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THE ARMY HITS BACK

Mervyn de Silva

The LTTE has suffered heavy casualties — at least 75 dead, according to an SLBC report — and lost a network of nearly 45 well-laid bunkers in the latest Army operation. Commenting on "OPERATION JAYAHANDA," Brigadier Gemunu Kulatunga told the press in Colombo that the massing of LTTE cadres around the FDL's of Palaly, a strategic base, had been reported in the past few weeks "while negotiations were still in the preliminary stages". Brigadier Kulatunge was obviously underlining the fact that the LTTE was "preparing for war while talking peace". The attack on the 'Tiger' bases was led by Brigadier Asoka Jayawardene, Commander of the 1st Services which includes the 3rd and 4th Armoured Corps. The SLAF provided air cover.

The Army operation was obviously planned immediately after a suicide squad of "Sea Tigresses" destroyed the SL Navy's SAGARAWARDENA, north of Mannar. At least 31 sailors, including the captain, were killed or taken captive. Monday's onslaught on LTTE bases in the north has served as a much-needed morale-boosting exercise. The question is what impact this return to "war-war" will have on the "jaw-jaw" that started with the bold and enterprising initiative of Colonel Anuruddha Ratwatte, deputy Defence Minister's visit to the North and Prabhakaran's own comments in a face-to-face encounter in Jaffna with Anandi Suriyaprasadam, the BBC's Tamil program organiser.

In a connected development the World Bank cautioned Sri Lanka that "new economic policies to curb poverty and unemployment should be prudent" but also welcomed the government's new effort to find a settlement to the problems of the north and east. It would be the single most important step that could be taken to unleashing the nation's energies. It was important to attract foreign investment. The "peace dividend" is indeed crucial to the new P.A. administration.

Commenting on a statement by the newly appointed Secretary to the Treasury, Mr. A.S. Jayawardene, Prime Minister Kumaratunge's economic adviser Dr. Lal Jayawardene, the former Director of the helsinki-based UNU-affiliated WIDER research institute said that the UNP had

increased the budget deficit by 448 million dollars. The President had not consulted Central Bank or the Treasury on how to finance the UNP's May Day giveaway "welfare package." Plainly it was a last desperate vote-catching gimmick. "We are spending over 20 billion rupees or 4% of GDP on defence, and another 3 billion rupees on war-related problems such as refugees. The drain is far too great" he said in an interview with the LG. In the 60's and 70's the island spent no more than one percent of GDP, he added. There is also new thinking in the international community that the rich countries should match dollar for dollar defence cuts in developing countries. The former UNDP director Gus Speth is one such influential voice. Apart from investment, there are other considerations, tourism for instance. The finest beaches are in the north-east, a war-affected area.

In its WE WILL WIN Election poster, the P.A. had the following as its first promise:

**A POLITICAL SOLUTION TO THE ETHNIC PROBLEM.
NORTH-EAST WAR ENDS. PEACE DAWNS**

But when the BBC interviewed Prabhakaran, the LTTE supremo had a specific request to make — the heavily fortified base at POONERYN should be closed. He said "there are two land routes linking Jaffna peninsula and the northern mainland. The Sinhalese army has kept two routes sealed with an intention to attack Jaffna in a final assault. The army will not allow civilians to use these routes to and from the peninsula so all our people have to take the sea route. Enormous sacrifices and acts of chivalry by the 'Sea Tigers' have enabled our people to travel safely by sea, the Kilali route. It would be most welcome if the government allows a land route for people and goods. I am sure our people will greatly appreciate if the government withdrew troops from Pooneryn.."

But for the army, Pooneryn is the site of a LTTE massacre in which nearly 400 men including officers were butchered in a "Tiger" night-raid. "Prabhakaran" a former Army chief told the LG is not satisfied with the Jaffna peninsula for his future independent "EELAM". He needs people, territory and natural resources to build his

mini-state. He needs land since his people are not only fishermen but farmers.

The Army High Command is preoccupied with morale. The senior officers are morally answerable to their troops. After the SAGARAWARDENE suicide attack, morale was low.

The PA has to satisfy the "peace constituency", of which the minorities are a vital segment. Mrs. Kumaratunge, who was associated with her husband Vijay's peace initiatives, including a visit to Madras had credibility. And she used that to maximise her electoral support against a UNP led by a President who had said there was no "ethnic problem" in Sri Lanka, a rejection of President Premadasa's line.

(Continued on page 15)

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“I believe in destiny” — Chandrika Kumaratunga

Prime Minister Chandrika Kumaratunga, 49, spoke to INDIA TODAY's Tamil Edition Senior Copy Editor VAASANTHI, in an exclusive interview on the biggest problem facing her country today: the LTTE and the ethnic strife in the north and east. Excerpts:

Q. How do you intend to tackle the politics of violence, especially the ethnic problem?

A. I have already decided to lift the embargo on all food items in Jaffna. That will be coming very soon without any conditions.

Q. Have you had any response from the Tigers yet?

A. Nothing official. But there are various positive unofficial messages, although we are not sure if they are correct. We are establishing contacts. That is all I can say.

Q. Will the LTTE's claim of being the true representatives of the Tamils affect your links with other groups?

A. We don't believe they are the only representatives. They are the major representatives, because they have the biggest arms power. We cannot also forget that they destroyed some of the equally major representatives like the PLOTE, EPRLF and the TELO.

Q. Do you plan to go to Jaffna?

A. Well, if something comes out of the initial discussion, I certainly intend to go if they want us to come.

Q. And if the LTTE doesn't respond?

A. We'll have to see.

Q. Since the President holds the defence portfolio and belongs to the UNP, will this conflict with your peace plans?

A. At the moment I must say the President has promised to avoid all conflicts. We are trying to have this difficult marriage. We have to live with it at least for some time till there is a change to a different constitutional system. We are persuading him to give it (the portfolio) to us. But he wants to keep it. He has told us he will not object to our policy, but we will have to see.

Q. What will your policy towards India be?

A. Positive. Our government does not have an India phobia like the previous government had. We are very realistic. We are also aware that we are probably the only neighbour which does not have serious problems with India.

Q. How does it feel to be prime minister of a country that is desperate for peace?

A. I am very conscious of the responsibility. I don't feel excited at all. It weighs very heavily on me. But I believe in destiny. And I have confidence that we can fulfil the commitment because there is so much goodwill. That is very encouraging.

The Future of the Presidency

Nihal Jayewickreme

Securing the executive presidency will not help to abolish it. If the UNP's offer of support is renewed after the presidential election, and is then availed of, the position of the government will remain exactly as it is today. Even if the PA presidential candidate seeks and obtains a mandate from the majority of the electorate to abolish the executive presidency, that mandate can hardly be invoked by an already functioning Parliament to transform itself into a Constituent Assembly. No is it realistic for the People's Alliance to attempt to establish a Constituent Assembly of its own on the strength of such a mandate.

Secondly, it seems quite un-wise for any newly-elected government, particularly one that has finally succeeded in ejecting a repressive and authoritarian regime, to submit itself to the judgment of the people after so short a time in office and with so much more left to be done. For example, for the first time in decades a

government has recognized the ethnic problem and demonstrated a real willingness to deal with it other than through firepower, and has also resolved to end corruption in high places. The electorate expects much from a new government and is impatient to see and experience genuine change. To divert its energies and resources at this stage to seek afresh lease of life for an institution already condemned, appears to be a wholly unnecessary and unprofitable exercise which a new government can illafford to embark on. It is also to tempt fate once too often.

Thirdly, a presidential election at this stage will help the opposition to consolidate itself. It will enable the new Leader of the Opposition to project himself to the country as a national leader and establish his own credentials as the principal alternate much earlier than he would ordinarily have. Whatever support he receives at the presidential election will be a fresh mandate superseding that which his

party received at the General Election. In the unlikely event of his winning the election, that mandate will prevail over the authority received by the People's Alliance in August, creating an even more serious constitutional crisis.

Finally, another election, within three months of the other, will thwart the emergence of a national consensus, and encourage renewed confrontation. In Parliament and in the country, the battle lines will again be drawn and the embers of violence rekindled. In countless homes and workplaces, far away from the protected centres of power and grandeur, the ordinary people of this country may find themselves once more in the line of fire. That is hardly an environment conducive to the resolution of national problems. Still less is it what the country deserves.

The writer was the secretary of the Ministry of Justice from 1970 to 1977.

Offering the Olive Branch

Vaasanthi (in Jaffna and Colombo)

As a medical student in Jaffna University, Vasu has barely had time for studies. Or to think of a career. He has been too busy coping with a life of trials, war and deprivation in this strife-torn peninsula, seeing little else in his 24 years. Now, barely a month after a new Sri Lankan Government has been sworn in at Colombo with Chandrika Kumaratunga as the prime minister, he feels things will change.

And Vasu — with 75 lakh others in an area that still reverberates with sporadic gunfire as Sri Lankan security forces fight the LTTE — will have something to look forward to. "We feel Chandrika will do something positive," says Vasu. "There is hope that peace will come".

The question is when? Ever since Kumaratunga's People's Alliance coalition assumed office in mid-August, offers of negotiation leading to peace have been flowing fast and talk in both the Tamil strongholds and among the majority Sinhala turns as much to peace as it does to the crucial presidential elections due in November. Though Kumaratunga claims that people voted her in on democracy and anti-corruption issues, the fact that solving the crisis was a major manifesto promise, that moderate Tamil parties lend support to her in Parliament to maintain her majority, and that Sri Lanka bleeds off close to a quarter of its revenue on civil war costs and that 1,500 people have died since 1993, all indicate its importance. "We are enormously sympathetic towards the people of Jaffna," says Foreign Minister Lakshman Kadirgamar. "But everything takes time. We have been in power only for a month and we have done a fair amount. I can't tell you when the cease-fire will be declared".

As of now, both sides are posturing to inch towards the middle ground of detente. LTTE spokesman Anton Balasingham talks about how Kumaratunga is the best bet for peace in years and how she is welcome to Jaffna the minute she

reciprocates the LTTE's suggestion of a cease-fire. "We are pleading for a cease-fire," says Balasingham. And Kumaratunga, reacting to LTTE leader Velupillai Pirabhakaran's offer of a cease-fire and unconditional talks on September 5, has asked the LTTE to name a negotiator for meetings.

This olive branch waving is welcome. But, mutual animosity has been systematically built up over the past three decades and Kumaratunga's approach, though attractive, will have to withstand the pressures as much from the LTTE as from Sinhala decision makers: the still powerful United Nationalist Party opposition, the entrenched bureaucracy and certainly, the armed forces, for whom peace means a lessening of clout and defence allocations. "I don't only have political enemies now," Kumaratunga told *India Today*. She adds: "I am always aware that the Tigers finish off people who don't agree with them".

While this statement underscores the politics of violence, it also throws up critical issues of peacemaking. Essentially, there are three questions. One: how will the new Government absorb the parallel LTTE-run administration that holds sway in north Sri Lanka, running everything from the police to overseeing business and taxation? Two: how will Kumaratunga balance her moderate Tamil allies who could be angered if the LTTE is accorded official pre-eminence in the new structure? Three: would the north-east province stay as it is, or will it be further carved, or merged — the first would be to appease Sinhala Muslims and the second could lead to trouble between the Tamils and Muslims, although it is said that the LTTE has expressed the willingness to approach the Sri Lanka Muslim Conference, an important Alliance member, to broker talks.

Even if all this is worked out, there is a good chance that the LTTE may make some difficult-to-accept demands at the bargaining table. Kumaratunga will then

have to balance the defence services and, possibly, resurgent Sinhala sentiments. Also, it may actually provide Pirabhakaran and his Tigers with more clout, at a time when it is still difficult to tell whether he has lost any of his influence in Jaffna. There is a possibility, say government sources, that he could demand all army camps in Jaffna to be shut down. The moment traffic to Jaffna is clear, and the economic embargo completely lifted, Pirabhakaran is likely to strengthen his image as the saviour of the Tamils. Another demand that the Government is expecting is that the LTTE will ask that the army take its permission before moving anywhere in the peninsula.

These demands will certainly raise government hackles, especially when the LTTE is already manoeuvring the situation its way. For instance, it has raised the India bogey by pointing at A.N. Verma, principal secretary to P.V. Narasimha Rao, visiting Colombo as Rao's personal emissary. "If the talks fail", says Balasingham, "We will certainly not be the reason for it". This is the danger — even before talks get going, the prospective participants are already setting up defences in the event of failure.

At the same time, the latest peace moves offer the best chance for peace in Sri Lanka since the ethnic problem blew up in 1983. Moreover, the timing is fortuitous. Pirabhakaran realises that the Tamils are weary of deprivation and war. Militarily, the stalemate continues and in recent months, it is the Sri Lankan Army which has claimed more successes than the LTTE. Finally, Kumaratunga's move in partially lifting the economic embargo in Jaffna within days of her swearing-in has given the indication that she is serious about solving the ethnic problem, unlike her three predecessors. The Tigers' official response calling for unconditional talks has been equally heartening. After what seems like ages, Sri Lanka's most famous tourist slogan — serendipity — could be inching towards reality.

Boost to Pluralism

Sagarika Ghose

The recently concluded Sri Lanka elections have been a watershed in more ways than one. Not only has the 17-year rule by a single party been broken but also the social base of elections in Sri Lanka in general have been widened. These elections have seen a return of the Tamil United Liberation Front after years in the wilderness and they have witnessed the active participation of the Sri Lanka Muslim Congress as one of the partners of the victorious coalition. For too long, the two main political parties — the SLFP and the UNP — of an island consisting of diverse groups have battled over the Sinhala heartland. Now at last the arena of political contention may have shifted from the Sinhala core to the Tamil and Muslim periphery.

Plural Politics

It is ironical that it is Mrs Chandrika Kumaratunga, the daughter of none other than SWRD Bandaranaike who has initiated an era of potentially more plural politics. For it was Mr Bandaranaike who first embarked on the linguistic policy that was to drive the two main communities of Sri Lanka apart. When Bandaranaike first founded the SLFP in 1951, he did so in order to take up the cause of the Sinhala Buddhists more vigorously than the UNP. By 1955, he had opted for the "Sinhala only" policy as far as the national language of the island was concerned, to the exclusion of Tamil. In fact, the SLFP along with the Mahajana Eksath Perumuna campaigned on a radical nationalist platform, thereby almost pushing the UNP to a situation where it abandoned its earlier policy of parity of the two languages — Sinhala and Tamil — and energetically took up the "Sinhala only" platform as well.

Thus, political competitiveness among the two main Sinhala parties led them to adopt increasingly nationalist positions. The gulf between the two communities widened further as a result. Tamils began to feel betrayed by the Sri Lankan leadership and in general elections from 1956 onwards, the more militant groups within the Tamils, such as the Federal Party swept the polls and moderate groups like the Tamil Congress were marginalised. In an enigmatic twist of fate, SWRD Bandaranaike was assassinated by a Buddhist monk, a prophecy perhaps of the violence that was to follow from the SLFP's policy of Sinhala exclusivism.

Although governments changed regularly every five years until 1977 when J.R.

Jayawardene changed the constitution and the pattern of voting, election campaigns remained confined to the Sinhala agenda. Successive governments have failed to bring the minorities into the mainstream and thus solve the roots of the Tamil problem. When Mrs Bandaranaike became prime minister in 1961, the Language of Courts Act had provided for the gradual replacement of English by Sinhalese and by the 1960s it was clear that openings for Tamils in the civil services were becoming limited. Agitations and campaigns for civil disobedience began.

All governments also followed a policy of trying to settle the Sinhalese in the north and east to take the pressure off the land in the south. Sinhalese settlements in Amaparai and Trincomalee were bitterly resented by the Tamils. The Sinhala, on the other hand, perceived the Tamil demand for locally elected regional councils in these areas as a means of monopolising control of the land. Added to this the UNP government's policy of setting out off percentage marks at the university level, whereby Tamil students needed to secure higher marks than Sinhala students to secure admission into science courses led to frustration among the youth in Jaffna. Early forerunners of the LTTE came from these youth. The UNP government in 1978 tried to reach out to the Tamils by removing the distinction between 'citizen by descent' and 'citizen by registration' in the constitution but, for fear of its own vote bank, Buddhism still retained foremost place and decentralisation of power was ruled out.

Differences

Therefore, there has been an almost an official creation of a monolithic majority Sinhala community in Sri Lanka which the two parties could rely on to carry them to power, ignoring the aspirations of not only the Tamils, but also the Moors, Burghers and Malays that make up the island's demographic profile. Even among the two main communities, there are differences. The 200-year old Sri Lanka Colombo Tamils are distinct from the Jaffna Tamils. Among the Sinhalese too, there are differences among the Goigama and the Karava and Salagama castes. In local communities across the island, people have often created various common linkages between Sinhala and Burgher, Tamil and Malay that belie the colonial classification of the two distinct groups of "Sri Lankan Tamils" and "low country Sinhalese".

Apart from her pact with the Muslims, Mrs Kumaratunga has appointed a Tamil as her minister for foreign affairs. She has appointed a ministry of national integration under her own charge and received the support of the plantation Tamil leader, Mr. S. Thondaman. After many years of communal bloodshed, a leader appears ready to break with the Sinhala-dependence of her predecessors and capitalise on the strengths of a multi-ethnic, multi-lingual island.

To the Editor

I find from the Colombo newspapers that you celebrated your 65th birthday on September 4. As one tribesman in the same profession to another (celebrated) one, I thought I would add my birthday wishes to you, even though it comes so belatedly. Just for the record between you and me — as September-born to another. I marked (I wouldnt say celebrated) my 64th birthday on September 7, in this land of Liberty, Equality and Fraternity!

After 1956 when SWRD spoke of "the revolution of rising expectations," this is the first time I believe that his daughter is leading another mini-revolution of "rising expectations." She has made a brave beginning, and may she succeed! But frankly, I wouldnt place any bets on it. The odds, one feels, are against her unless she succeeds to the Executive Presidency.

More strength to your elbow and my good wishes.

S. Sivanayagam
La Courmeuve, Paris, France.

(The writer was editor of the independent Jaffna-based *Saturday Review* and jailed in India)

To the Editor

Just a line to wish you belatedly though it be — a happy 65th birthday. I got to know about it only, last Sunday, through Jayadeva's column. I think he had paid you a charming and well deserved tribute. In my judgement, of all Ludowick's students, yours has been the most pervasive influence on public men and matters in our time. I have talked of you as "the glory of the thirds and the envy of the firsts."

Here's wishing you more power to your elbow.

(Prof) Carlo Fonseka.

Sri Lanka's New Premier

Pracha Santitham

(Translated from the Thai journal *Arthit Weekly*)

I thought it would be interesting to readers to see the coverage given to Sri Lanka in the Thai press. Despite the fact that Sri Lanka and Thailand have old connections with each other through their mutual Buddhism and that more recently Sri Lankans have trade connections particularly in the gem trade, there appears to be a basic lack of interest in Sri Lanka in knowing much about the countries of Southeast Asia or about improving Sri Lanka's image in those countries. I was, to say the least, quite surprised recently in conversation with a Burmese academic teaching in the USA and a leader of the opposition to SLORC, when he expressed the conviction that the name 'Sri Lanka' came from the word 'linga'. It is apparently a widespread Burmese misconception.

The article translated here is an indication of the interest that the Thai middle classes, particularly those with a critical interest in the world around them, have in the politics of their neighbours.

The picture of Sri Lanka as a paradigmatic welfare state before 1977 and the suggestion that the new government would try to pursue similar policies is not without relevance for *Arthit's* political argument with regard to Thailand itself. Three issues prior to the one in which this article appeared, the journal ran a long article entitled 'Thailand - tiger: tiger in trouble'. I placed a translation of this on the Southeast Asia List on Internet and will be happy to send a copy to anyone interested who requests it. In the article the author(s) examine Thailand's relations with its four immediate neighbours and draws attention to the exploitative relation it has to Burma, Laos and Cambodia. With regard to Malaysia, the article suggests that Thailand is looking at trouble in the future in the fields of economic and military competition. The article also argues that the prosperity of Thailand is in the hands of a minority with 60% of the population sharing 20% of its income. It argues further that the image of the new economic power has strangled international aid which should still go to the disadvantaged majority. The Sri Lankan case stands as an example of a country that puts the welfare of all of its inhabitants before the pursuit of economic prosperity for its own sake — at least before the victory of the UNP.

Sri Lankans may have difficulty accepting this interpretation; but it is an interesting view from outside.

Gehan Wijeyewardene, *Department of Anthropology, Research School of Pacific and Asian Studies, Canberra, Australia.*

When President Wijetunga of Sri Lanka called a general election for the middle of last August, he probably did not expect the people to elect a party of the left. It appears however, that the conservative United National Party which had been in power for seventeen years has now been defeated. The left wing party known as the People's Alliance gained 105 seats (of a total of 225 in parliament) and with the support of two or three small parties the left has more than half the seats and can form a government.

The biggest problem the new government must solve is that of the market economy. In the period just past the conservative government experienced no little success in economic development. National income increased by as much as 6% per annum, but Mrs Chandrika's party claimed that the policies of the old government brought massive inflation and there is corruption on a scale not previously encountered in Sri Lanka. Mrs Chandrika has announced that there will be a return to the policy of a welfare state and a mixed economy. But the new Prime Minister has not indicated what kind of welfare state it will be.

Since Sri Lanka gained independence from Britain in 1948, education and health care have been free social services [provi-

ded by the state]. In addition has provided funds for the supply of basic foodstuffs which has allowed the people to live their lives without great hardship when compared with Asia in general. Sri Lanka may also be credited, up to 1977, with the most progressive policy for the protection of labour. The whole of Sri Lanka's budget is devoted to the social welfare of its population. Because of this we may say that, for Sri Lanka, the well-being of its inhabitants is more important than economic growth.

When the conservative party won the election and brought down the socialist government expenditure on social welfare was cut root and branch, subsidies were much reduced at the same time as taxes on the wealthy were reduced.

Since then the deprived populace was even more deprived. Today 40% of the population lives below the poverty line. Inflation has risen greatly. Among politicians and public servants there is widespread defrauding of the public purse. The public felt it was time for a change and a new government which has led to Mrs Chandrika Kumaratunge and her left wing party come to government.

Mrs Chandrika is the daughter Mr Solomon Bandaranaike who was Prime Mini-

ster for over three years before he was assassinated in 1959. Mrs Chandrika studied sociology and political science at the Sorbonne in France. She married a well-known Sri Lankan Marxist theoretician who was assassinated in 1988.

Mrs Chandrika's mother is Mrs Sirima Bandaranaike who was the first woman Prime Minister in the world and was Prime Minister of Sri Lanka for twelve years during the 1960s and '70s.

It is speculated that Mrs Chandrika would wish to improve understanding with separatist groups who are still in armed conflict [with the government]. The path to understanding is not going to be smooth, but to say the least Mrs Chandrika understands the problems of the minorities better than any past leader.

Regarding the economy, the new Prime Minister has promised that the reform of the economy in the direction of a free market will continue. Business circles fear, however, that though this will be so, there will also be nationalization of some industries, specifically food processing, communications and transport.

Mrs Chandrika said in an interview with *Time* that economic problems will have the highest priority in the policies of the

new government. At the same time there will be improvement of the democratic system which has deteriorated in Sri Lanka. In addition she emphasized the necessity for solving the problems of separatism and creating peace.

Though the left has a big majority in the House of Representatives, governing the country will not go smoothly. If the President does not cooperate the new Prime Minister will have great difficulties.

According to the Sri Lankan constitution true administrative power resides with the President who is the Head of State. He is also head of government and Commander-in-Chief of the armed forces. The president has the power to call elections, appoint the Prime Minister and ministers. He is also the president of cabinet. He may also hold many ministerial portfolios to which he may appoint himself.

The President would have been disappointed after the general election that the conservatives had been disappointed, but he still retains full power to obstruct the new government of Mrs Chandrika.

And, he does not have a great deal of time until November when a presidential election will be held and the people will have to decide whether to elect the old President or Mrs Bandaranaike (80 years old) the mother of Mrs Chandrika.

CORRESPONDENCE

Chanaka Amaratunga: Fascist, or Just Imperious?

It was without great surprise that I read Chanaka Amaratunga's eulogy of Richard M. Nixon in the *Lanka Guardian* of June 1, 1994. How funny that a Sri Lankan liberal should exhort the greatness of a former American President who was ignominiously driven from office for corruption and for lying to the American people. Why does Chanaka soft-pedal the charges against Nixon, all of which amounted to a conspiracy to cover-up and the abuse of public office? Even funnier still is that this liberal is enamored of an American President who brought to the White House all the trappings of an imperial presidency, to the point even of instituting a new Presidential Guard (a function hitherto reserved for the US Marines) whose Queen's-Guard-looking dress elicited considerable ridicule and was promptly changed after Nixon. Perhaps Chanaka is not aware (despite his professed liberalism) that in America the president is merely another public servant, and that abuse of office in any form is not tolerated, a message that he should be relentlessly dinned into the minds of the Sri Lankan public who have for too long suffered the foolish imperiousness of their own public servants and politicians.

Chanaka also needs to take a closer look at Nixon's foreign policy. While much of the admiration for Nixon among Americans is due to the fact that he "got out of Vietnam," his conduct of the Vietnam war, from the point of human decency and statesmanship, is appalling. Nixon's only tactic of getting the Vietnamese to the negotiating table was to unleash a relentless bombing campaign of Hanoi, euphemistically code-named Linebacker I and II, which are rather rough positions in American football, Nixon's favorite sport. Perhaps Chanaka's equation of a great statesman is one who is responsible for the killing and maiming of thousands of innocents in the name of saving democracy, a feat that Nixon was unable to accomplish in Vietnam. Even his historic China trip was purely self-serving, and Nixon had no great admiration for the Chinese. Most Americans

remember his China trip through the incident where Nixon stood atop the Great Wall and contemptuously remarked, "This sure is a great wall." Chanaka, like so many unsuspecting Americans, have fallen for the anti-communist rhetoric of Nixon, who was at one time a communist baiter and an ally of Joe McCarthy, a period in American history that is not very fondly remembered here. He also seems to have forgotten that Jimmy Carter's Secretary of State was Zbigniew Brezezinski, an educated Cold Warrior. Nixon did not bring respect to the presidency as Chanaka claims, quite the contrary, it was Gerald Ford who quietly and unassumingly restored the legitimacy of that office after the Watergate debacle.

Chanaka maligns Jimmy Carter (the only US President that I have ever met, but I will reserve my eulogy of him for a later date) for contemplating sending the Shah back to Iran. Unfortunately, he was thwarted in this attempt by the likes of David Rockefeller and Henry Kissinger, who was an adviser to Rockefeller's bank where all the Shah's illegal assets were held, because Kissinger and Rockefeller knew that the Iranians were contemplating the transfer of their assets from New York to Paris, and they knew that it was a matter of time before the Iranians did something that would let the US conveniently freeze all Iranian assets. Further, the intransigence of the US in the matter of releasing the Shah undermined the position of the more liberal elements such as Bani Sadr and further radicalized the revolution, resulting in the hostage crisis. Thus, Carter was thwarted from acting in the best interests of the US and the World as a result of the self-interested actions of Nixon's good buddies, Rockefeller and Kissinger. I would like to bring to Chanaka's notice the book by a former US State Department official, James A Bill, entitled *The Eagle and the Lion: The Tragedy of American-Iranian Relations*. Yale University Press, 1988. One dreads to think what would have been the outcome of the whole Iranian imbroglio if the "Linebacker" menta-

lity of Nixon governed the White House in that tense period. And I ask again, what great affinities do liberals share with Shahs?

Chanaka mentions Nixon's last visit to Russia as some kind of great event. He does not mention, however, that Nixon's senile blabberings and blunders in Russia were of considerable embarrassment to the US government. His first act upon landing in Russia was to meet with Ruskoi and Khasbulatov, the imprisoned former, parliamentary rebels, prompting Yeltsin to denounce Nixon and cancel Nixon's planned audience with him. According to many commentators here, Nixon's visit sent more wrong signals than ones to the dazed and confused Russian populace. Besides, Nixon is not the only one advocating aid to Russia, everybody here knows that Russia needs aid, where its going to come from is the problem.

Chanaka seems also to have been highly impressed by Nixon's reminiscences of his visit to Sri Lanka, remembering Anuradhapura and Kotelawala etc. It is my contention that Chanaka has vainly let himself be duped by a crafty politician who must have prepared himself well before his audience with the Oxford Union and its secretary, a Sri Lankan. It is understandable that Chanaka, as a twenty-year old, given his "fierce school-boy admiration," was naively taken in by the crafty Nixon, but it is unforgivable that today, as the leader of a political party, he is still letting himself be taken in by crafty politicians. Surely, as a liberal, he should be more discriminating in the company that he keeps — Premadasa, Zhirinovsky, and now Richard Nixon. What Sri Lankan politicians, especially those who profess to represent the liberal faith, need to realize is that they are merely public servants, beholden to the constituencies that they represent, not imperious rulers who are governed by the whims of their own fancies.

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The disinterment of skeletal remains

This briefing paper prepared by the Civil Rights Movement outlines the need for professional excavation of mass grave sites worldwide, a brief summary of correct exhumation procedure and some information about current or recent scientific mass grave excavations in a number of countries.

Over the last ten years, hundreds of mass graves have been discovered and excavated in places as far apart as Argentina, the Philippines, Iraq and the former Yugoslavia and Ethiopia. In all these and other countries thousands of people have "disappeared" and their fates remain unknown. For pressing humanitarian reasons, as well as to order to uphold the law, both national and international, judicial investigation should seek out the places where these people are thought to have been killed or buried. The graves should then be disinterred and investigated. Many mass graves have subsequently been found to be connected with serious abuses of people's human rights such as extra-judicial execution and torture. This paper outlines the need for professional excavation of mass grave sites worldwide, of brief summary of correct exhumation procedure and some information about recent or current mass grave excavations.

It is a commonly held belief that skulls and bones tell no tales. In fact, if performed correctly, the excavation of mass graves can reveal an enormous amount of information about how people died, who they were and how they came to be there. By exhuming graves thought to be linked to suspicious deaths and attempting to identify the bodies within, the fate of thousands of people who have "disappeared" can be resolved and the terrible uncertainty suffered by their families ended. The excavation of such graves is also necessary to bring those responsible to justice. In the broader human rights context it is essential to end the impunity which those who have committed such crimes so often enjoy.

So mass graves are excavated and analysed for the following reasons:

1. on a humanitarian level to inform thousands of families about the fate of their loved ones
2. as an irrefutable scientific record of the human rights abuses which occurred

3. to act as a deterrent to those who might commit similar abuses; and
4. to provide legally relevant empirical evidence for resulting criminal trials or civil claims for compensation to the families.

The exhumation of graves thought to be connected to human rights abuses should be undertaken by a team of specialists. Usually they work under the supervision of local judicial authorities. Such specialists are called forensic anthropologists, and these professionals combine the disciplines of archaeology, odontology, radiology and pathology in order to establish the identity of the skeletons, the time and place of death, the cause of death and the manner or mode of death. This is of course very similar to the information sought about a recently deceased person.

Who are forensic anthropologists?

The specialised nature of this field and its relative newness means that few countries have trained forensic anthropologists. But the United Nations, as well as non governmental organisations, is prepared to provide personnel, both to assist in the disinterment procedure itself, and also to train local staff to do the work in the future. In the past ten years, forensic missions to investigate deaths following human rights violations have been sent to Argentina, Bolivia, Brazil, Chile, Colombia, Czechoslovakia, El Salvador, Guatemala, Kenya, Kurdistan (Iraq), Mexico, Panama, Paraguay, the Philippines, Romania, South Korea, Taiwan, Venezuela, the West Bank (Israel), and Ethiopia.

The American Association for the Advancement of Science (AAAS) is the main organisation providing training in the fore-

CRM STATEMENT

Resumed excavations

While welcoming the decision to resume investigations at Suriyakanda, the Civil Rights Movement has reiterated the importance of doing this with great care and expertise. CRM has made representations to this effect to the Minister of Justice. It has also written to the Acting Attorney General, the Government Analyst, the Judicial Medical Officer and the Registrar of Fingerprints, all of whom will be involved in the resumed excavation. CRM has sent to these authorities its briefing paper on the Disinterment of Skeletal Remains, which describes the experience of other countries and the availability of foreign expertise. It has also provided them with copies of a UN manual on the subject.

The excavation of a mass burial site, where many bodies are packed into one place, poses technical problems much greater than the exhumation of individual graves. An enormous amount of information can be revealed about how people died, who they were and how they came to be there, provided the excavation is done with the necessary skill, avoiding the danger of irretrievable destruction of vital evidence in the process.

There have been great strides in this field of forensic anthropology in recent years. Mass burial sites have been excavated with the help of international expert teams in Argentina, El Salvador, Guatemala, Kurdistan (Iraq), the former Yugoslavia and Ethiopia. The United Nations and international NGOs are prepared to provide personnel, both to assist in the disinterment process itself and also to train local staff to do the work in future.

nsic anthropology field. In 1984 it ran a training programme in Argentina (see below) and is currently training a team in Guatemala. It has organised conferences on the value of forensic anthropology to human rights investigations in the Philippines (1986), in Costa Rica (1989) and in Guatemala (1992). The Argentinean Forensic Anthropology Team has itself helped train teams in Chile, Brazil, Colombia, Guatemala and the Philippines and assisted in the excavation of a mass grave at El Mozote in El Salvador. Another organisation providing specialists in this field is Physicians for Human Rights. Since 1984, 45 forensic scientists from 16 countries have formed the Committee of Concerned Forensic Scientists and Physicians (CCFS). Working with the Minnesota Lawyers International Human Rights Committee, CCFS members have drafted guidelines which they are encouraging national and international scientific and human rights organisations to adopt.

The United Nations

So seriously does the international community take this question that the United Nations has published *The Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*.

This publication includes a section which is a model protocol for the disinterment and analysis of skeletal remains.

This model sets out three major phases to an exhumation:

- 1) The collection of antemortem data. This primarily involves interviews with relatives and friends of the victims to obtain information about the last time they were seen, witness accounts of people who saw them prior to death etc. and any witnesses who saw them die.
- 2) The archaeological phase. This consists of finding and excavating the grave site. The protocol includes hints of how to locate the actual grave site. Disinterment by untrained persons should be prohibited, for fear of losing valuable information. Photographs should be taken of the work area from the same perspective each day before work begins and once it is finished, to document any disturbance not related to official procedure. Particular attention must be paid to the spatial evidence.

An adequate numbering system must be devised and site should be mapped. The remains should first be "pedestaled", that is to say excavated by digging all around, so that they are fully exposed without being disturbed, and then photographed and notes taken while they are *in situ* before they are moved.

3) The laboratory phase. This involves the analysis of the skeletal remains. It should include X-rays of all the skeletal remains and special attention should be paid to fractures, developmental anomalies and the effects of surgery. At stage it may be possible to determine the age, sex, race and stature of the skeleton. Evidence of handedness, pathological change, trauma and developmental anomalies should aid identification. Some laboratories may also test DNA.

At present the United Nations itself, in conjunction with other human rights groups, is involved in an investigation in the former Yugoslavia. The Secretary General of the UN has established a Commission of Experts to investigate grave breaches of the Geneva Conventions and other violations of international humanitarian law alleged to have taken place in the territory of the former Yugoslavia. Within this brief, the Commission is concerning itself with the exploration of a mass grave site near Vukovar. In order to assist in this task the UN has called in Physicians for Human Rights, who are providing a team of forensic experts.

Since its discovery the grave site has been guarded by UN troops, to prevent any interference with the evidence. So far the experts have concluded that a mass execution took place at the grave site. The grave contains perhaps as many as 200 bodies and the remote location of the grave suggests that the executioners sought to bury their victims secretly. The team believe that the grave is consistent with witness testimony that patient and staff of Vukovar hospital were evacuated on the 20th of November 1991 by Serbian forces. At that time many staff and patients disappeared. The grave is thought to be the site of their execution and interment, but further investigation are now necessary. All evidence gathered will be handed over to the UN authorities investigating war crimes in the former Yugoslavia.

Argentina

The United Nations is not the only organisation to undertake the investigation of mass grave sites. Human rights groups and national governments have sought assistance from experts when disinterring skeletal remains. In 1984 the government of Argentina began to investigate the human rights abuses conducted during the previous seven years under the military regime. At least 9,000 people had been murdered by government death squads. The new civilian government had pledged to bring those responsible to trial. In order to assist in this massive task, the American Association for the Advancement of Science (AAAS), sent specialists to Argentina. These forensic anthropologists not only helped excavate mass and individual grave sites, but trained Argentinean students to undertake such work themselves. They eventually formed the Argentinean Forensic Anthropology Team (EAAF).

So far the Argentinean forensic team has excavated over 100 graves, some containing as many as three hundred skeletons. Early in 1988, they began work on what may prove to be the largest grave site in Argentina. Located in a remote corner of one of the largest cemeteries in the capital, Buenos Aires, are 12 to 15 separate graves, each containing up to 20 skeletons. The forensic information gathered at all the grave sites has been a critical element in the conviction of Argentinean military leaders for crimes of murder, and kidnapping.

The Argentinean team has itself gone on to train teams in other countries such as Guatemala, Chile, Brazil and Colombia and has assisted in excavations in other countries, such as El Salvador. In 1986, two members of the team travelled to the Philippine capital Manila to assist in the search for the graves of 650 people who had disappeared between 1970 and 1985.

El Salvador

In 1981 press reports in the United States suggested that at least 794 people had been rounded up and murdered, allegedly by the Salvadorean army, in eastern El Salvador, in the Morazan province. The Salvadorean government denied the reports. Ten years later, a peace agreement between the gove-

rnment and the rebel FMLN called for the formation of a commission to review the "grave acts of violence" which had occurred since 1980. In 1992 the Argentinean Forensic Anthropology Team began the exhumation of a grave site at El Mozote. Local human rights groups had already collected witness testimony which suggested that children were herded into a house and shot dead. The walls and roof of the building were then knocked down and set on fire.

Following the excavation, the forensic experts identified the presence of 143 skeletal remains, including 136 children and adolescents and seven adults. The skeletons showed trauma from gun shot wound injuries and postmortem crushing and fire and heat damage. The ballistic evidence showed that at least 24 different weapons were used and that the shots were fired from inside the house. The evidence suggests strongly that the people were the victims of intentional, mass extra-judicial killings.

Guatemala

Guatemala has one of the worst human rights records in the Western hemisphere. Between 1970 and 1990 massive human rights violations were committed against the civilian population, particularly against the Mayan Indians. Estimates of the number of extra-judicial killings range from 100,000 to 200,000. The Guatemalan security forces are widely considered to be responsible for the bulk of the killings.

In 1992 a group of Guatemala students established the Guatemalan Forensic Anthropology Team (EAFG), along the lines of the Argentinean model. During its first 18 months of existence the EAFG conducted six exhumations in the west of the country. Because the Guatemalan penal code does not recognize the participation of non-governmental forensic anthropologists, the team works closely with the local judiciary and medical staff. To date the team has recovered 218 skeletons from at least 15 sites. All of those exhumed died violently, and many have been identified. The team points out that the exhumations have transformed the lives of the survivors. Many had abandoned their villages not only in fear of the military returning, but also because they felt unable to farm land in which their friends and relatives lay buried. The peo-

ple are starting to return to their villages. The EAFG has another three exhumations planned, but also they hope to expand their own forensic knowledge through training abroad.

Kurdistan (Iraq)

During the late 1980s, the Iraqi regime of Saddam Hussein carried out a violent campaign against the Kurds in the north of Iraq. The attacks against the civilian population, particularly using chemical and conventional weapons in which thousands or possible tens of thousands of people were killed, have been independently substantiated. But it was not until 1991 that the full extent of the repression and human rights abuses became known.

In 1991, Middle East Watch and Physicians for Human Rights sent a delegation to northern Iraq on a seven day visit, to assess the needs of the Kurdish population in terms of the exhumation, identification, and determination of the probable cause and manner of death of individuals buried in mass and single unmarked graves. Because the Iraqi security forces retained records of all the people they detained, tortured and killed, the Kurds now have an enormous amount of information about those who disappeared, including video tapes of interrogations and murders.

The delegation concluded that very little was being done to take down witness testimony about the human rights abuses. Furthermore, there is a need for a team to go through all the evidence compiled by the Iraqi police. Most importantly though there is a need for exhumations to be carried out by experts. Vital evidence is being destroyed as local communities excavate graves solely to identify the victim and then rebury the dead. The delegation believed that in their short visit they saw enough to support the proposition that Iraq has committed crimes against humanity and possibly genocide in Kurdistan.

Ethiopia

Excavations are currently being made in Ethiopia by an Argentinean team. These are believed to be related to extra-judicial killings during the regime of the dictator Mengistu Haile Mariam. Since his government was ousted in 1991, several mass graves have been dug up, providing

grim and indisputable proof of widespread killings. The evidence is expected to be used at the trial of hundreds of former government officials. Dr. Clyde Snow, who pioneered the combination of anthropological excavation and forensic science, points to another need. Creating a historical record for a country like Ethiopia or Argentina is necessary, he says, "so that the revisionists cannot come along 15 or 20 years later and say this never happened. Hopefully, laying these things out in daylight will have a chilling effect on others tempted to commit such crimes in the future."

Publications on the disinterment and analysis of skeletal remains, including the United Nations Manual are available for reference at the Nadesan Centre Library, No. 4, Charles Circus, Colombo 3. Copies of some of them, including the UN Manual, may be obtained as indicated.

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Northern Ireland: From despair to hope

Lynn Ockerz

There is a growing realisation among all parties to the conflict in Northern Ireland that causes for division among the principal communities of the province have to be removed, British High Commissioner in Sri Lanka John Field said in the course of a talk delivered at Hotel Hilton, Colombo on September 11 under the title *Northern Ireland towards a settlement*.

It was the second in a series of talks organized by the *Lanka Guardian* and the Law and Society Trust on the theme 'Nationalism and Conflict'. At the outset, editor, *Lanka Guardian*, Mervyn de Silva, who chaired the proceedings drew the attention of the audience to the fact that as in the case of Northern Ireland, Sri Lanka too was witnessing moves to end the country's ethnic conflict.

Although religion has been highlighted as the principal source of conflict between the protestant and catholic communities in Northern Ireland, discrimination against the minority Catholic community over the years in spheres such as employment and education, has played a substantial role in straining intercommunal relations, the High Commissioner explained.

Tracing the history of the conflict, Mr. Field said that the division of Ireland into North and South occurred with the passing of the government Ireland Act of 1920 by the British Parliament. Northern Ireland enjoyed limited autonomy and came to be administered by a regional parliament in Belfast.

However, domination of the Belfast parliament by one sectarian group led to the polarization of communities in Northern Ireland. Little interest was shown in the minority population. This led to a sense of grievance among the Catholics, who moved to urban areas for employment, but their prospects were not bright.

After the second World War, the IRA, once again, took up the unification cause. The coming into being of a wealthy Catholic middle class in the 1960s, led to a greater awareness among the Catholics of their civil rights and spurred them on

to better their prospects. The civil rights movement at the time in the US was an inspiration. This led to agitation and violence.

In 1972, direct rule from Westminster was imposed on Northern Ireland. Subsequently the regional parliament in Belfast was abolished.

The Anglo - Irish Treaty of 1985 was a turning-point in the history of the conflict in Northern Ireland. This enabled the Irish government to advance views on matters pertaining to Northern Ireland.

Other important landmarks on the path to resolving the conflict were the August 1992 Anglo-Irish talks which raised hopes of bringing about a settlement and the December 1993 Anglo-Irish agreement on dialogue and a permanent end to the Northern Irish problem. A set of principles for a settlement has been framed but not the "nuts and bolts" of a solution.

The High Commissioner said that it is significant that the IRA doesn't speak of a united Ireland in the recent ceasefire declaration. In the last year Catholics deaths have exceeded protestant deaths. There is also popular opposition to violence in the province.

The High Commissioner observed that a military solution to the conflict has proved ineffective after all these years. IRA activities has only generated protestant extremist violence.

Mr. Field emphasized the importance of learning from history. Past injustice, particularly those perpetrated in the 16th and 17th centuries against the majority Catholics in Ireland by protestant landowner settlers from England, are still fresh in the minds of the Catholics. In the past, these injustices stood in the way of a settlement.

The High Commissioner pointed out that the British government, was initiating measures to remove discrimination against the minorities. For instance, the Fair Employment Law was introduced in 1976 to ensure fairplay in the allocation

of jobs. This was subsequently revised and a commission was appointed to ensure the effective implementation of the legislation. Racial discrimination has also been banned.

The British government now deals with terrorism through the normal process of justice. There are no political prisoners. Offenders are considered as having only broken the law. It is up to the prosecution to prove its case beyond reasonable doubt. An Independent Commission for Police complaints has also been set up.

More efforts are being made to attract foreign investment to Northern Ireland and improve industrial infrastructure. The educational performance of the Catholics has improved.

The British government disowns any imperial interests in Northern Ireland. It now advocates communal harmony.

Distinguished Sri Lankan diplomat and civil servant, Vernon Mendis, in his response to the High Commissioner's speech described the Northern Irish problem as "a tragedy of missed opportunities." The Catholics were marginalised and discriminated against by a Protestant "landowner hegemony".

The British army moved into the province in 1969. This was the beginning of the rebellion. From 1969 to 1985 the British government offered concessions to the Catholic minority but these were withdrawn in reaction to protests from the protestants. Thus chances to bring peace went abegging.

Mr. Mendis' response was rich in little known details about the conflict. He was particularly strong on the numerous bloody event that have scarred Northern Ireland in the past two decades.

In the lively discussion that ensued, the British High Commissioner among other things, was questioned by members in the audience on the "American factor" in the Northern Irish problem. Mr. Field explained that an International Fund for Ireland was established in 1986. The US is the

biggest contributor. The delegation from the US led by Bruce Morrison, which visited Ireland recently probably offered economic aid for Northern Ireland.

A discussant from Britain pointed out that the sectarian factor in Northern Ireland was a creation of the mass media. The problem was misrepresented by the latter. The common people of the Irish republic are for an end to the conflict.

The question was posed by the chairman as to whether there was a role for the UN in resolving ethnic conflicts of the kind we encounter in Sri Lanka. This gave rise a robust exchange of views. Mr. Mendis was of the opinion that although the commonwealth could play a role the UN couldn't.

Thus important issues pertaining to even Sri Lanka and the region were clarified.

(Daily News)

Irish Troubles

Jayadeva

Speaking of information, I must not omit to mention last Sunday's 'Lanka Guardian' Law and Society Trust discussion on the troubles in Northern Ireland. The second in a series of colloquia (the first was on post-Communist Russia), it didn't entail any technology except sound amplification. The gathering was small enough to have dispensed with even that. Less technology the better sometimes the lively exchange of views and opinions that I witnessed may not have been wholly acceptable within an 'IT' ethos.

The proceedings started as usual with the 'Lanka Guardian' editor's wide-ranging introductory remarks. He alluded to possible parallels between the Irish troubles and the Sri Lanka. These were taken up and avidly scrutinised during the latter part of the morning. The British High Commissioner, as principal speaker, modestly disclaimed any close knowledge of recent developments pertaining to the Irish Question. But his historical presentation was a lucid and comprehensive account which placed the whole issue in clear perspective.

Vernon Mendis, diplomat and historian, responded with analytic passion, filling gaps, underscoring noteworthy happen-

ings, regretting missed opportunities and urging a humane approach.

For me, neither historian nor diplomat, and only acquainted with the troubles through the literary channel, it was a morning most fruitfully spent. A true learning experience, which told me once again how foolish, unseemly (and dangerous) it is to attach convenient religious, political or ethnic labels to conflicts between groups in the same society.

The colloquium also served to remind us that the media play highly complex roles in such situations. This is a phenomenon that should engage 'Lanka Guardian's' attention on a later occasion.

Meanwhile, the British Government's embargo on the broadcasting of militant Irish voices remains in force, the sacred principle of media freedom notwithstanding.

(Sunday Island)

Scholar's Tale

Part 18

*Gravitating lentils in the Imperial Game
Though not War Games in a High-Tech frame
On effectiveness raised no question
As the Monovirate went scuttling out of action.*

*Let's dwell awhile on these Kautillan techniques
From the hoary terrain of Kipling's mystique
The Vice-Raj tripping up on one-track intrigue
Went Mogul-Mosaic on its new Power grid.
All the brash hints from Sabre rattle to Rocket
Didn't work as well as the Peace-keeping Packet
So Julius furred up his Stars and his Stripes
And shut up on Tank farms and Trinco tripe.*

*In this state of collapse with his pen and his seal
He signed Julius Rex, come Woe, come Weal
The lentils sprouted like Dragon's teeth
And fifty thousand men flowed into the breach.*

*Protective custody for the fallen King
Held with Gun-boats off Galle Face Green
But protection from his own Vizier
Was a hurdle the Caliphate could not clear.*

*The Grand Vizier came out on the streets
And the chorus changed to growls from bleats.
From the safety of his Gun-boat bail
The Caliph saw his City quail
Before bobs like those he had once let loose
To train his Cabinet on his modes and views.*

*And so the realization came
There were many Kingpins in the Power Game
The Caliphate just a greased-up cog
Sending the Vizier through like a piston rod
The Vice-raj condescending from Himalayan heights
But Tame to the Sterling and Dollars might
And the Dollar in its deadly flight
Primed Mozzad, New-left and Ultra-Right.*

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Conflict Resolution: Can Cartography Help?

Horace Perera

How the EC and the UN failed

The year 1994 dawned with the war in Bosnia-Herzegovina between the Bosnian Serbs and the US brokered Muslim-Croat Federation continuing with the same intensity, as in the past, accompanied by appalling atrocities and systematic "ethnic cleansing" perpetrated largely by the Bosnian Serbs. The Muslim-led army had reorganized itself and had developed from the rag-tag guerilla band it had been in April 1992 into a tough infantry force. According to Jane's Sentinel, this army had acquired between April 1992 and April 1994 about US \$ 160 million worth of weapons. The records of the International Institute of Strategic Studies showed, however, that it was still outnumbered by the Bosnian Serbs in tanks and military pieces, but was striving for parity. The stage seemed to be set for a prolonged war fought with unabated ferocity and accompanied by horrendous brutalities, which would be terminated only when the last combatant on one side had killed his solitary opponent on the other, and he himself had died in the process. The continuation of the war demonstrated that neither the E. C. nor the UN, nor both and the CSCE were able to restore peace and security in Bosnia, let alone end the conflict in Croatia where some 25% of Croatian territory was still under Serbian occupation. At this point (February 1994) the major European Powers decided to step in. The USA, Britain, France and Germany (representing the E. C.) and Russia established a "Contact Group" brought about a truce and began to work on measures to achieve what European Security Institutions and the UN had so far failed to do. Having considered various options the Group decided to impose a "take it or leave it" Peace Plan on the parties. To this end they drew up a Map Bosnia carving it into "political entities" between the Bosnian Serbs and the Muslim-Croat Federation, leaving 49% to the former, 48% to the latter, and 3% (i.e. Sarajevo, the capital city) under UN administration for two years.

(Note: in what follows Bosnia-Herzegovina will be referred only as Bosnia, the Muslim-Croat Federation as the MC Federation and the "Contact Group" as the Group.)

Bosnian Reactions

In deciding to draw this map the Group took upon itself a formidable task. No matter where they drew the "frontiers"

there was the inescapable fact that it was impossible to avoid leaving minorities on the other side of the line. The problem was complicated by fact that due to "ethnic cleansing" large numbers of non-Serbs had been killed or evicted from their original areas and Bosnian Serbs had replaced them. To ask the latter to leave would be as difficult as not to concede the right of those expelled and still living to return. Hence compromises had to be made. On the one hand towns like Prijedor in North-West Bosnia, in which the UN Commission on War Crimes estimated that 52,811 people, mostly Muslims, had been driven from their homes, were included in the new Bosnian Serb areas. On the other hand, in Western Bosnia, the Muslim pocket around Bihac has extended Eastwards, embracing the previous Bosnian Serb held town of Sanski, most and stretching as far as possible towards Kljuc. The map which was approved on 30 June by the Foreign Ministers of the states constituting the Group was given to the two parties concerned on July with a request that they indicate acceptance or non-acceptance in two weeks. The map has been criticized by the parties concerned and also by "independent" political commentators. First to the parties concerned: The MC Federation felt that due consideration had not been given to the fact that in April 1992, when hostilities broke out, the Muslim and Croat population constituted about 60% of the population of Bosnia. It was also not happy that several towns with majority Muslim populations, and which were the scenes of the most horrible savageries seen in Europe since World War II, had been offered to the Bosnian Serbs thereby "rewarding" them for their brutalities and "penalising" Muslims who were the victims. However, in the interest of restoring peace and security in that war torn republic they were ready to accept the Group's Peace Plan. The Bosnian Serb Leaders were not satisfied at all. To begin with they complained that it was "humiliating for the winning side" to give up as much as 21% of the territory which they had occupied. They also complained that "quality" land, Bosnia's other natural resources and key communication centres had been awarded to the MC Federation. For these, and other reasons, to be referred to later, Deputy Prime Minister, V Popovic declared that the plan was "absolutely unacceptable and should be rejected in its entirety."

Independent Political Commentators

The views of most of these commentators can be summed up in the criticism that the five member Group seemed to have had no scruples at all in handing over to the Bosnian Serbs lands in which tens of thousands of civilians had been raped, tortured, killed, died in "death camps", or evicted from their ancestral homes. Democratic Leader, Senator Joseph Biden warned that the Plan was one which "this President or this country will not want to be remembered as having been a party to..." Many commentators were astonished that a Group consisting of Foreign Ministers of the USA and the four major European states had handed the Bosnian Serbs and the MC Federation a Peace Plan on a "take-it-or-leave-it" condition, when the condition should really have been "take it, or leave it and face the consequences". These consequences should have been unanimously agreed on and states in such terms as would have deterred a negative response from either of the parties. They are said to have been anxious not to drive the Serbs from the negotiating table when what was really needed was a show of force. The fact is that the members of the Group could not reach agreement on the reprisals that should follow non-acceptance by the Bosnian Serbs or the MC Federation. There were talks in the air of exempting the Muslims from the arms embargo and of intensive air strikes by NATO. France and Great Britain were opposed to the former as it could lead to an escalation of the war making their peacekeeping forces as well as those of other countries "sitting ducks." The Russians generally showed that they were opposed to both. This was the Achilles heel of the Group's Peace Plan. Radovan Karadzic, the leader of the Bosnian Serbs, saw it quite quickly and decided to stall, asking for modifications. The situation called for a Churchill, a Roosevelt or a De Gaulle. Unfortunately there were none of the stature of these past statesmen.

Karadzic at Bay

Apart from the Bosnian Serbs, the MC Federation and the "independent commentators" there was another party deeply interested and concerned about the outcome of the war in Bosnia. This was Serbia, whose President Slobodan Milosevic had in March 1992, with his dreams of a "Greater Serbia," not only encouraged the Bosnian Serb military operation

but also supplied it with weaponry and a well trained officer corps. In 1991 he had shrugged off the Security Council's imposition of economic sanctions against the former Yugoslavia. By the end of 1993, however, he realized with dismay that extended and tightened sanctions, if continued, could have a devastating and crippling effect on his republic's economy. This he was anxious to avoid at any cost, particularly as the only reprisal on which there was agreement among the members of the group was the tightening of sanctions. Hence he made a complete "volte-face" and urged the Bosnian Serbs to quit stalling and accept the Peace Plan. Resentful at Karadzic's intransigence he threatened to close the border between Serbia and Bosnia thus cutting the latter from all supplies other than food and medicines. True to his word, which was rather unusual, he ordered a blockade of Bosnia and convoy which had received clearance from the Bosnian Serbs to enter Bosnia had to turn back after being refused passage at the frontier by the Yugoslav border police. In a letter which Milosevic addressed two days later to the Bosnian Serb leadership he said "if at the moment when peace is being offered to you, you usurp the right to decide the fate of Yugoslavia, you are really severing all responsibilities of co-operation with us." He also refused approval for Bosnian refugees in Serbia to vote in a referendum which the Bosnian Serb leaders had planned for 27-28 August to demonstrate that they had the full support of their people for their opposition to the Peace Plan. The Bosnian Serb leadership was really "at bay." Radovan Karadzic was not, however, a man to be intimidated or thwarted. He and his colleagues decided to fight back.

Karadzic Fights Back

The Bosnian Serbs stood by their earlier position that there were now "two states" in Bosnia. One was the "Bosnian Serb Republic of Srpska" and the other was the MC Federation. On this basis they called for an overall peace package which, inter alia, would include the legal recognition of the "Republic of Srpska" and its right to join Serbia. The concept of two states and the right of "Srpska" to join Serbia were out of the question. The Security Council had in more than a dozen of relevant resolutions reaffirmed the "sovereignty, political independence and territorial integrity of Bosnia-Herzegovina" and had also declared clearly that any attempt to alter the boundaries of the republic "by force" or "under duress" was "illegal and unacceptable." Moreover since 30 May 1992 the Security Council began, with resolution 757 (1992), to replace the term "the former Yugoslavia" with the term "the

Federal Republic of Yugoslavia (Serbia and Montenegro)." The position now taken by Slobodan Milosevic was definitely a set back to the Bosnian Serb position. But Karadzic and his colleagues decided to remain bellicose, oppose the Peace Plan, defend their newly formed "Republic of Srpska," extend its borders and continue the policy of "ethnic cleansing." They could not have done otherwise having, as they did, planted in the minds of their people the belief of the sovereignty of Srpska and the possibility of its subsequent federation with Serbia. They resorted to inflammatory rhetoric to reinvigorate the national uprising which they had led for two years. Karadzic reproached the Russians for "having failed their Slav and Orthodox brothers." We have, he told the self styled parliament "to turn to ourselves because we are alone" and warning the people of the difficulties that lay ahead, he added that "we should be ready to be hungry, naked and barefooted." The Foreign Minister declared, in a statement endorsing "ethnic cleansing," "Collective suicide would be better than living with others anymore." The clearest message of their intentions came from the Commander of their forces, Ratko Mladic. "If", he declared "the UN, NATO and the Muslims want a wider war, they will have it, but it will be a ruthless one." Early in August the "state" was put on a war footing. Compulsory work teams were organized to harvest crops, repair factories etc. and, in general, to prepare for a prolonged struggle. While ethnic cleansing continues as a policy only women, children and the aged are now being driven out. The non-Serb able bodied are drafted into the work teams. Attempts are also being made, such as through the referendum held in the last week-end of August, to convince the world outside that the people are solidly behind their leaders. Ninety percent are said to have voted for the rejection of the Peace. As a matter of fact, if the 200,000 civilians who had been massacred had voted from their graves, supported by those suffering in the death camps and by the eligible of the one and a half million who had been evicted the result of the referendum would have been very different, provided ofcourse that it had been conducted in a free and fair manner. On 1 September Karadzic told his parliament that he "would cut off gaz, power and food to Muslims and Croats.... and not even allow a bird to fly to them.... until the world compels Yugoslavia to lift the blockage of the routes to Serbia." The situation is fraught with danger. Ethnicity, like blood, is thicker than water and the question has to be raised as to the extent to which the "public relation" activities of the Bosnian leadership can influence feelings in Serbia proper. In fact Karadzic and

his colleagues have also tried the "Greater Serbia Card" by declaring that the Serbian occupied areas of Croatia and his own "republic of Srpska" could be joined to Serbia and Montenegro to form the "Greater Serbia" of Slobodan Milosevic's earlier dreams. Milosevic may not fall for it but should a sizable section of his people fall for the bait his position can be threatened. Political commentators have asked the question had some have answered it by saying "everyone in Belgrade believes that there will be a confrontation between Karadzic and Milosevic but few doubt that there will be." Dr. Predrag Simic Director of the Institute for International Politics and Economics in Belgrade is on record as saying "there can't be two guys at the top: one has to go." Who will it be? Milosevic is a veteran communist, a shrewd behind the scene operator, holds a strong hand, control not only the Yugoslav Peoples Army but also the Police, the broadcast outlets the other media and the far flung network of party loyalists. By his new attitude towards Karadzic he also has the sympathy of the West and Russia is not frustrated with him as it is with Karadzic and his colleagues. Karadzic is not without his contacts in Serbia. He is in touch with politicians there and is said to have on 8 August met with Patriarch Pavel of the Serbian Orthodox Church. A Key figure is Ratko Mladic, the commander of the Bosnian Serb Army. It is said that he has not been seen recently in public and so far he has not commented on Milosevic's decision to blockade Bosnia. He is a hardline Nationalist and has shown an unflagging loyalty to Karadzic, but his ties with Milosevic are said to go much further. The Group is said to be willing to lift some sanctions against Serbia if Milosevic agrees to have Observers on the Serbian-Bosnia frontier. This will help to convince Serbs that Milosevic's new policy is bringing tangible dividends and strengthen support for him.

"Exempt Bosnia from Arms Embargo"

This cry is heard in many political circles, including the US Congress. The reasoning is quite simple. Exempt the Muslim led Bosnian Government from the arms embargo thus making it possible for it to acquire parity with, or even superiority over the Bosnian Serbs in weapons, and hope that it will be able to role back the Bosnian Serbs into the areas marked for them on the rous's map. That would be an oversimplification of the whole situation. To begin with, Security Council authorisation will have to be obtained to exempt the Muslim led Government from the arms embargo. Neither the French, British nor the Russians seem enthusiastic about that now. At the meeting of Foreign Ministers of the Group held on 30

July to decide on the consequences the Bosnian Serbs would have to face for non-acceptance of the Peace Plan the priority seems to have been to maintain consensus and avoid strains among themselves. All they were able to agree on the issue of lifting the arms embargo from the Muslims was that it "could be unavoidable." Bill Clinton is reported on 17 August to have set late October as the deadline for unconditional acceptance of the Peace Plan by the Bosnian Serbs. Failing to get that, he is reported to have said, that he would go to the Security Council for authorisation to exempt the MC Federation from the embargo. He is said to have issued this ultimatum to fend off a move by Congress to lift the embargo unilaterally by adopting an amendment to the Appropriations Bill which would have cut off funds for US participation in enforcement of the embargo. Meanwhile, political commentators and military strategists have pointed out that lifting the arms embargo on Bosnia need not necessarily lead to triumph over the recalcitrant Bosnian Serbs. A lifting of the embargo would, it is estimated, lead to an escalation of the war forcing the British, French etc. to withdraw their peace keeping forces which were never meant to be combat troops. Butros Butros Ghali has said that if that happened he would have to withdraw the entire 35,000 forces and aid workers. This would mean a complete collapse of the peacekeeping and humanitarian aid infrastructure giving the Bosnian Serbs a free hand for acquiring more territory and continuing "ethnic cleansing." Moreover, military strategists have expressed the view that it will take some time before the Muslim led forces learn to use effectively the new types of weapons which they intend to purchase and also to build up an officer corps equal to that of their adversaries. Furthermore, if UNPROFOR is withdrawn NATO air power could not be used as there would be no tactical air controllers to call in the aircraft and direct them to selected target areas. Finally the possibility cannot be ruled out that, if Muslim led forces begin to roll back the Bosnian Serbs, sympathy for the latter could rise to such heights in Serbia that Milosevic would under increasing pressure from his own people to lift the blockade and go to the assistance of their fellow Serbs. The whole scenario over the last twenty-eight months has been a test of wills between the "leaders" of the international community and the Bosnian Serbs, with the latter winning continuously. Unless the US can, with the authorization of the Security Council, build a powerful co-alition to "use all necessary measures" and force the Bosnian Serb forces to withdraw into the areas marked out for them in the Group's map, with

Serbia maintaining its present stance, there seems to be no way out of the position into which the E.C., the UN and the Group have put themselves. The Group's map can go into the archives as a futile attempt by Foreign Ministers turned cartographers to bring peace into an explosive and volatile situation with a map which a student of international relations would have known would not be accepted by the Bosnian Serbs, unless compelled to do so by the threat of military force. By Bush distancing himself in July 1991 from the situation, when it is generally agreed that the Bosnian Serbs could have been checked, and subsequently Clinton backtracking on the semi-bellucose declarations he made, on the election trail, as to the role the US should play in the crisis in Yugoslavia, the US and her Western allies now find themselves in a very different kind of guagmire from the spectre they conjured up, and behind which they have tried to hide their lack of political will to use the measures provided for in Chapter VII of the UN Charter, particularly those provided for in Articles 42 to 51.

Conclusion

The whole story so far, unless the members of the Group do something to retrieve their credibility, is a sad reflection of the lack of vision, resolve and commitment of five of the world's most powerful states. They spent months drafting a Peace Plan on a loudly mouthed "take-it-or-leave-it" basis, but had not the moral courage, largely due to a lack of leadership which is expected of the solitary Super Power, to force the Bosnian Serbs to accept the Plan. It is just one more instance in the 49 year's of the history of the UN when national and regional considerations have prevented Member States from using the Organisation for the global purposes for which it was created. While certain reforms in the Organization are necessary, what is really needed is a revolution in the ways in which the Member States, particularly those with permanent seats in the Security Council use the Organization. That will probably take another five decades.

Abbreviations

CSCCE Conference on Security & Co-operation in Europe
EC European Community
UNPROFOR United Nations Portection Forces.

Sources

UN Press Release
The UN Chronicle 1991 March to June 1994
Resolutions of the Security Council
The United Nations and the Situation in the Former Yugoslavia
The Weekly Guardian
The International Herald Tribune

Le Monde
The Economist
The Financial Times
Review of International Affairs (published in Belgrade)
B. B. C. and CNN Broadcasts

The Army Hits Back

(Continued from page 1)

But the PA, in the run-up to the mid-November presidential polls, cannot neglect the vote of the minorities, including now the hefty (Indian) plantation labour vote-bank.... particularly since Mr. Thondaman seems to be in two minds, to vote for the UNP's new leader Gamini Dissanayake, his close buddy, or Prime Minister Chandrika, the most popular politician in the island today.

Though not a major development, Mr. Lionel Fernando's statement turns the spotlight on a neglected factor in this quite complex equation — India. Right from the beginning India and Tamilnadu have had a crucial role in the Sri Lankan conflict, and the politic of that problem. The UNP's Presidential candidate still holds the India-Sri Lanka peace accord, and the IPKF intervention as major achievements of the UNP leader, Mr. J.R. Jayawardene. Mr. Dissanayake identifies himself with that Jayawardene line. Whether this issue will come in the October-November campaign is not entirely certain but I believe it will. India, and Thondaman will figure in the campaign.

So it was interesting to read Mr. Lionel Fernando's press statement. "I went to Madras in June to get my wife checked at the Appollo hospital. The diagnosis revealed my wife had to undergo an operation." The recent trip to India, he told the *ISLAND* had nothing to do with peace talks and the LTTE, said Mr. Fernando once a very popular GA in Jaffna and a highly regarded civil servant.

The Prime Minister has named a four-member negotiating team: the PM's secretary, Mr. K. Balapatabendi, Secretary to the Information Ministry and Lake House press boss, Mr. Lionel Fernando, Peoples Bank Chairman Rajan Asirvadan, and Mr. Navin Gunaratne architect.

However the Army has launched a major attack on LTTE bases close to the Army's FDL's and killed 75 Tigers. Instead of the de-escalation which should be the prelude to serious negotiations, we may see a new escalation.

Responses to conflict

Kumar Rupasingha

Preventive responses

From the less-than-exhaustive outline above of some of the possible responses available to members of the international community to emerging violent conflicts or escalating conflicts, it is necessary to turn to some of the particular problems facing non-governmental organizations and political leaders in addressing these issues and some possible avenues for increasing the overall effectiveness of preventive responses to conflict.

The role of governments

Governments, both at the national and international levels, have a particular obligation to assume a leadership role in shaping and implementing preventive responses to emerging conflicts. As members of the United Nations, states, in part, are committed to eliminating the scourge of war, guaranteeing international peace and security, promoting development and human rights, preventing genocide and enforcing humanitarian law. They also have the responsibility of putting their taxpayers' money to the best possible uses.

In terms of preventive diplomacy, it is governments which can effect the greatest amount of change most quickly. But a global shift in how effectively the international community addresses violent internal conflict will necessitate innovation, forceful leadership, the revision of priorities and the reallocation of resources at the political level.

Budgetary considerations

In 1992, Overseas Development Assistance from the major industrialised countries amounted to \$ 60.4 billion, according to *The Reality of Aid 94*, a study carried out for ACTIONAID, ICVA and Eurostep. That total represented a decrease of 0.57 per cent over the previous year. Meanwhile, spending on humanitarian assistance has been increasing rapidly — from 2.26 per cent of Development Assistance Committee countries' aid budgets in 1998 to over 7 per cent in 1991. In other words, within stagnant or decreasing aid budgets an increasing portion of the total is going for emergency responses to conflict situations. Meanwhile, the IMF estimates that military spending in the world outside the former Soviet Union has fallen by nearly a quarter to 3.1 per cent of global GDP in 1992 from 3.9 per cent

in 1986. However, savings being made through defence cuts are not being rechannelled into aid budgets. "The peace dividend has turned out to be one of the more elusive promises of the post-Cold War age," one observer has noted.

Clearly, there is a need for a realignment of humanitarian, development and military budgets to more effectively address conflict before it leads to widespread violence and human catastrophe. One possible mechanism to achieve this could be through the establishment of specific budget lines to support aspects of preventive diplomacy by both governmental and non-governmental entities.

Recommendations

1. That the major industrialised democracies take a lead internationally in promoting preventive measures for the avoidance and resolution of potentially violent internal conflicts;
2. That specific cabinet portfolios be established with responsibility for preventive diplomacy, so as to integrate defence, foreign affairs, humanitarian assistance and development assistance priorities related to conflict prevention;
3. That development assistance budgets be re-evaluated with an eye to devoting 10 per cent of the budget to specific conflict prevention initiatives;
4. That the governments of the major industrialised democracies promote the establishment of United Nations ambassadors in all countries, who could receive political early warning information and provide it to the Secretary General.
5. That governments promote the development of an effective logistical capability within the European Union, the United Nations, the Conference on Security and Co-operation in Europe and other international organisations to deal with emerging crises.
6. That governments promote and actively support innovative approaches to peacemaking, such as civilian peacemakers and peace monitors, ie., non-military "white helmets".
7. That the governments of the major industrialised democracies support and work in close collaboration with non-governmental organizations in the field of preventive diplomacy.

The role of humanitarian agencies

As a result of violent internal conflicts and other disasters such as drought and famine, costs of providing humanitarian assistance have risen dramatically in recent years. In 1992, member governments of the Development Assistance Committee of the OECD provided about \$ 4.7 billion (US) worth of humanitarian assistance (food, emergency and distress relief and refugee aid), an increase of more than 47 per cent over 1990. Meanwhile, development aid budgets are generally stagnant or declining, even though population growth, urbanization, the widening gap between rich and poor, environmental degradation, greater competition for scarcer resources, economic stagnation, political repression and other factors are driving upwards the numbers of vulnerable populations worldwide and the risk of violent conflict.

Whilst saving hundreds of thousands of lives in emergency situations, several aspects of humanitarian actions have become increasingly problematic. As noted above, the costs to OECD countries of providing humanitarian assistance have risen dramatically in recent years. At the same time, competition for funds for aid efforts and deliver aid has undermined the effectiveness of overall efforts.

Other factors hindering humanitarian responses to conflicts are that the mandates of many humanitarian agencies do not reflect the erosion of the concept of state sovereignty, the changed character of war, or the life- and cost-saving logic of prevention of violent conflicts, rather than reaction to those conflicts and their consequences. In the field, violence or the threat of violence often paralyse or seriously hinders delivery of humanitarian assistance and endangers relief workers. In many conflict situations, those delivering humanitarian assistance have become targets of combatants or criminal elements and victims of violence and coercion. In some instances, those delivering assistance are seen as acting as aggressors.

Delivery, in some circumstances, has involved diversion of aid to combatants or criminals, thus helping to sustain violence. In-the-field co-operation with combatants aimed at facilitating delivery has undermined the credibility of humanitarian agencies with donors and the public in donor

countries. External organizations have disempowered local organizations, structures and individuals. Meanwhile, negotiating for passage of aid has legitimized parties to conflicts.

Recommendations

1) That the mandates of humanitarian agencies be reconsidered in light of the increased numbers of vulnerable populations and the changed character of war. Despite having information on the probable escalation of conflicts, some agencies with the resources and credibility to help avert violence are restricted by their mandates and could not effectively communicate the need for urgent preventive action or act toward prevention.

2) That humanitarian agencies consider participating in the establishment of country-specific and/or region-specific networks for the better co-ordination of preventive and transformative activities.

3) That they consider how to participate in multi-sectoral approaches to conflict prevention and transformation.

4) That the allocation of a significant portion of humanitarian budgets to conflict prevention and transformation activities, including effective early warning of impending violence, be considered.

5) That individual supporters of humanitarian agencies be asked what percentage of funds they want to be allocated to preventive activities.

6) That humanitarian agencies contribute to the design of sustainable long-term peace initiatives using their in-depth knowledge of conflict situations.

7) That humanitarian agencies participate in consortia of agencies with a direct interest in conflict prevention and transformation to minimize duplication of work and maximise impacts.

8) That humanitarian agencies improve on the early warning information currently available through better in-house gathering, handling and use of information relevant to existing and emerging conflicts. This could involve training in information handling, the use of standardised reporting formats for field workers, the targeting of recipients of information and the development of information strategies related to existing or emerging conflicts.

9) And that they participate in the establishment of a multi-sectoral information clearing house with a capacity for analysis and information targeting of those relevant to conflict prevention and transformation.

The role of development agencies

It is already recognized that prevention can be considerably more cost-effective

in human and financial terms than reacting to violent conflict. In relation to development assistance and developmental organizations, I would suggest that it is only misguided or poorly designed and implemented development policies which do not have as their primary or secondary goal to avert conflict in the broadest sense. What is more the issue is how best to sharpen the focus of the preventive aspects of development assistance by implementing specific measures, such as those mentioned above in terms of country-specific consortia.

I would argue that a significant proportion of development assistance should be used for emergency preparedness, early warning systems, conflict resolution, conflict resolution training and related strategies. There is also evidently a great need for sharing information on the root causes of conflict, evolving trends which can lead to violence and possible means of averting violence with those who would be directly affected. Meaningful forecasting of incipient violent conflicts or the escalation of existing conflicts is a prerequisite for local preventive action, as well as non-governmental action that may be either complementary to international efforts or the only alternative to human catastrophe.

Based on the historical record, *ad hoc* responses to emerging conflicts are recipes for continuing disasters and that there is a need for concerted pre-planning on how the best available resources can be deployed to prevent violence and its consequences. Such contingency planning should involve local actors, who have the greatest stake in averting violence and in creating sustainable mechanisms for managing conflict and preventing violence. Development organizations, humanitarian and humanitarian agencies can also be more effective in helping create the political will to move toward a cohesive preventive regime at the national and international levels.

Recommendations

1. Developmental organizations should consider refocusing their overall approach to development to take greater account of the need for practical initiatives to prevent conflict.

2. The possibility of shifting 10 per cent of overall development budgets to preventive activities should be explored.

3. The creation of dedicated departments for preventive activities — adequately staffed and resourced — should be considered.

4. Developmental organizations should explore the contribution they can make to

strategic consortia aimed at addressing country-specific conflicts.

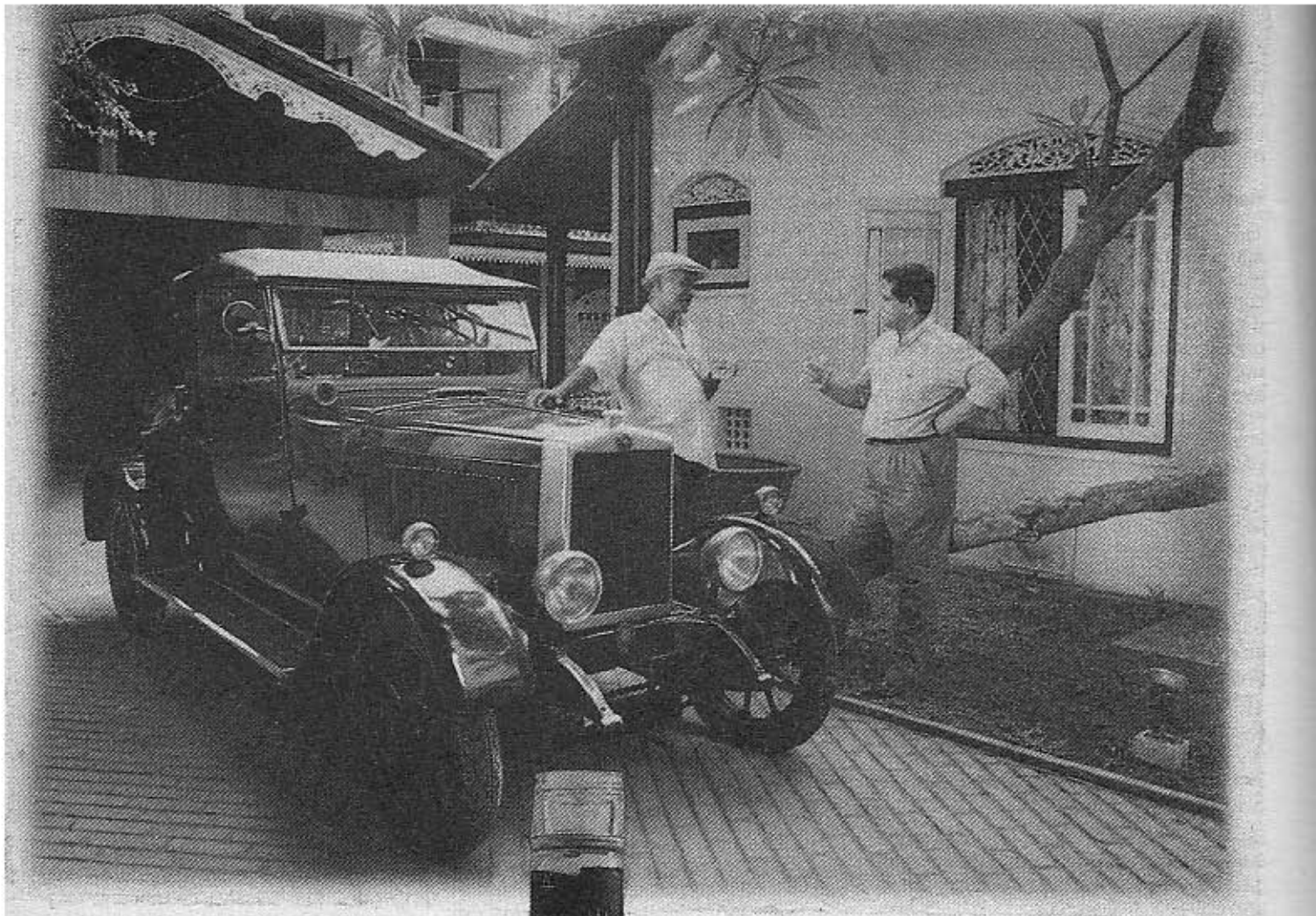
5. Development agencies should also examine their direct participation in the establishment of conflict early warning systems, and in specific conflict resolution initiatives, conflict resolution training and related strategies.

Conclusion

For the international community, what has emerged most clearly from the violent conflicts in the former Yugoslavia, Cambodia, Liberia, Somalia and elsewhere is that in each case a **strategic concept** is needed that unites the non-governmental community, local peacemakers, international organisations, scholars and governments in co-operation towards conflict prevention and transformation. The scale and complexity of the problems faced are such that the only realistic approach is concerted action involving all levels of the international community, as well as co-operation within the components of that community to maximise the impact of their respective strengths. One way of characterizing such a system is as a "strategic umbrella of concern", under which an overall strategy for the prevention or resolution of conflicts could be developed and implemented.

The number of internal armed conflicts, the economic and social devastation they engender, the massive increase in refugee flows, the unprecedented proliferation of weapons of mass destruction and small arms, all lead to the conclusion that traditional approaches are failing us and a new strategic vision is needed if the world community is going to learn how to prevent war. Preventive diplomacy, peacemaking and peacebuilding are the conceptual and operational tools to make progress in this field. But to advance the concept and operational goals for conflict prevention requires concerted action.

The end of the Cold War has not meant the end of history as Francis Fukuyama would have had us believe. In fact, history has become more complex, more rife with risks and opportunities. We can turn away from these complexities and risks in despair, or remain locked in old habits and ways of attempting to prevent or mitigate these man-made disasters. I am firmly convinced that if we attempt to deal with the tide of war-generated human misery using current concepts and instruments it will only continue to rise. Alternatively, we can pool our experience, energy and resources to help break the conceptual and operational logjam which currently afflicts the international system and confronts millions of people around the world with further suffering.



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Amending the Constitution

A. Jeyaratnam Wilson

There is a number of *grundnorm* which have to be observed when a constitution is to be abandoned. The present PA government claims that since it did not obtain an absolute majority of the votes cast, (48 percent), it is not willing to proceed with the contingent amendment. It is doubtful that this *grundnorm* will be observed by other governments, although doubtless it seems a salutary rule to follow. However Jacques Parizeau's Parti Quebecois recently won an election in Quebec with 45 percent of the total vote to the Liberals 44 percent. Yet for all, Parizeau has stated that his victory "is a key step towards making Quebec independent from Canada". There is however an important difference. Parizeau will request the National Assembly of Quebec to pass "a solemn declaration" that would provide his government with the necessary mandate to make Quebec independent. Parizeau added that even if his government is defeated in the referendum, he would put the question again to Quebecers.

To make things difficult in the Sri Lanka case, Section 82 (2) of the Constitution requires that "no bill for the repeal of the Constitution shall be placed on the Order Paper of Parliament unless the Bill contains provisions replacing the Constitution" etc, etc. There is therefore no way in which the Constitution can be *suspended*. The Supreme Court will possibly declare such a procedure unconstitutional.

The following are observations by a student of political science (the present writer). Constitutional lawyers may have a different interpretation.

1. Jennings *et al* have argued that the acts of one Parliament cannot bind any succeeding Parliament. This is precisely what Section 82 (2) seeks to do. To put the question at its extreme, could the 1977-89 Parliament have inserted a clause in the Constitution stating "this act cannot be amended under any circumstances", that is to say that the Constitution enacted

cannot forever be changed. Such a provision cannot bind any succeeding Parliament. The successor Parliament will then, whether it has won an absolute majority or not, proceed to declare itself a constituent assembly and amend or replace the entrenched Constitution. This would apply to any other provisions of the Constitution.

The Executive presidency has turned out according to many commentators to be Hobbes's Leviathan, "that mortal God to whom under the eternal God we owe perpetual obedience". The People's Alliance wants to remove it root and branch. But according to current PA thinking, it will need an absolute majority of the votes cast at a parliamentary or presidential election to amend it.

2. there is Kelsen's *theory of efficacy* propounded in 1925 and accepted now by courts seeking reasons for upholding a new legal order which has replaced an existing order. Kelsen in brief noted:

if they succeed, if the old order ceases, and the new order begins to be efficacious, because the individuals whose behaviour the new order regulates, actually behave, by and large, in conformity with the new order, then this order is considered as a valid order...

The Kelsenian *theory of efficacy* was tested in two cases in the Commonwealth and declared valid.

(a) in the State of Uganda and Commissioner of Prisons *exparte* Matovu. The circumstances were similar to ours. Until 22 February 1966, Dr. Milton Obote was as the Prime Minister of Uganda, executive head of government. But Sir Edward Mutesa, also known as the Kabaka of Buganda, was the President, the Supreme Head of State and the Commander-in-Chief of Uganda. On 24 February 1966, Dr. Obote announced that "the Constitution of Uganda shall be su-

suspended temporarily with effect from 7 o'clock tonight.

On 2 March 1966, by a gazette notification, it was stated that

- (i) the executive authority of Uganda shall vest in the Prime Minister etc.
- (ii) the duties of the President and Vice-President which were exercised under the old constitution, before 22 February 1966 shall rest in the Prime Minister by and with the consent of the cabinet.

The National Assembly at an emergency meeting on 15 April 1966, adopted the following resolution:

...we the people of Uganda hereby assembled in the name of Uganda do resolve and it is hereby resolved that the Constitution which came into being on 9 October 1962, be abolished and it is hereby abolished accordingly, and the Constitution now laid before us be adopted this day of 15 April 1966 as the Constitution of Uganda until such time as the Constituent Assembly established by Parliament enacts a constitution in place of this constitution.

Sir Udo Udoma C.J. concluded:

applying the Kelsenian principles... our deliberate and considered view is that the 1966 Constitution is a legally valid constitution...

The same doctrine had applied in Pakistan in *The State of Pakistan v. Dosso*. Chief Justice Sir Muhammed Munir recognised the legality of President Ayub Khan's seizure of power. President Iskander Mirza annulled the 1956 constitution and appointed Ayub Khan Chief Martial Law Administrator. The Court relied on Kelsen's theory that the Order of 1958 was a valid *Grundnorm* and General Ayub Khan was fortified in all decisions he made under the Order of 1958.

3. there is the doctrine of necessity

which partly meshes in with the first proposition we propounded. Here the problem arose because among other provisions of the Constitution of Cyprus, the one dealing with the Supreme Constitutional Court could not be amended even if it had one hundred percent support in Parliament for its re-structuring. In this case, The Attorney-General for the Republic of Cyprus v. Mustafa Ibrahim and others, the respondents were charged for attempting to overthrow the government by the use of armed force. The Government of Cyprus was unable to amend *the one hundred percent requirement* clause. The respondents pleaded that in view of this provision, their trial under an amendment of 1964 was *ultra vires* the Constitution.

The Attorney-General for Cyprus put forward the defence that the inflexibility of the Constitution had "created a sense of legislative paralysis". The government in the interests of governing had therefore to depart from the Constitution. The Court of Appeal held with the Attorney-General and in this Justice Vassiliades relied on Dr. Glanville Williams, the Quain Professor of Jurisprudence of University College, London, viz.,

this Court, now, in its all-important and responsible function of transforming legal theory into living law, applied to the facts of daily life for the preservation of social order, is faced with the question whether the legal doctrine of necessity discussed earlier in this judgment, should or should not, be read in the provisions of the written Constitution of the Republic of Cyprus. Our unanimous view, and unhesitating answer to this question is in the affirmative...

In conclusion it might be said that it is better to have a consensual constitution than a partisan one. If the latter course is followed, as it was in 1978, then a party in opposition will want to restore the status quo ante. We are then likely to face the spectre of changes in constitution with every change in government. Can a country live on a diet of constitutional change?

In the final analysis there are two inter-linked factors that determine human political behaviour — certainty and predictability. Humans need to be certain on a fairly long term basis so that they can construct their lives over a period of time. To ascertain this, they must be able to predict within reason their future. To have constitutions changed after every general election will take away the factor of predictability. These two elements, certainty and predictability, are essential. For, as

Hobbes said "life is nasty, short and brutish; man is to man a fox; we cannot live in a state of nature where we are involved in a war of all against all." Hence the need for consensus. But if this cannot be achieved, the old adage will have to apply, namely that when there is a will, there is a way. The PA has secured, like the parti Quebecois, a majority of the votes cast. If can, if it wants, follow Parizeau's example.

BRIEFLY...

President won't campaign

President D. B. Wijetunga will not campaign for the UNP for the November 9 presidential election. He has told UNP members that it would be awkward for him to preside over a People's Alliance cabinet, which he does now as head of state and head of government, while leading a UNP election campaign.

The UNP candidate will be Opposition Leader Gamini Dissanayake. The PA candidate will be Prime Minister Chandrika Bandaranaike Kumaratunga.

Quota crisis hits garment industry

Sri Lanka's highest foreign exchange earning garment export industry is in crisis. Ill planned politically motivated expansion by an earlier regime and the distribution of export quotas by political favour has exhausted the nation's annual quota (from the USA) by half within three months.

Industries Minister C. V. Gunaratne said that garment export quotas had been lavishly distributed by the previous regime to factories that were not even functioning. The Textile Quota Board had the cut the earned quotas of legitimate users for this purpose.

The minister has appointed a committee to probe the activities of the Textile Quota Board.

Don't stooge, says PM

Addressing a meeting of upper level public servants Prime Minister Chandrika Bandaranaike Kumaratunga said that the new government headed by her did not require bag carrying or stooging by public servants.

Promotions in future would be made on merit, efficiency, honesty and dedication to public and national welfare, she said.

Ombudsman

People will have direct access to an Ombudsman in future, Justice Minister G. L. Pieris has announced. An earlier ombudsman was almost inaccessible to the people because of a tortuous process of screening of complaints most often by those complained against.

Terrible, says Ashraff

Rehabilitation Minister M. H. M. Ashraff said that refugees of the North East conflict were living in "terrible" conditions. They will be paid compensation next month, the Minister said.

 ENRICHING RURAL LIFESTYLE

Why there's sound of laughter in this rustic tobacco barn....

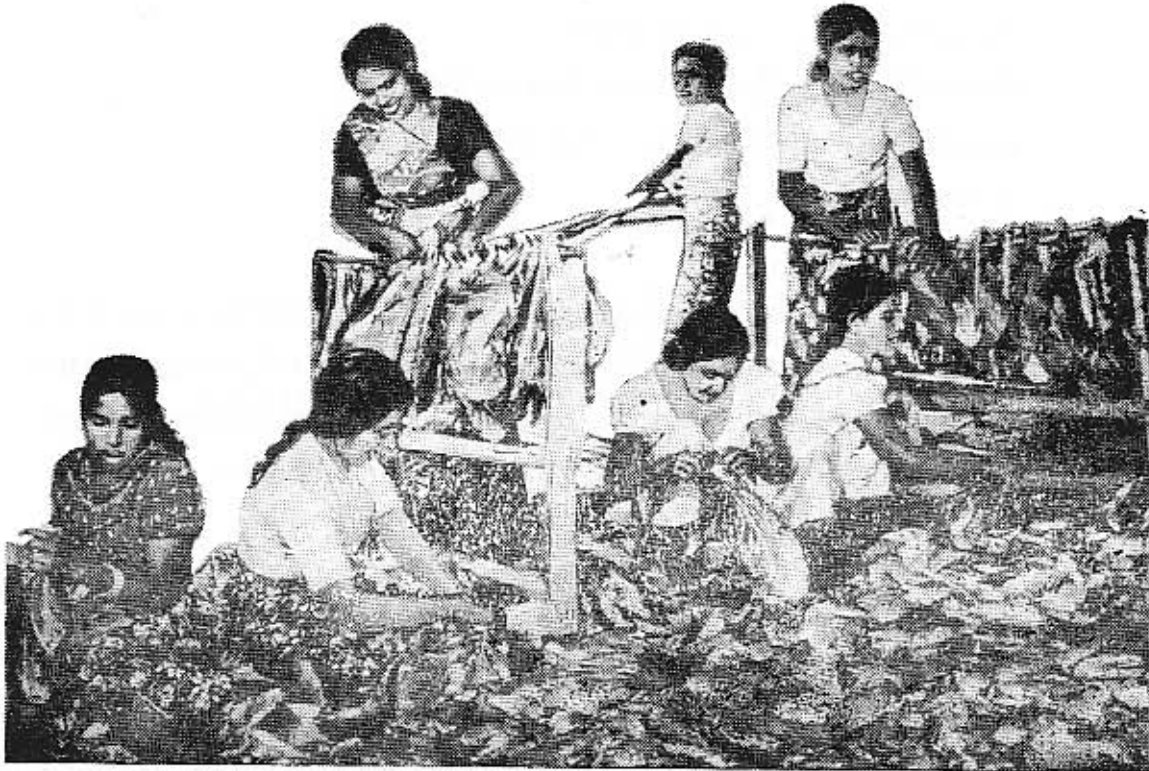
There is laughter and light banter amongst these rural damsels who are busy sorting out tobacco leaf in a barn. It is one of the hundreds of such barns spread out in the mid and upcountry intermediate zone where the arable land remains fallow during the off season.

Here, with careful nurturing, tobacco grows as a lucrative cash crop and the green leaves turn to gold... to the value of over Rs. 250 million or more annually, for perhaps 143,000 rural folk.

Tobacco is the industry that brings employment to the second highest number of people. And these people are the tobacco barn owners, the tobacco growers and those who work for them, on the land and in the barns.

For them, the tobacco leaf means meaningful work, a comfortable life and a secure future. A good enough reason for laughter.

 **Ceylon Tobacco Co. Ltd.**
*Sharing and caring
for our land and her people.*



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PEOPLE'S BANK



Banker to the Millions