T.P. and I were classmates at the Madras Christian College from 1951 till 1955, where we were equally good in our studies and gained the respect of our principal Dr. A.F.Boyd, professors and lecturers. He used to call me 'Sangar' and I would call him 'Ponnar'. Our relationship culminated in true friendship. It was indeed providential that on completion of our education, both of us were appointed teachers on 9th May 1955. He joined Nadeshwara College and I went to my old school Atchuvely Central College. Both of us worked very hard to build up our schools and today we have a large number of distinguished and grateful old students in several countries.

Ponnar had wonderful histrionic talents. He used to discuss with me Shakespearean plays and write very many Tamil plays. He was not only a playwright but also

an actor, producer and director. In all he staged fifty plays and won several awards. In particular, he was recently honoured with the President's "Kalapooshanam Award". He received his "Kalaipperarasu" title from the Sahithya Mandala several years ago.

Ponnar was one of the founder members of Kurumbasiddy Sanmarka Sabhai and had been president of that society for very many years. He was one of the sons of that soil who made an enormous sacrifice to develop that village tremendously. He was a voracious reader, a great speaker and a productive writer. He was very simple, unassuming, humble, truthful, friendly, god-fearing and above all extremely cultured. In short, he was a paragon of culture.

I left Sri Lanka for Nigeria on 17th January 1975 to take up an appointment as Senior Lecturer in English in an All Nigeria College called Barewa Unity College. Still, we maintained our friendship by writing letters to each other. Also, we never failed to meet during holidays. It was so even after I came to Canada.

Ponnar was the first person I visited

as soon as I arrived in Jaffna recently after a period of ten years. I met him on 26th April this year. As soon as I went to see him at his Nallur residence, his grief-stricken wife told me that he would not be able to recognise me because of his complete loss of memory. It was probably a divine approval of our true friendship that, when I called him "Ponnar," he looked straight into my eyes and called me Sangar. Then he sang the Devaram "Ponnar Meniyanae" in its entirety. I hugged him and gave him the present I took for him. He accepted it with loving response and told me "Sangar, I am happy that you still have the same brightness on your face." Then he sank into the same state of forgetfulness. My heart melted. I prayed for him and left him with a heavy heart. That was our last cruel parting.

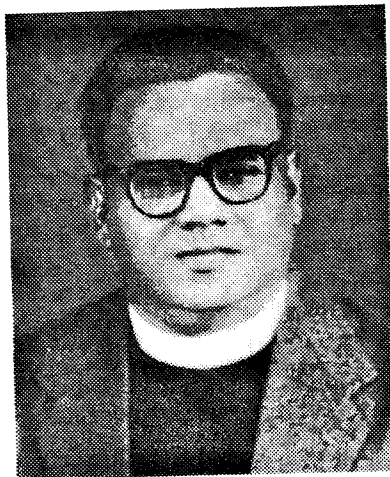
Ponnar has left behind his devoted wife and two loving and dutiful children; a daughter who is a medical doctor and a son who is a Bank Manager. Undoubtedly, Ponnar was a paragon of culture.

May his soul rest at the lotus feet of Lord Shiva!

E.Sangarapillai (Godman),
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Rev.K.S.Jeyasingam An Epitome of Pastor-ship



The ninetieth birth anniversary of Rev.Jeyasingam fell on the 28th of October 2003. He was pastor in the J.D.C.S.I in the latter half of the 20th century. He started as an assistant pastor at the Innuvil Church and then served at Navaly, Colombo, Manipay, Uduvil, Tellipallai and Chavakachcheri covering a period of 43 years of fruitful and exemplary service as a pastor, evangelical officer, manager of the A.C.M Press, manager of Diocesan Schools and ultimately as a Bishop's Commissary. He was also for several years the secretary of the J.D.C.S.I.

Rev.Jeyasingam's period as a pastor

in many of the churches he served, saw a spiritual as well as a material resurgence. He had the knack of bringing the 'flock' together, wherever he wanted. He pioneered and organized the Colombo Church. His contribution was such that he was retained for eight years in Colombo. He was lucky in having a partner who was well accomplished in singing. He organized services replete in full Tamil cultural traditions with carnatic music, which won the admiration of the multicultural setting that is Colombo. When he left, the Colombo Church was on a sound footing and his successors found it easy to build on it.

At Uduvil and Chavakachcheri, he was able to make useful additions to the infra-structural facilities. The Parish-Hall at Chavakachcheri is a tribute to his interest in building. He was prompt in holding cottage prayer meetings in all the parishes he worked. He proved to be an excellent counsellor solving family disputes and bringing separated couples together. He had arranged several marriages so much so that former parishioners, all over the world still remember with gratitude that it was KSJ who solemnised their weddings. As an evangelical officer, he had introduced new methods, he had learned in his missions abroad and excelled as a 'fisher of men.'

His contributions to the J.D.C.S.I were of a manifold nature. He had gone on missionary journeys to Malaysia, Singapore, India and the U.S. He had attended seminars and conferences in Geneva, Switzerland and in the U.S, where he was a visiting missionary for a year in 1963-64. He enjoyed the friendship of foreigners ranging from Dr. Holmes of the U.S to Bro. Dhinakaran of India. He was a veritable

Donovan Andree', when he organized the TER - Jubilee celebrations of the J.D.C.S.I. He had the ability to plan everything in detail and also the knack to select the right person to do the job whether it is decorations or musical accompaniments. He was the manager of schools at the crucial time of 'takeover' by government in 1961. He was a talented negotiator and played a big role in retaining Uduvil Girls' College and Jaffna College as private schools. He shouldered the responsibility of administering the Diocese on the retirement Bishop Kulendran. He magnanimously officiated at the induction ceremony of the new bishop, although he happened to be a contestant. As the 'shadow group' of the electors wanted a highly educated person as the bishop, they ignored the practical efficiency of Rev.K.S. Jeyasingam. True to his great high calling, he continued as a pastor and died in harness at Chavakachcheri. A lesser mortal would have left the diocese and joined another denomination. It is rarely that we come across a 'pothagar' of the calibre of Rev. K.S. Jeyasingam. He strode like a colossus injecting his fervour and spirit into every activity of the churches where he served. He used his manifold gifts and talents for the glory of God and the service of his fellowmen. He proved to be the very epitome of pastorhood and an outstanding example of a person who had answered his calling with great commitment and fortitude. We remember him on his ninetieth birthday, with gratitude and praise to the Almighty, who had given him the privilege of serving Him.

Members of the family of
Rev. K.S. Jeyasingam



Kamalesh, Australian Table Tennis Youth Champion 2003

Nineteen years old **Kamalesh Tharmasuthan** is an elite table tennis player in Australia. He is the 2003 Australian National Youth (U/21) champion and is currently ranked number one in Australia in this age group. He had represented Australia twice in Oceania Youth Championships. Prior to winning this title this year, he underwent a ten week training programme in Sweden, sponsored by "STI-

GA", the world leading table tennis equipment suppliers. In Sweden, he was with the Falkenberg BTK, the prestigious TT club, and trained under the Swedish TT legend and a former world champion, Stellan Bengtsson.

Since 1995, he had won seven national titles in the Junior and Youth divisions. He is a member of the Victorian State Men's and Youth Teams and both these teams won the Australian Interstate Team Championships this year. In the youth team championships, Kamelesh also won the "Best Player" award. In 1999 as a fifteen year old, he won the Australian National U/18 Men's Singles but unfortunately a leg injury kept him off the game for 18 months.

Kamalesh is a second year undergraduate at Monash University reading for a double degree (an Australian twin subject honours degree course) in Accountancy/Banking & Finance. He is the younger son of Mr & Mrs Tharmasuthan of Crows Lane, Glen Waverley, Melbourne.

A Delightful Veena Duet



The Veena is a hoary instrument in the Indian musical tradition, inseparably linked with Goddess Saraswathi, the Goddess of Learning, It has been considered an essential instrument to attain salvation. The Chandogya Upanishad states that chanting of 'Om' to the accompaniment of the Veena in the early hours of the morning ensures this.

To those frequently attending Vocal, Violin and Mridangam arangetrams, the Veena Arangetram duet by Pavithra and Divya Logitharajah on 9 November, 2003 should have provided a refreshing change. The items were well presented by the young sisters. The varnam was noteworthy for the delightful variation in the Thalagathi of the charanam.

The Raga Alapana of Hindolam showed fine touches and Purvi kalyani Raga was solidly rendered. The Swararanjani in Adi tala was faultlessly played at high speed. The exposition of nadabhairavi was mature and the switchovers to Subha Pantuvarali, Desh and Revathy were smoothly effected. The Swaraprasthara in the Pallavi was good.

Two aspects deserve a special mention: both artistes played their instruments smilingly and seemed to enjoy their own music; and their vocal rendering at some places blended harmoniously with the Veena play.

I am sure, with further learning and practice, keeping in mind poet Longfellow's inspiring quotation which adorns

SEYCHELLES NEWSLETTER

The months of October – November saw two important national events which aroused nation-wide acceptance and enthusiasm. The last week of October had a week-long International Creole festival with multifaceted cultural events and the Deepavali festival organized by the Seychelles Hindu Council. People turned up in thousands to witness the colourful display of fireworks, cheer the children depicting the Ramayana epic, and also enjoy the special Deepavali sweet packets offered as a gift to all those who turned up for the occasion. The highlight of the event was the declaration by the Minister of Culture that the Deepavali day is a restricted public holiday for the Hindus. It might be recalled that since 1998 the Thai Poosam festival day of the Seychelles Hindu Kovil Sangam was declared a restricted public holiday for the Hindus by the State. October saw the allocation of state land for organizing the first ever crematorium (Memorial Park) – a venture initiated in 1984 by the SHKS saw its completion by the all-out efforts of the Seychelles Hindu Council. The day was marked by tree planting on the site by the Government ministers and the Indian High Commissioner. Again on the cultural side there was the folk music and dance group from Goa sponsored by the Indian Council of Cultural Relations with the active support of the National Arts Council and the Indian High Commission. There were large and appreciative audience in all their performances across the country. The contemporary Film Festival at the Deepam Cinema for five days had popular Tamil, Malayalam, Hindi and Telugu films.

The year's activities come to a close with the second series of Dr Radhakrishnan Memorial lectures from the 24th to the 29th of November by the Attorney-General of India the Honourable Soli Sorabjee jointly sponsored by the Indian High Commission and the Ministry of Education and Youth.

V. Sivasupramaniam

their Guru Sivatharini Sahathevan's message in the brochure, they both will acquire the full complement of repertoire needed for a shining musical career.

M. Balachander's Mridangam, R.N.Prakash's Ghadam and K. Sithamparamanathan's Morsing were appropriately supportive, with the crescendo being reached during the fireworks of the Thani Avarthanam.

Sri S.P.Ram as Chief Guest, Dr. R. Nithyanathan as Guest of Honour and Sri Wimal Sockanathan as Comperer enriched the evening's function.

P.P.Kanthan.

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