

# Contemporary

A 'RAVAYA' PUBLICATION



## A self-defeating war

# ISLANDWIDE SALES POINTS FOR *Counterpoint*

ALAWWA	Nandanasiri Stores	Piliyandala	New City
AMBALANGODA	Royal Book Shop	Pitakotte	Pothgula
AMPARAI	Delicia	Ratmalana	Thusitha Book Shop
	Mahajana Picture Palace	Thimbirigasyaya	Missaka Book Shop
ANURADHAPURA	Sathsara	Wellawatte	Windsor Book Shop
BADULLA	Mahinda's		Rohana Book Shop
BALANGODA	Sunil Book Shop		Vivian Traders
BANDARAWELA	Leelasena & Sons	EMBILIPITIYA	Queens Hotel
BATTICALOA	Udeni's	GALLE	New Aradhana Traders
CHILAW	Mayura Book Shop		Vijitha Yapa Book Shop
COLOMBO			Thaksala Nalanda Book Shop
Bambalapitiya	Charles Subasinghe	GAMPAHA	Hema's Book Shop
	Greenlands Hotel		Udaya Stores
	Lanka Traders	GAMPOLA	Davasa Centre
	Liyanage	HAPUTALE	Mallikarachchi & Co.
	Shanthi Vihar	HORANA	Jayathu Hotel
Battaramulla	Pubudusiri Cream House	HIKKADUWA	Coral Garden Hotel
Borella	Madhawa Book Shop	KADUGANNAWA	Daya Traders
	Pushpa Stores	KALUTARA	New Owen Joseph Book Shop
	Ketapatha Prakashana	KANDY	Guneratne Distributors
	Supipi Book Shop		Seevali Book Shop
	Sadeepa Book Shop		Vijitha Yapa Book Shop
Dehiwela	Lakmini Stores		Sithumina Book Shop
Fort	Catholic Book Shop	KULIYAPITIYA	Malson Book Shop
	Colombo Hilton		Central Book Shop
	Holiday Inn		Sastrodaya Book Shop
	Taprobane	KURUNEGALA	Sampath Traders
	Lake House Book Shop	MATARA	Nilmini Stores
	Lanka Oberoi	MATALE	Malaka Traders
	Macllum Book Shop	MIRIGAMA	Gamage Stores
	M.D. Gunasena Book Shop	MONERAGALA	Sumedha Book Shop
Union Place	Salaka		Sri Ramya Stores
Homagama	Geethani Grocery	N'ELIYA	Shop No. 3, (Opposite Municipal Council)
Ja Ela	Perno Stationers	NEGAMBO	Nayana Book Shop, Kandana
Kadawata	Srimali Grocery		British Book Center
Kandana	Jayabima		Negambo Printers
Kiribathgoda	Samanala Book Shop		Co-operative Sales Center
Kollupitiya	Vijitha Yapa Book Shop	NITTAMBUWA	Ganga Cool House
	Malee Book Shop	PANADURA	Fernando's
	A. Z. N. M. Marikar	PILIMATALAWA	Jayasekera Traders
Maharagama	Sasiri Book Shop	PUTTALAM	Lucky Newspaper Agency
Maradana	Godage Book Shop	RATNAPURA	Pradeepa Book Shop
	Dayawansa Jayakody	TRINCOMALEE	470, Navy Camp Road
	I. P. B. Book Shop	VAVUNIYA	Kavidha Stores
	McCallum Book Shop	VEYANGODA	Somagiri
Moratuwa	Wijesekera Grocery	WARAKAPOLA	Ranjith Book Shop
Nugegoda	National Book Shop	WELLAWAYA	Suhanda Traders
	Sarasavi Book Shop	YAKKALA	Vidyodaya
Pannipitiya	Nimali Book Shop		

# Counterpoint

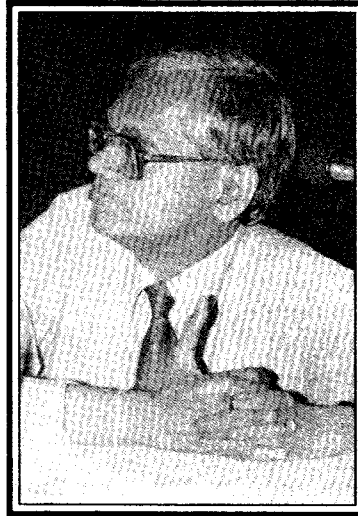
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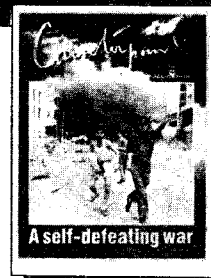
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Layout  
Asoka Padmasiri

# Levelling the playing field

NOW that the cricket's over, perhaps we can all get back to the more urgent and telling matters before us! This is not to deny Sri Lanka's moment of sporting glory, nor to re-present some tired old argument about the "colonial game", but, on the contrary, to suggest that we can't run away from our problems successfully all the time.

Not that cricket doesn't have important and interesting lessons for us in other spheres of life. Take, for instance, the fact that one of the few things that the LTTE hierarchy and the Government seem to share is a desire for Sri Lanka to win. Karikalan has, on many an occasion, said that Arjuna Ranatunga is one of his heroes. MP Joseph Pararajasingham has expressed the view that the LTTE will not disrupt the World Cup matches because they are as fond of cricket as everyone else, and so on. Abroad, the only time that the hard-line Sinhalese and Tamils get together is to cheer the Lankan cricket team, it seems.

Does this mean that differences are only skin deep, and that both extremes share a common sense of nationalism? Or is it that cricket is a trivial, even escapist, space where nothing is really at stake, and hence where a sense of meaningless bonhomie can be achieved?

Sport anaesthetises us to key issues, and there is a sense of equality and justice on the playing field which serves us vicariously as a substitute for the harsh inequities of life. The "solutions" offered by games cannot apply to contexts in which there is no "level playing field". We in Sri Lanka have to face up to the burning issues of the North-East civil war and the ethnic crisis, to unemployment and underemployment, to spiralling inflation and increasing poverty, to rampant corruption and nepotism, to the muzzling of the free press and interference in the judiciary, to a bureaucracy that is debilitating, to catastrophic changes in the agrarian and plantation sectors, and so on.

In this struggle, in this commitment to meaningful social change, we need democratic grassroots institutions that are fiercely independent and non-partisan. The demand of the hour is for strong people's organisations, both urban and rural, that are fundamentally democratic in outlook and structure. We must create and nurture a vibrant and sensitive public democratic culture that will become the platform for a new egalitarian participatory politics that will break away from the vice-like hegemony of the UNP-SLFP oligarchy.

Until and unless the people participate fully and equally in determining their future and their present, until and unless the duly elected governments are held accountable to a well-organised and articulate public, even the best intentioned individuals in power will soon be swallowed up or compromised by vested interests, power blocs and big business.

A banner at the Cricket World Cup read, "Sri Lanka shows that there is justice in the world". We wish that justice in the world can be re-established by winning a cricket match or two, but that's pathetic wish-fulfilment. The fact of the matter is that in the same week that the World Cup is being won, or lost, hundreds can be rendered homeless, thousands remain in police custody, and many can be killed for no fault of their own.

Let us, therefore, band together and help create a new culture of awareness and participation in which democracy is not merely the vote bamboozled or hoodwinked out of the people at election time. This new participatory democracy which can only be created through the continuous activism of credible and independent institutions must help usher in an era where governments do not have the freedom to do as they choose until the next polls. Once such mechanisms and institutions are in place we may have more important things to be proud of than simply cricket. ■

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# The "Tamil View" ?

I notice that you choose to identify certain contributions to your magazine as the 'Tamil view'. This does not seem right to me and I think that it has unhealthy implications. Firstly, the view of any Tamil is not a 'Tamil view' and secondly there is no view that can be described as a Tamil view in the way one identifies a Tamil nationalist view, a Sinhala nationalist view, a Trotskyist view, a Marxist view etc., even though each of these in itself represents a diversity of views. I certainly do not like any of my views to be labelled a Tamil view or Sri Lankan view because I do not like to allow my nationality or any other identity to determine the validity of my views. I can understand a Sinhala nationalist newspaper identifying the view of a Tamil as a Tamil view, because it sees the country and the word in terms of nationalist identity. I expect something different from *Counterpoint*.

I have been reading Rajan Hoole's writings on the situation in the North for some time. Much of his views are conditioned by his hostility to the LTTE. He is entitled to his view of the world and I am least likely to change it. What is worrying, however, is his attempt in the *Counterpoint* of September '95 to portray the Virakesari and *Sariniharas* pro-LTTE papers. I think that *Virakesari* accommodates some views which help to balance the otherwise government-biased news that the Tamil reader is subjected to. Maathorupeahan is a columnist in that paper and he is entitled to his opinion as much as Hoole and I are to each of ours. If Hoole had any serious objection to the views published in that paper, he should have firstly tried to communicate his objection to the editor. Hoole's letter tends to give the non-Tamil reader a

completely wrong interpretation of a newspaper which has conducted itself fairly well through years of turbulence. His attack on *Sariniharis* even more objectionable. This paper remains the only open forum in Tamil in the entire island. I have naively contributed on political issues, but find that it accommodates a wide range of opinions. I have seen a long series by Ram Manikkalingam, contributions by Muslim leaders including those representing the Muslim Congress, a statement from the so-called UTHR(J) and many more in recent months, which are certainly not pro-LTTE. D. Sivaram has every right to question the sincerity of the UF government as Hoole has to defend it. I do not think that *Sarinihar* applies any form of censorship to articles written to it. It may not be the most perfect paper under the sun, but it is a lot fairer than the pro-government media. Hoole, in his demand that *Sarinihar* and *Yukthiya* should speak with one voice, namely the one that he sees as that of MIRJE, is in fact, asking *Sarinihar* to tailor its editorial policy to suit the *Yukthiya*. MIRJE is not a political organization or a religious body that demands conformity with its official line. We should respect MIRJE for the kind of editorial freedom that it has allowed its two papers. The only time that it needs to intervene is when either of its papers resorts to libel or other irregular journalistic practices. To use a magazine read widely by Sinhalese who are interested in the national question and dare with dignity to vilify two newspapers, simply because they appear more sympathetic to the LTTE than Hoole would like to see, is very sad indeed. ■

S. Sivasegaram

## Open Letter to SLFP

Mr. Dharmasiri Senanayake,  
General Secretary,  
Sri Lanka Freedom Party.

Dear Mr. Senanayake,

I was still in school in 1937 when the Suriya Mal Movement and the Spanish Civil War led me to accept socialism as a basic creed in my political philosophy. I have since then unwaveringly remained a man of the left together with my wife whom I met in 1947. Despite these pronounced and increasingly radical leanings throughout this long period, I had preferred to retain my independence of judgement, and thus never became formally allied to any socialist party or group. On the eve of the August 1994 General Election, in the twilight of our lives, having suffered much in the cause of our beliefs and positions, my wife and I decided to join the SLFP. We became members because we sincerely believed and hoped that the defeat of a tyrannical regime would usher in a different social and economic polity, and a government dedicated to the elevation of the aspirations and needs of the common people of Sri Lanka, as promised in the People's Alliance Manifesto.

Our trust in this endeavour has been sadly betrayed in the course of the last fifteen months. All-out war and refugee camps are not our idea of Peace, and Fortune 500 and the values of the global market place our notion of Prosperity. Individuals can only make their own forms of protest or expressions of concern, and this has impelled us to the conviction that no purpose will be served by our continued membership of your party. Our membership cards are herewith returned.

At this point of time our decision has been made without cynicism or despair, and we wish you and the party a future in which you may yet realise that you could be wrong, and possess the courage and honesty to learn from your failures before the pass has been completely sold down the capitalist river. Crony or otherwise. ■

Yours sincerely,

H.A.I. Goonetilleke

# NO LONGER INVISIBLE, NO LONGER SILENT

*"It is only natural that they insist on measuring us with the yardstick that they use for themselves, forgetting that the ravages of time are not the same for all, and that the quest of our identity is just as arduous and bloody for us as it was for them. The interpretation of our reality through patterns not our own serves only to make us ever more unknown, ever less free, ever more solitary."*

*-THE SOLITUDE OF LATIN AMERICA' Gabriel Garcia Marquez.*

TODAY in Sri Lanka, we are faced with numerous battles. The battle this article focuses on is the battle for justice, a justice that emerges out of love for life and love for the future of this world. As sexual minorities of this nation we are organizing ourselves to launch a battle for justice. We will seek to repeal bill 365 and 365A of the Sri Lankan Penal Code, which criminalizes non-heterosexual behaviours. This criminalization poses a serious threat to organizing efforts which seek to find solutions to the most deadly epidemic known to humanity -- Acquired Immune Deficiency Syndrome.

The statistics are clear. South Asia is in the midst of an epidemic, an epidemic that is caused by the most natural of human

behaviour(s) -- SEX. We are talking about AIDS/HIV, and it is clear that Sri Lanka is extremely vulnerable. It is currently estimated that there are 1.5 - 2 million people living with HIV infection in South Asia. Within the next decade, this figure is likely to reach up to 20 million such infections. South Asia has the fastest rate of infection in the world, and by year the 2020, we will have more people living with HIV than the combined numbers of the rest of the world. These people will not be strangers, they will be known to us, they will be our kin, our loved ones and us.

The 21st century, the year 2020, is around the corner, and our nation, like the rest of the world, is in the midst of great change. These changes must prompt us to ask new questions. We need to re-formulate the way we think and shift those ancient paradigms. The re-formulations must happen in our personal lives first. The questions we must ask and answer can then be translated into a framework that can support the formulation of appropriate strategies to prevent the consequences of a lethal epidemic.

Across this planet, scientific and political leaders are grappling with the questions that AIDS is posing. There are few

answers. However, it has to be pointed out that when communities who are most affected and afflicted with this disease get involved in fighting it, the results are miraculous. We have seen how the Gay communities the world over have effectively stymied the spread of HIV. The lesson is a crucial one for the Sri Lankan context, as the Gay community here is now trying to grapple with the questions that will most affect our lives. We are trying to organize ourselves so that we can define our problems and find the answers to the questions that this disease has posed.

Unfortunately, the path to our self-determination is blocked by ignorance, homophobia, sexophobia, and general fear. This fear has translated itself into many forms most of which are unfounded at best and barbaric at worst. The fact that we as sexual minorities have no legal status is effectively stopping us from organizing ourselves and stopping the creative forces that will help us strategize against this epidemic.

There has been much negative publicity about a Conference we are planning to address sexual health issues. In fact, the campaign to silence and intimidate is very much afoot. Organizers have had to deal with death

threats, intimidation and all out physical violence. We realize that in this country where questions of civil liberties are still questions, communities coming together can pose serious problems; however, creativity and love will always win out at the end of the day. We are organizing ourselves for love and respect of self. We are organizing ourselves for the future, for all our tomorrows. We are organizing ourselves for the health and wellbeing of all communities, and the 'law' of this land is posing an ominous threat.

The efforts of the sexual minority communities will continue unabated. These efforts will bear fruit and will bear the answers to questions that have eluded many. These answers will be accepted, although begrudgingly, by the 'experts' and 'professionals' as legitimate. The answers we will offer through our coming together, will shed a much needed light to unanswered questions that will benefit all communities and we as representatives of the Gay community of this country will shoulder our responsibility, struggle for our rights, and take our rightful place in history. ■

*Companions on a Journey*

# A Self-Defeating War

THE Government has made a mess of things, and it has only itself to blame. On the one hand, it is pursuing a self-defeating and self-contradictory policy as regards the ethnic crisis. On alternate days it appears to be for war and peace, but its actions bespeak of an unshaken will to wage a brutal and merciless war, thus playing into the hands of its sworn enemy, the LTTE. On the other, the Government has chosen to pussyfoot its way through scandals and alleged fraud of huge proportions, and there appears to be a systematic attempt to undermine the judiciary and perhaps to gag the press. All this by an administration that received an overwhelming public mandate to wipe out corruption, usher in peace, and reconstellate a democratic framework in this country. All this too, in so short a space of time.

Is the Government serious about making the military accountable?

In the wake of the military offensive in the North and the taking of Jaffna, the Government must re-establish its credibility vis-a-vis the Tamil civilians who have been displaced, harassed and made to suffer greatly in makeshift refugee camps. While not denying the fact that the LTTE is also responsible for the plight of ordinary citizens in the war zone, it must be reiterated that the legitimately elected government owes them greater responsibility and concern than the rebels. After all, it was the Government's plan that resulted in the refugee exodus, and any fool knows that a full-scale war is bound to be disastrous

for civilians living in the area. The Government often says that the LTTE does not represent the Tamil people, and that the new dispensation, unlike the old, sees a clear distinction between the guerrillas and the public. Yet, when it comes to putting its money where its mouth is, there's a notorious and ever-widening gulf, since in practice every Tamil is seen as a potential Tiger who must continuously establish his or her innocence. What's needed to demonstrate to the people most affected that the Government is not merely giving "bullshit a bad name" is the prosecution of all those found guilty of harassing, torturing, raping or killing people on the pretext of the war. The question is, however, whether the Government has the political will to do this in the face of obvious opposition from warmongers and other chauvinists.

The President, it appears, did write to the Army Commander directing him to send on compulsory leave a number of officers who had been found guilty of atrocities in the South during the JVP uprising. Yet, in the face of the hysterical outburst and exaggeration raised by the *Island* group of newspapers, which claimed that 200 officers were being sent on compulsory leave, many of whom were "heroes" of the current war, the directive has been repeatedly denied by the military, while the Government has remained resolutely silent.

If this is true, and there is no reason to doubt it, what it means is that the President (and the Government) is unable to enforce even the most straight-forward of disciplinary control over the military without facing hysterical,

if orchestrated, opposition. One must note that the proposed action was against killings and brutality in the South which is a much "safer" issue than similar cases in the North-East. Another way of looking at this predicament is to decide that the People's Alliance Government has not got sufficient political will to ensure that justice is done. This implies that had the Government gone ahead with its plan to discipline the military, it would have been able to overcome the initial objections and rabble-rousing of the chauvinist and partisan press and their allies. The point is, moreover, that the principle involved is too important and valuable to forsake without a fight as in the present case, if the Government really believes in it. This argument suggests that the Government is not really committed to the strict accountability of the military and police, but is merely making a token gesture, which it is quite willing to forget about the moment there is some opposition.

The situation in the North-East arena is much more urgently in need of such measures, however, if the much-vaunted Government-claim that it is committed to separating the LTTE from the Tamil people is to have any credence at all the carnage and wanton destruction at Kumarapuram hardly a month ago is a sombre witness to the fact that military massacres are not a thing of the past. In sheer brutality and horror Kumarapuram rivalled the worst atrocities on both sides in the past. The fact that the Government has initiated a number of Commissions to investigate this incident, though welcome, does not hold up much

promise of justice in the wake of the President's recent *volte face* outlined above. In addition, the military investigation has concluded that only 15 soldiers should be court-martialled. A wholly unsatisfactory finding since no officers have been held accountable for a situation that officers could clearly have prevented or at least minimised.

The crux of the matter is that all the Government's claims to representing the Tamil people, all its song and dance about being different from the UNP regime – in short, its credibility and sincerity – depend, in large part, on the investigation and prosecution of those who have committed atrocities against the Tamils in the past. The rest is mere talk. For instance, the Kokkadicholai and Vantharamoolai massacres have been investigated and the guilty have been identified, but nothing further has happened. In the meantime, elements within the armed forces continue to operate with an immunity and irresponsibility that is mind-boggling.

The reason for the military being a law unto itself has its recent origins in the government's war efforts and the propaganda hype surrounding it. The Ratwatte-driven military wing of the Government appears to have won the day, much to the disgust of many who supported the People's Alliance on its commitment to a just peace in the North-East. Now, the administration is displaying a frightening schizophrenia which is both counter-productive and dishonest. On the one hand, the claim is still heard that a political solution is the only resolution of this crisis, and that the war is unwinnable. On the other, Minister Ratwatte regularly updates the public as to the timing of the total annihilation of the LTTE: first it was February, now it is April, soon it will be August, no doubt.

The crux of the problem that Sri Lanka is facing at the present

juncture is precisely this. The military logic is slowly but surely taking over the entire fabric of the governance of this country. False hopes are being fed to the people, pyrrhic victories are being hyped into the death knell of the LTTE, tension and anxiety in the South is being fuelled, and, last but not least, inter-community relations are being further eroded through setting the communities in opposition with the Sinhala

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majority being asked to function as watchdogs over their Tamil neighbours. Advertisements and notices openly discourage renting apartments and rooms to unknown Tamils. In addition, the Government has closed down hundreds of lodging houses in the city without providing any substitute to those who have to come in to Colombo for any of a hundred legitimate reasons but have no other place to stay.

The time has come, then, for the Government to decide whether it really means what it says about the distinctions between the LTTE and the ordinary Tamil people. The point is that claims from exigency and expediency, not to mention the invocation of public opinion, is unacceptable. What is

required, if the crisis is to be resolved, is not a set of fine-tuned excuses for inaction or the maintenance of the status quo, but, rather, a sustained and serious attempt to identify those responsible and to prosecute them to the fullest extent of the law. It is only then that a clear message will be sent out to the Tamil people who are the victims of these atrocities, as well as to the psychopathic minority within the military who are its perpetrators.

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### The post-bomb context

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The January 31st bomb in the heart of Colombo destroyed more than the nation's major commercial area. The death toll reached a hundred and the wounded numbered well over a thousand in the city's worst ever disaster, but the ever-present repercussion to hundreds of thousands of innocent Tamils is a heightened tension, as well as an almost universal sense of suspicion and isolation from the Sinhala majority. Human rights organisations have reported that the number of arrests of Tamils has doubled since the blast, with over 1100 being held in custody at present. In addition to this there is the daily tally of arrests "on suspicion", which many observers liken to a quota system. Tamils whose national identity cards indicate that they were born in the North-East are subject to incessant checking, even harassment, though they may have established their bona fides only the previous day. In the words of a young Tamil sales representative in the city, "We have to prove our innocence continuously, every day, and sometimes even twice in a day. The fact that we have satisfied the authorities once is never taken into account. Besides, when we are taken into custody, we are treated like common criminals and humiliated more than words can tell. There is no one we can appeal



to, no one to listen to our side of the story, because whatever the Government says, the military and police behave as if all Tamils are Tigers and Tiger suicide bombers at that."

The vulnerability of the city has combined with the legitimate fear of another bomb attack to create a climate of tense suspicion and mistrust between the two communities. Senior Sinhala government servants look upon their Tamil colleagues with paranoia which, unfortunately, is being legitimised by state mechanisms. For instance, all Tamils who were on leave on the day of the Central Bank bombing have been questioned by the Police, the implication being that there is a massive conspiracy shared by the city's 200,000 Tamils. Institutionalised racism such as this cannot be explained away on the basis of statistical probability or expediency. At military checkpoints, the determining factor, made obvious to all and sundry, is whether a person is a Tamil or not. It is only if the Tamil identity of a person is established, or if there is some doubt in the mind of the security personnel as to the ethnicity of the individual, that the questioning and searching begins in earnest. Can there be any doubt in anyone's mind that this process is discriminatory and that it will only engender further estrangement and dissatisfaction among an already alienated community?

The irony is that the desired result of minimising the threat of a suicide attack will not be achieved by this approach. In fact, it is only through winning the trust and co-operation of the overwhelming majority of innocent Tamils in the country that LTTE cadres can be identified. As long as the Tamil community's assistance is not sought in this process, the results are going to be "hit or miss". After all, the best information and tip-offs of suspicious persons can be

obtained from Tamils who must be assured that all this is not another excuse to harass and humiliate them.

Moreover, in all the Government's media propaganda about the need for vigilance against LTTE suicide squads in Colombo, not a single caution has been articulated about the inconvenience and damage that irresponsible reporting could cause to innocent Tamils. In fact,

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the Army and Police follow-up every lead, whether anonymous telephone call or letter, even when it appears clear that the tip-off has been motivated by malice and bad faith. It is the age-old principle that holds that a hundred Tamils in jail for no reason is worth it if even a single rebel is caught as a result. This was the self-avowed policy under the Premadasa regime, even in the South during the JVP insurrection, with shocking consequences. One had hoped that the Chandrika Kumaratunga dispensation would be different.

The outcome of all this is the costly realisation that the oppressive institutions and mechanisms that are in place figure more crucially in the lives of ordinary people than the best intentions of those who govern. In

this sense, continuous pressure must be exerted and systematic lobbying must be undertaken in order to ensure that these institutions and mechanisms are not allowed to "do business as usual". It is only through constant and consistent vigilance that real changes can take place in a context that has been riddled with corruption, racism and apathy. At any rate, the well-being of all ethnic groups and all communities in this country is too important and too inter-connected a pre-requisite to be left entirely to the good offices of the state.

#### Taking advantage of the war

The Government's record outside of the ethnic issue has been even less heartening. The scandal involving Jeyaraj Fernandopulle and the Airport taxi service smacked of the UNPs worst days of thuggery and intimidation. The fact that President Kumaratunga saw fit to cover up the entire affair, or at least to turn a blind eye, by retaining her Deputy Minister is even more disillusioning. The use of extra-judicial force, the blatant and immediate transfer of police officers who had merely done their duty, has sent chills down the spines of all those who had hoped for better things from the PA administration.

Now, the latest reports of large-scale bribery and fraud concerning the privatisation of the Puttlam Cement Company and of the Sevanagala Sugar Factory are all the more frightening since there appears to be some Cabinet members who are pointing the finger at others. The fact that Lakshman Kadirgamar backed down from his earlier stance is perhaps the surest measure that this administration does not take too kindly to the very framework of honesty and transparency that was its battle cry not so long ago. ■

# Peace Blown Up?

*Paikiasothy Saravanamuttu*

THE bombs in London, Jerusalem and Tel Aviv, and indeed the bomb in Colombo, focus attention on the role of violence and terror as saboteurs/catalysts in revitalizing the peace process by re-investing it with a sense of urgent and immediate purpose.

In the Irish case, fortunately the commitment to peace has proved to be sufficiently deeprooted to withstand the recent horror, as illustrated by the strenuous efforts made to sustain the momentum of the peace process. In the Palestinian-Israeli situation, repeated violence has left the peace process poised precariously on the edge of suspension. In the Sri Lankan case, violence is still a central element of conflict resolution on both sides and the attempts to move beyond, into a post-violence phase of peace making, have been short-lived.

In terms of peace-making, in both Northern Ireland and in Sri Lanka, there is the common issue of giving up arms as an essential precondition for direct talks. This raises questions regarding the legitimacy of armed struggle that go to the very heart of the ideology of both the IRA and the LTTE and the continuing use of force as a source of leverage in negotiations.

In the Irish situation, the

impasse between the British government's 'weapons first' and the IRA's 'weapons last' positions, threatened to stalemate the whole process of dialogue and dissipate the potential for peace that the 17 month long IRA ceasefire offered. Active US involvement to sustain the process produced results and the issue was passed onto the three-person international commission headed by the former US Senator George Mitchell. The report of this international body on the decommissioning of arms makes interesting reading for peacemaking in that it marks out a

impractical and as something that just would not happen. In doing so, the report acknowledged the basis on which the IRA declared its ceasefire i.e without preconditions for all-party talks with all the parties concerned.

Mitchell and the commission have recognized what the British government and its Unionist allies refuse to, and that is the significance the Republican movement attaches to its acceptance as a key and legitimate player in the conflict. In rejecting decommissioning as a precondition for all-party talks,



negotiating process that is grounded in political realities.

The Mitchell report rejected the British insistence on the IRA even symbolically giving up arms before talks commenced as

they have interpreted the IRA ceasefire in this spirit and as the only practicable way forward. A 'weapons first' insistence would have reinforced stalemate.

At the same time, the Mitchell

report did not condone the use of violence for political ends. In calling on the parties to subscribe to a declaration of principles disavowing this, the report aimed for a commitment by all parties to an exclusively peaceful resolution of the conflict without placing the responsibility for this upon the prior and unilateral demonstration of a commitment to this end, by any one side.

In effect what the Mitchell report did was to undercut the very ideology of the IRA, by binding it to a process of non-violent conflict resolution.

The Mitchell report outlined six principles that constitute the test of commitment to a democratic and non-violent solution. Parties are called upon to make a "total and absolute commitment to democratic and exclusively peaceful means" and "to renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome for all-party negotiations". They are also called upon to accept the outcome of all-party talks or to use only peaceful means to try to alter them.

The Mitchell report in its final pages also expressed the opinion that an "elective process could contribute to the building of confidence". To the dismay of many, the British government pounced on this and declared its willingness to expedite movement towards elections to a negotiating body, thus abandoning the 'parallel track' approach of gradual decommissioning and talks that the Mitchell commission endorsed. The argument forwarded by the British Government in support of this course of action was that the Ulster Unionists would only be persuaded to enter into all-party talks if together with gradual decommissioning, Sinn Fein obtained a fresh mandate.

Whilst Mr Major was placating his Unionist allies, who are crucial

to the survival of his government in the Commons, his interpretation of the Mitchell report was read as being tantamount to another precondition being placed by him on the commencement of all-party talks. The return to violence by the IRA must also be seen as a response to this in particular and in general, to the tardiness in movement to all-party talks without preconditions.

What has followed in the wake of the violence is agreement between the British and Irish governments on a time-table for

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***Hamas and the Palestinian extremists, like their Jewish counterparts who martyred Yitzak Rabin, have no interest in the peace process whatsoever apart from the burning desire to consign it into the dustbin of history.***

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all party talks commencing 10 June. This will be preceded by inter-party talks in March from which any party refusing to subscribe to the principles of the Mitchell report will be excluded. Therefore, whilst the resumption of violence by the IRA has led to a definite date being fixed for all-party talks, the renunciation of violence remains a stumbling block to the participation of the IRA's political wing, Sinn Fein, in those talks.

The Jerusalem bombings - two near identical acts of terror in the space of a week followed immediately by another in Tel Aviv - are strictly of the wrecking variety. Hamas and the Palestinian extremists, like their Jewish counterparts who martyred Yitzak Rabin, have no interest in the peace process whatsoever apart from the burning desire to consign it into the dustbin of history. Consequently, the significance of

their terror is to be measured in terms of its impact upon the peace constituency at large and upon the political actors engaged in the peace process.

The destinies of Peres and Arafat are now linked even more so than before. Each bomb, each act of terror, binds them closer in the common objective of bringing the peace process to fruition. However, each act of terror also opens the floodgates for mutual recriminations and turns the spotlight on the vulnerabilities on each side.

Up to the point at which the recent terror was unleashed, it appeared as if the configuration of forces could be generally described as being in favour of the peace process. There have been warning signals however and what the bombings have accomplished is to ensure that these signals be taken more seriously in putting the breaks upon an acceleration of the peace process. The next round of talks were to deal with the key issue of the 'permanent status' of the Palestinians.

On the Palestinian side, although Arafat and the PLO received a thumping mandate in the elections at the end of January, independent candidates openly critical of his autocratic style and of the self-rule accords were also elected. This underpins arguments for greater sensitivity on his part for carrying with him all shades of moderate Palestinian political opinion in the quest for peace and accommodation with Israel. Arafat cannot avoid the task of consolidating his huge mandate into a solid constituency for peace. This will in turn, strengthen his hand in the inevitable show-down with Hamas and the extremists.

There can be no doubt that the latter has to happen or else Israel will take matters into its hands and in doing so, compromise the independence and credibility of the Palestinian Authority. Either Arafat shows that he is effective

and can neutralize Hamas or else he shows himself up as being too weak and unreliable a partner for peace. The peace process can only work if each side takes care of the threats within it and in a manner that does not undermine the other doing likewise.

Herein lies the real damage of the Jerusalem and Tel Aviv bombs. They have blown open the basic modus vivendi between Arafat and the Israeli government on their respective abilities to deliver the assurances each requires of the other in the peace process. Without delivery on those assurances, the support of their respective polities will be jeopardied and needless to say, this support is vital for a lasting peace.

Until the three bombs were exploded in quick succession -- two on the No. 18 bus in Jerusalem and the third in Tel Aviv, Shimon Peres seemed secure enough in office to advance the date of the general election scheduled for November, to late May. The Rabin martyrdom had produced a sympathy vote which reinforced the arguments for peace and the Likud opposition had not been able to shake off the charge that it shared some responsibility for the climate of fear that culminated in the Rabin assassination.

In the aftermath of the bombings, Peres is now running neck and neck with the Likud leader Netanyahu (after having enjoyed a 15% poll lead), and his political career is in jeopardy. The system of election that will operate in May will give the electors two votes -- one for the party of their choice and the other for their choice of prime minister.

Peres now has to act tough. And this means with Arafat too, for not doing his bit to neutralize Hamas. Consequently, there is every

possibility of either a further polarization between Israel and the Palestinians or a Palestinian civil war. Both outcomes will put the peace process on hold for some time.

From the Israeli perspective, the selling point of the peace process is the promise of peace with security. Security here is to be seen both in terms of territorial boundaries as well as in an end to every day acts of terror that obstruct the restoration of normalcy. Aware of this, Hamas is devoted to blasting the promise of security into oblivion as the surest way of so consigning the peace process.

promising.

The Sri Lankan situation has elements that are present in the other two. There is growing polarization, and to the extent that the select committee exercise is analogous to the all-party talks in Northern Ireland, the question arises as to whether that exercise will advance the peace process without the participation of a key protagonist unwilling or, indeed, unable to forswear violence. President Kumaratunga and Prime Minister Peres may both see their commitment to the peace process mangled into a tough stance against political violence



For us in Sri Lanka, there is no peace process at hand to institutionalize. Violence in the forms of terrorism and military action is still a basic process that will decisively condition conflict resolution. The LTTE will not negotiate with the army in Jaffna and the government requires the LTTE to give up arms, symbolically if not substantially, before talks can commence. And since both sides are not convinced of the urgency of negotiations and the limited utility of the further use of force, the climate for external facilitation of dialogue is also not

which considerably restricts their room for manoeuvre. The hardliners on both sides of the ethnic divide, in both Palestine and Sri Lanka, have succeeded in severely testing ethnic reconciliation.

The point has come at which the middle ground is being swept away to make room for Armageddon. Violence will decide when peace will come and what form it will take. On current reckoning it will take more time and when it comes, it will be further away from the heart's desire. ■

# The Draft, the Bomb, the War and their Repercussions

Vyasa

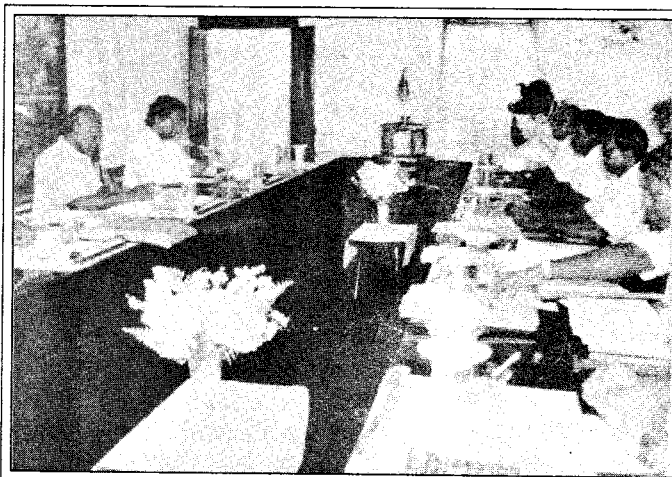
AFTER each horrible calamity, the question that invariably springs to mind is as to whether we have moved any closer to a resolution of our ethnic conflict. That conflict will eventually end and that as each anxious day passes we get closer to a conclusion than further away must also be the case, but it is not comforting. Whether it be a short or long wait, the fear is that, on recent experience, it will be bloody and destructive and that the end when it comes will not be entirely satisfactory or desirable. Unless of course, more blood and destruction is an integral part of conflict resolution as currently conceived and that therefore, there is no pressing need for any re-consideration of options for it, as in the present circumstances.

How do conflicts end? Is there any clear pattern of activity or trend that can be discerned as definitely militating towards this beyond the obvious, yet too general points, about political will and interests? What does the Central Bank bomb portend for the end of conflict?

To begin with, the bomb must be seen in the context of the conflict at a critical juncture and not as some have been disposed to see it, as an isolated egregious act of terrorism. That it is an act of terrorism is beyond doubt, but its

significance lies in the ability of its perpetrators to execute such acts of horror, their need to do so and the message they want to convey by doing so. It also lies and no less importantly, in the government's response and especially in our willingness to withstand such carnage and anxiety for long enough in the belief that the government's chosen course for conflict resolution will succeed.

Mr. Prabhakaran will not stop his bombing campaign. This is his reply to Riviressa and the legal draft of the devolution proposals -- the



government's two pronged conflict resolution strategy to either eliminate the LTTE, marginalise them or mould them nearer the heart's desire as unarmed partners in devolution.

It is his way of making the point that there can be no viable process of conflict resolution without him as the key player on one side of the ethnic divide and accordingly, no viable process of conflict resolution directed to cutting the

ground from under his feet. On his grisly calculations, he must bomb to keep his chances high and to demonstrate to his constituency that as much as the government can take the war to the Tiger heartland, he can do likewise, in Colombo.

How desperate is Mr. Prabhakaran? Is he really boxed into a corner in which terror is the only option? Isn't it really a matter of time before he realizes, as the rest of us already do that he and his brutal boys are history?

Mr. Prabhakaran is certainly not having it so good. He has taken the people with him and has to now look after them in inauspicious conditions. From what available reports there are, despite the efficiency of his organization, there is dissension at least amongst the more affluent middle-class sections of the refugees in Kilinochchi. They want to go home and he won't allow them to. Whilst the poorer sections seem to

be largely with him still, the lack of water in the Vanni could have its toll on them too. March/ April could prove decisive in ascertaining how many badly want to vote with their feet.

There is also the challenge of the future of Jaffna. Is it politic for him to allow it to remain a hollow prize for the army, if the time is nigh when larger numbers of people want to go back? Or will he harass it out of army control by

hit and run guerilla attacks? Both options are not quick fixes if time is running out. Alternatively, can he do more in the east to loosen the army's control of the one-third of the Jaffna peninsula in their possession?

On the other hand, Mr Prabhakaran is not having it so bad or more to the point, badly enough, either to bow out or behave. In any event, he has always relied upon the other side making mistakes and has always demonstrated an enviable tactical acumen for making the best of a bad situation.

The same reports about dissension in Killinochchi do not speak of great civilian enthusiasm for the army, not least because Tiger propaganda about the far from gentlemanly excesses of that institution, is still firmly embedded in enough minds to make them part of the faithful in the numbers game. And across the board, dissenters and faithful alike have a common dread of artillery barrages which appear to have been a key feature of Riviressa.

That most would rather be home than in the Vanni is beyond dispute. What is not clear is the extent to which this yearning has been translated into a political position that will finally cook Mr. Prabhakaran's goose. Again, reports indicate that when one enters political terrain, the boys, however bad, brutal and bloody, are still perceived as a source of leverage and as an insurance policy by too many for this to happen too soon. It is still an ethnic conflict in which the LTTE has not



yet lost the nationalist credentials it so brutally and singlemindedly appropriated. Though the LTTE forced the people to evacuate en masse, the government is perceived as having made that painful exodus necessary and therefore blamed for its travails.

There is also the question of how adversely Mr. Prabhakaran's military capability has been destroyed by Riviressa and as to whether what he has left can still be effective for the purpose of structuring the agenda of conflict resolution.

He has continued to demonstrate a capability for inflicting damage on the government's war machine and thereby raised the costs of military

action against him. He still controls around two-thirds of the peninsula and an offensive to dislodge him will in all probability be costly and not especially helpful in winning hearts and minds. Accordingly, it will relieve him of the burden of having to cope with the rising discontent of the displaced. And the east will be no replay of Riviressa.

Taking care of him and his is going to take time and it will cost. Mr. Prabhakaran's desperation is as damaging as his defiance. For how long will the majority keep faith with the government's strategy for conflict resolution, particularly when Mr. Prabhakaran manages to succeed in reminding the southern middle-class as well, that there is no escape from war?

After the Central Bank bomb, the government has to contend with high anxiety and insecurity. A population that is not feeling good is not good for the government, unless that population believes that periodic loss of peace of mind is an acceptable price to pay for peace in a relatively short time.

It is not that Colombo middle class anxiety and apprehension will combine into anti-government feeling. Rather, there is the likelihood that there will be growing pressure upon the government to go for broke militarily, for a quick and decisive victory which will not be forthcoming. And as far as devolution is concerned, the all too insufficient space for it too, will be closed.

We are facing a polarization of attitudes which could retard conflict resolution. When war ends it will end less to our liking and peace, not near enough to what we need and should seek.

I do not think that the defeat or marginalization of Mr. Prabhakaran should be pursued as the exclusive goal of conflict resolution or that it alone is sufficient for it. The goal of this exercise is to define an enduring and honourable relationship between the majority and minority communities in this island, so that there is democratic space for both to pursue the good life in peaceful coexistence.

As to why the legal draft falls short of what is required has been dealt with elsewhere in this journal. However, to reiterate the point, some observations are in order on the politics of the select committee process that is reflected in the substance of the draft and which could also arise from it, as the select committee process gets underway.

The draft has to contain the alternative to Eelam and accordingly demonstrate to the Tamil people that their aspirations can be best met in an united Sri Lanka.

This looked like being on the cards with the publication of the August 3rd proposals and hopes were raised. They have now been suspended, if not dashed, because the legal draft incorporates the objections raised in the intervening five months. All that has happened since indicates that more will not be yielded through the select committee; less, is infinitely more likely.

The legal draft is disappointing because it is the most that a government riding high after Riviressa sees fit and able to offer. The hardening of positions after

the Central Bank bomb and the prospect of more terrorism will further confirm this. In this respect, we have reached the limits of devolution this government is

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*Does one support a disappointing package because it is nevertheless an improvement on the status quo or does one oppose it because in any event, the war can only end and the problem can only be solved through a solution negotiated with the LTTE?*

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likely to allow in its lifetime and the betting is that it won't succeed. Tamil political representation will as a result move further away from the government and in the absence of any alternative, towards reliance upon Tiger force of arms for leverage and relevance.

The substance of the legal draft and the timing of the select committee exercise pose a dilemma for those advocating more devolution. Does one support a disappointing package because it is nevertheless an improvement on the status quo or does one oppose it because in any event, the war can only end and the problem can only be solved through a solution negotiated with the LTTE? The latter argument can be extended further to make the point that a select committee consensus that falls short of what is required will lock the government of the day into a position that will only make conflict resolution with the LTTE more difficult in the future.

How close to the heart of the goal of conflict resolution is this select committee exercise?

The centrality of the select

committee exercise and of the success of the devolution proposals as currently conceived, turns upon the defeat of the LTTE. The military considerations aside, the government's prosecution of the war will have greater legitimacy in the eyes of the Tamil civilians, if devolution has been transformed from a promise to a policy. However, the process of defeating the LTTE will impact upon the select committee exercise and affect its outcome. And if the LTTE cannot be defeated, the select committee exercise may turn out to have served no greater purpose than to allow the government to demonstrate to the international community that it was serious about devolution.

Those who argue that the Central Bank bomb should not be seen as the catalyst for a re-evaluation of the government's conflict resolution strategy, must be aware that they are pinning all their hopes upon a military victory and a consensus on what Prof Peiris has referred to as the 'redefinition' of the unitary state. And neither will solve the ethnic conflict.

Nevertheless, the legal draft should not be dismissed. It may not end up with sturdy goal posts for conflict resolution, but it could advance the kick-off point for the next time around, somewhat.

Wherever there is room to push ahead and move forward with regard to power-sharing, it must be grasped and the bottom line must be to resist any effort to reduce powersharing in this package.

We have come to the point at which there is a real prospect of this conflict taking a turn for the worse, because the paradigm shift necessary to prevent the worst from happening has yet to happen. ■

# A LOST OPPORTUNITY?

*Rohan Edrisinha*

ONE of the most frustrating features of the politics of Sri Lanka is the stubborn refusal of our political and religious leadership to learn from the mistakes of the past. The political package released by the government in mid-January, despite containing several improvements when compared with the disastrous Thirteenth Amendment to the Constitution, reflects this tragic reality. Both the substance of the legal text and the manner in which the Government has sought to sell the package, leave much to be desired.

There are several positive provisions in the package. The deletion of Articles 2 and 76 of the Constitution, which entrench the unitary character of the Constitution, removes an unnecessary obstacle to substantial devolution of power. The proposals, however, fall far short of introducing a federal constitution, one of their several weaknesses. The proposals contain some imaginative clauses designed to allay the fears of sections of the community who consider devolution of power a stepping stone to secession. The abolition of the Concurrent List and the attempt to remove the ambiguity shrouding the division of powers must also be welcomed.

The provisions relating to finance are also a significant

improvement on those in the Thirteenth Amendment. The Regional Councils are given greater revenue-raising powers. A major weakness in the Thirteenth Amendment and the Provincial Councils Act is the ambiguous role of the Governor in the area of finance. The new proposals are not only clearer but also, mercifully, remove the Governor from this area altogether.

There are glaring omissions, however, and clauses which suggest that the complexities of the problem which were highlighted during the Premadasa All Party Conference,

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*A cardinal defect is the absence of mechanisms to represent regional interests at the centre. The absence of a second chamber and a Devolution Commission are glaring omissions.*

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and both within and without Parliament, when Mangala Moonesinghe strove so hard to forge a consensus in the Select Committee he chaired, have not been recognised by the framers of the proposals. A cardinal defect is the absence of mechanisms to represent regional interests at the centre. The absence of a second chamber and a Devolution Commission are glaring omissions.

## The Need for a Second Chamber

The deliberations of the All Party Conference recognised the need for provincial/regional interests to be represented at the centre. The polarisation between the centre and the provinces is one of the main reasons for the failure of the present Provincial Council system. An elected Senate, consisting primarily of Senators elected from the regions, would serve as a check on central governmental intrusion into the regions' legitimate sphere of authority and help prevent the comedy of errors which culminated in the enactment of the un-constitutional National Transport Commission Act. When the Bill was introduced in Parliament, hardly any concerns were raised as to whether its provisions violated the scheme of devolution spelled out in the Constitution. A House of Parliament whose *raison d'être* is to represent regional interests at the centre will certainly be more vigilant than Parliament has been in the past eight years.

It must be recognised that the failure of the Provincial Council system and the widespread conviction that all it has done is create another tier of politician with "perks" without responsibility, will understandably cause scepticism about the creation of a



Senate. The proposals must respond to this scepticism. Substantial devolution of power must entail a change in the role and therefore the composition of Parliament. Parliament must be the deliberative assembly where national policy, larger political and ideological questions are debated; politicians attracted by the lure of patronage, who are more at home engaging in grassroots politics, should move to the Regional Councils. Ideally there should be a difference in the type of politician attracted to Parliament and the Regional Council. Since Regional Councils should be vested with the responsibility of dealing with more mundane issues and issues of a more parochial nature, the citizen should view the Member of the Regional Council as the person s/he meets to deal with day to day problems, not the Member of Parliament.

Thus the number of Members of Parliament must be drastically reduced. Parliament can consist of a bi-cameral legislature consisting of a 120 member House of Representatives and a 60 member Senate. The net gain for the people in terms of the reduction of politicians is 45! (The present Parliament consists of 225 MPs.) Each region should elect an equal number of Senators with the entire region constituting the electorate so as to attract persons of regional stature.

### The Devolution Commission

For some inexplicable reason, the idea of a Devolution Commission, which was contained in the August 1995 proposals, has been dropped. The

rationale for such a Commission must surely be to provide for a highpowered body consisting of the main political actors in the country, both at the central and regional level, which could meet to deal with disputes between the centre and the regions and between regions through dialogue and mediation. The Commission could also provide a forum for coordination and liaison between the centre and the regions and between regions. The Devolution

between regions. What about disputes between the centre and the regions? Even with regard to disputes between regions, the presence of political clout from the centre will facilitate the resolution of such disputes. The Chief Ministers' Conference is an inadequate substitute for a powerful Devolution Commission.

### The Entrenchment of Majoritarianism

It is dangerous, and indeed simplistic, to view the possible political solution to the ethnic conflict in this country as simply one of devolution of power. There is the equally important issue of the nature of the Sri Lankan state and national identity. Since independence, the gradual entrenchment of majoritarian democracy, where the language and religion of the majority community have been given priority, has exacerbated ethnic tensions and undermined the concept of a truly multi-ethnic, multi-religious, plural society.

The Sinhala Only Act, the introduction of the First Republican Constitution of 1972 where the Sinhala Language and Buddhism were given an exalted status in the Constitution, were landmarks in the slide to the vivisection of

the country, which the Sri Lanka Ekeeya Sangavidhanaya must recognise, has already taken place. There is a de facto separate state. There is a merged Northern and Eastern province. This has happened because organisations like the Ekeeya Sangavidhanaya and people like its leaders have in the 48 years since Independence



*Prof. G.L. Peiris*

Commission should be chaired by the President and include the Prime Minister, the Leader of the Opposition, the Minister of Finance, and the Chief Ministers of the Regions.

The January 1996 proposals provide for a Chief Ministers' Conference to settle disputes

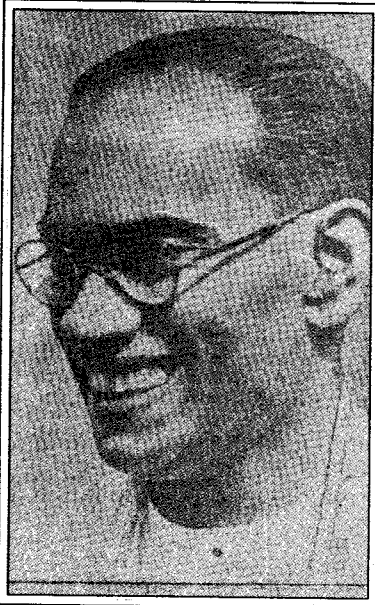
prevented a political solution to the crisis when it was relatively easy to solve.

Instead of bemoaning the fact that with the enactment of the devolution package, the central government will be unable to build public latrines in the regions (So what? Are central government latrines superior to regional ones?), the Ekeeya Sangvidhanaya should ask itself what is so sacred about the concept of a unitary state, which is after all a recent import into the history of the country. They should also understand that the brave young members of the armed forces are sacrificing their lives to preserve the UNITY of the country, not the unitary nature of the constitution.

It is pathetic that persons and organisations who for years advocated Sinhala only and/or canvassed to make it possible only for Sinhala Buddhists to occupy certain important positions recognised in the Constitution, thereby creating the problem, now have the audacity to talk sanctimoniously about equality of all races and a race-neutral solution to the very problem that they helped create and nurture into the monster that now threatens to destroy the country.

The most retrogressive feature of the package which is supposed to address the grievances of minorities in the country, is that while addressing one aspect of their grievances, namely the need for autonomy, it further fortifies majoritarianism as well. Apart from retaining the provision which gives Buddhism the foremost

place, it goes much further by establishing a constitutionally sanctioned institution, which cannot be abolished by Parliament and which all Governments will have to consult. This Supreme Council will not only foster the "religisation" of politics, but also the politicisation of religion. The Government will presumably



*SWRD Bandaranaike*



*Sirimavo Bandaranaike*

appoint monks to this Council. On what basis? The Council must be consulted "in all matters pertaining to the protection and fostering of the Buddha Sasana." Who defines the scope of this phrase? Does this include tourism, liquor licences, inland fisheries, abortion, the rights of adherents of other religions?

We need a second chamber; but it must consist of elected representatives of the people. Whether it is the Roman Catholic church in Poland, or the Islamic clergy in Pakistan, or the Buddhist Sangha in Sri Lanka, the separation of religious and political institutions is essential for a modern liberal democracy. It is indeed ironic, if the political column of the Sunday Times of Independence Day is to be believed, that the High

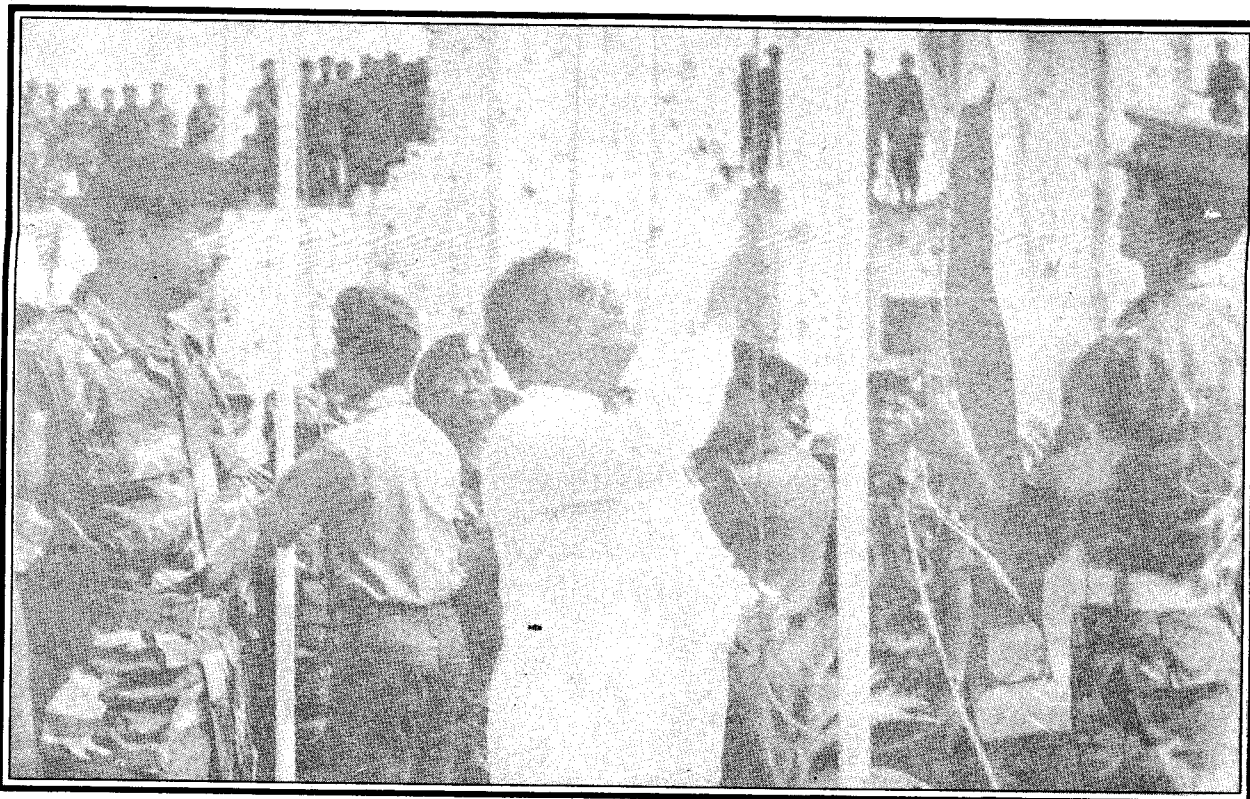
Commissioner of the bastion of secularism and democracy in this region has been assigned the task of ensuring that the opposition to the further move away from the ideal of a secular state in Sri Lanka is muted!

The sops to appease the Buddhist establishment are not only contained in the devolution proposals. A further sop has been surreptitiously slipped into the chapter on Fundamental Rights.

Article 10 of the present Constitution provides that "every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice." This right and the freedom from torture or cruel or inhuman treatment

or punishment, are the only absolute rights recognised in the Constitution. The freedom to manifest one's religion is subject to possible restrictions. The provision corresponding to Article 10 in the Draft Constitution, Article 15 (1), subjects the freedom of thought, conscience and religion to a host of possible restrictions. Why has this been done? Who asked for it to be done? Is it designed to facilitate the enactment of legislation prohibiting or restricting the right of a person to choose or change his/her religion? It is ominous that in the weeks after the release of the package, books have been banned and tuition classes prohibited in the name of religion.

What is most bizarre is that apart from the fact that these attempts to appease the Buddhist



establishment are objectionable in principle, they will also not achieve the desired objective. The Buddhist establishment will, in all likelihood, remain implacably opposed to the devolution package.

### The Power of Dissolution

Another weakness in the devolution package is that there are inadequate checks on the possible abuse of the Central Government's power to intervene in a region in a situation of emergency. No one would argue that the central Government should not be permitted to intervene in a situation where the unity and sovereignty of the country are in jeopardy. The central government must be able to respond swiftly, decisively and effectively. But since this power of intervention has been abused so much in India and in Sri Lanka, the potential for abuse must be addressed in the proposals.

The provisions in the package fall short of the safeguards even in the Thirteenth Amendment. Article 26 (4) (a) of the draft proposals permit President in a situation where there is a clear and present danger to the unity and the sovereignty of the country, by proclamation to assume to herself/himself the functions and powers of the Governor, Board of Ministers, the Regional Council and any other authority. Does any other authority include courts of law? The President is also given the power to dissolve a Regional Council in such a situation. If a Proclamation is to continue to be in effect for more than fourteen days, it must be approved by a resolution of Parliament.

The main shortcoming of this section is that the President can dissolve a Regional Council within the 14 day period and thus even if Parliament were to withhold its ratification of the Proclamation, the dissolution will remain in effect. Quite naturally, this provision has caused consternation among minority

parties, particularly in view of the dissolution of the two Provincial Councils in January. Furthermore, the fact that Article 26 (4) (f) makes it impossible for judicial review of the Proclamation, renders nugatory the requirement that such a Proclamation should be made only in situations where there is a clear and present danger to the unity and sovereignty of the country.

Quite amazingly, even the provisions of the Thirteenth Amendment contain better safeguards to prevent Provincial Councils from arbitrary dissolution! In a situation of emergency, the President may by Proclamation assume to herself the administration of the Province, while the powers of the Provincial Council are taken over by Parliament. The President has no power to dissolve a Provincial Council even in such a situation. The Provincial Councils (Amendment) Act of 1990, provides that when more than half the members of a Provincial Council expressly repudiate or

manifestly disavow obedience to the Constitution, or when the Council ceases to function, the Council shall stand dissolved.

The present provisions, therefore, which are tighter, more specific and yet enable the centre to respond in a crisis, are preferable to the provisions in the legal draft.

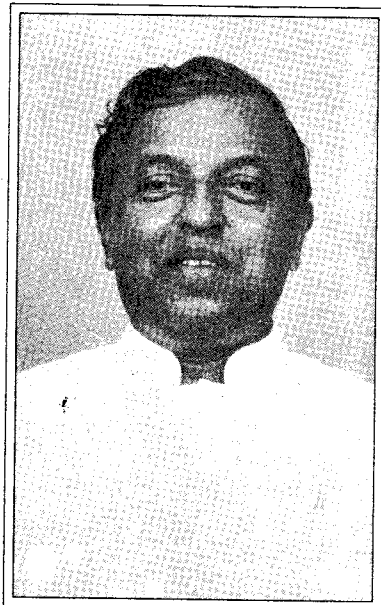
The provisions on dissolution should be radically revised. While it may be necessary for the President to be able to take over the administration of a Region in an emergency situation almost immediately, it is certainly not essential that she/he be in a position to dissolve the Council immediately. The ratification of the proclamation by a bi-cameral Parliament and the possibility of judicial review will also provide for checks and balances on a power which has the potential for abuse.

would be free to act in his/her own discretion, the Prime Minister, the Leader of the Opposition, the Speaker, the President of the Senate, a Chief Minister nominated by the Chief Ministers' Conference and a retired appellate court judge nominated by the Chief Justice. Unfortunately the Government's draft Constitution provides for five MPs to be nominated to the Council, thus undermining the principle -

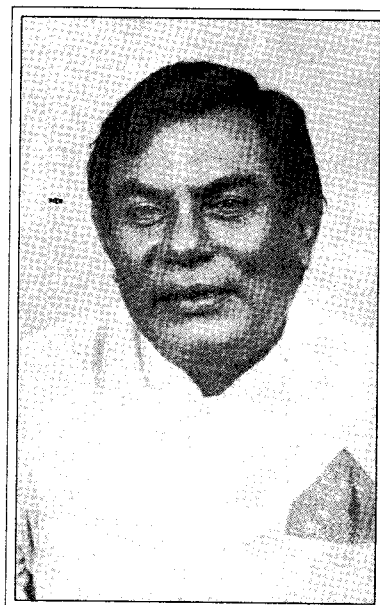
Ministers Dodangoda and Gooneratne praise the package as the last chance to preserve the unitary character of the country. Various DUNF and LSSP leaders and Deputy Minister Kiriella have affirmed their commitment to a unitary state. President Kumaratunga's courageous speech to the Buddhist clergy at the conference at the BMICH seems inconsistent with the pathetic attempts to appease them

in the Devolution Package and the chapter on Fundamental Rights.

If the Government is serious about pushing the package through Parliament, shouldn't it be reaching out to the UNP? There should be initiatives to declare a ceasefire between the Government and the UNP on the issue of devolution of power, to share



*Amarasiri Dodangoda*



*CV Gooneratne*

### The Constitutional Council

The Constitutional Council is expected to play an important role in the new Constitution even with regard to institutions which have an impact on the devolution of power. The idea which was borrowed from the Constitution of Nepal, seeks to ensure that a non-partisan, independent approach is taken in appointing people to key positions and various bodies. A small committee of persons of stature hold office in the Constitutional Council ex officio. In the Sri Lankan context, it would make sense for the Council to consist of the President (the nominal Head of State elected by a bi-cameral Parliament), who in the exercise of this function

that the politicians on the Council hold office ex officio and that partisan considerations should ideally not play a part in their decision making.

### Is the Government Serious about the Package?

Apart from the fundamental weaknesses in the legal draft of the package, the Government's attempts to sell the package seem confused and amateurish. The Cabinet of Ministers does not seem to understand the contents or the implications of the package. Professor Peiris talks about redefining the unitary state, while

the credit for forging a consensus if it is reached. Surely the Government must take the lead in acting in a statesmanlike manner if it wants the UNP to act likewise.

It is disheartening, therefore, that the Government has failed to produce the best possible devolution package, building on the repudiation of the unitary principle in the Constitution. Such a package would have galvanised the support of the minority political parties, the pro-federal constituencies in the south, the peace constituency and moderates throughout the island. The Devolution Proposals of January 1996 could be a crucial lost opportunity. ■

# Confession

I don't deceive you, I am no poet,  
Though I adore the integrity of the white gem,  
The green pine, the vast sea,  
The setting sun on the crow's back  
And the dusk woven with the wings of bats.  
You know I love heroes and towering peaks,  
A national flag fluttering in the wind,  
Chrysanthemums from tender yellow to antique bronze.  
Remember that my food is a pot of bitter tea!

But will it scare you to know that other me?-  
Whose fly-like thoughts crawl in the garbage can.

*Translated by Catherine Yi-yu Cho Woo*

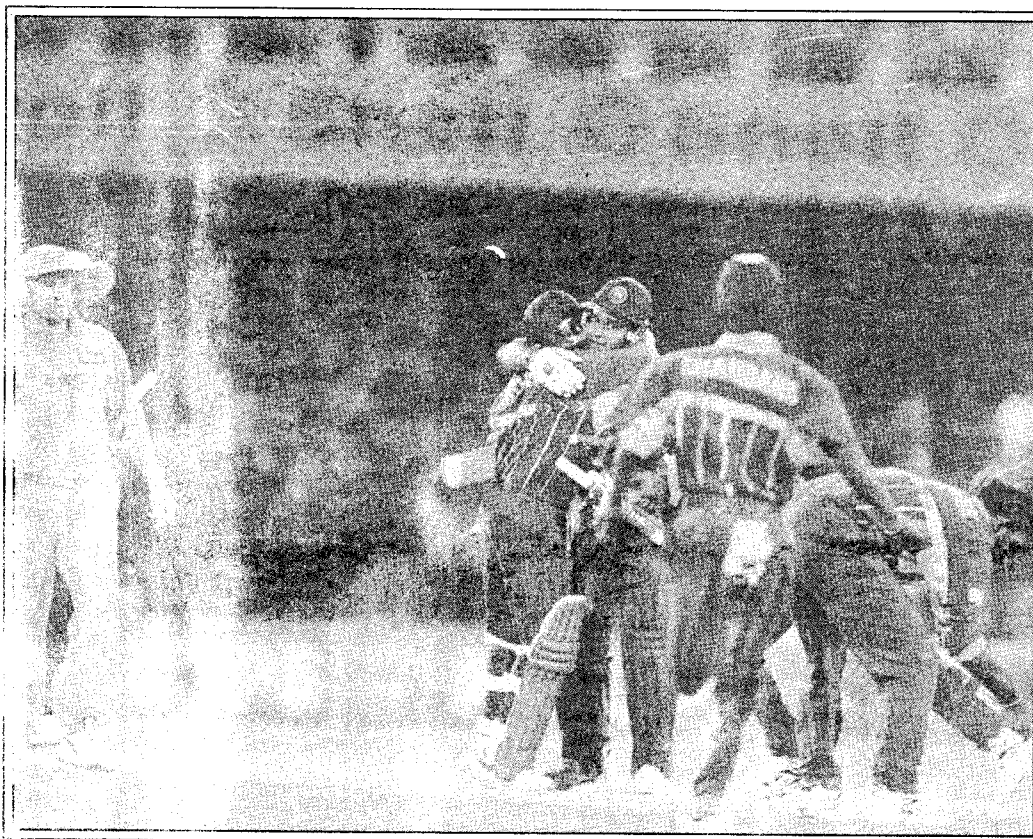
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# Winning the game, but losing the match?



SRI LANKA had more sustained international coverage when it won the World Cup Cricket Championship than when its Central Bank was blown up, killing over a hundred people, a month-and-a-half earlier.

*Counterpoint's* pictures juxtapose these two incidents that seem to be worlds apart, but which taken together present a telling aspect of the daily contradiction that is Sri Lankan life today.



# THE WAR & FOREIGN RELATIONS

## *A Special Correspondent*

THE LTTE's resort to war on 19th April gave rise to country after country condemning the LTTE and supporting the Government. Foreign support for the Government, particularly from the crucial western donor nations, has remained strong despite the Government. Key to this support is the Government's political package offering a solution to the ethnic problem along federal lines. The donor nations are keen to see this implemented.

The Government's problems with its image began with the manner in which the war was

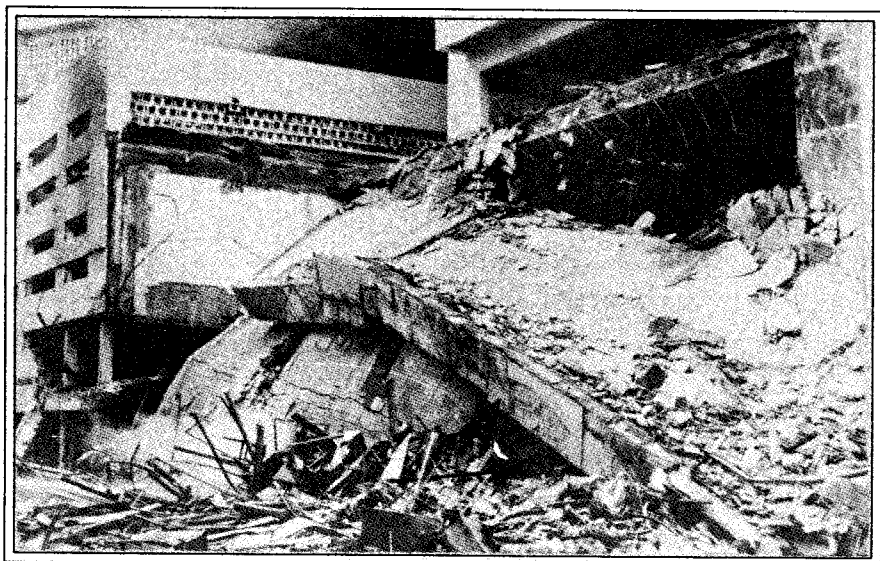
bombing of refugees near the Naval church. Both the President and the Foreign Minister came off badly. The Government imposed censorship on 21st September. Barely 12 hours later the Air Force bombed Nagarkovil killing 24 school children. LTTE propaganda added spice by linking the bombing with the censorship imposed that very day. The performance of the defence spokesman who first denied the incident and a few days later suggested that the victims were LTTE, left much to be desired.

In the meantime, it is now clear that the Western nations had talked to the Government and relations with the ICRC, starting from an abysmal level, improved

did not know it, this appears to have had a significant impact in reducing civilian casualties -- down to about 100 in October from over 170 during the July operation. There was moreover hardly any fighting in July, while fighting during October was heavy.

A new crisis appeared when the LTTE threatened and forced civilians to leave Jaffna from 30th October and attempted to relocate them in the Wannai. On 3rd November concern was expressed by the UN Secretary General Boutros Boutros-Ghali who also appealed for aid to deal with the humanitarian crisis. The last thing the Government wanted was for the UN to move in and set up a massive settlement in the Wannai which the LTTE would have liked to make permanent. Had the Government allowed foreign journalists to visit the area, the crisis would have blown over faster, as it eventually did. For those forcibly displaced harboured bitter feelings against the LTTE.

The Western nations played an important role here. There was no support for the UN Secretary General's appeal. Foreign journalists who flocked into Colombo were consistently told by Western observers that the Government had been quite careful about minimising civilian casualties. Few questions were raised about the bombing and shelling in other parts of Jaffna. The visiting journalists were also quickly familiarised with the massacre by the LTTE of nearly 100 Sinhalese civilians along the border of the Eastern Province



being conducted as regards civilian security, and its unrealistic determination to conceal the true extent of the damage to civilians. There was in July an unseemly quarrel with the ICRC over the

tremendously. For its part, in its bid to take Jaffna, beginning in early October, the Government had pledged not to drop or fire missiles into the Jaffna municipal limits, as is clear now. Although the civilians



during the later days of October. Thus the LTTE's attempt to play the refugee card and buy time failed. By its chosen logic of trying to severely down-play civilian suffering, the Government ran into more blunders.

#### The Sri Lanka NGO Forum meeting

The Sri Lanka NGO Forum meeting comprising international NGOs and their local partners were to meet in a hotel in Bentota on 15th and 16th November. Most international agencies were being told by their governments that the situation with respect to law and order and human rights was improving significantly in Sri Lanka. They were also under pressure to curtail or freeze activities here. Many of the local partners had also been close to the Government.

It appears that the Government which was nervous, was also gullible. Propaganda emanating from Sri Lankan expatriates in London, who would have been considered a lunatic fringe here, had branded the Forum as being pro-LTTE. The Forum was also accused of having plans to ask the Government to unilaterally stop the war. The press too added to the frenzy.

On the 15th, demonstrators appeared at the venue in Bentota. Some of the organisers who went to talk to the demonstrators were mobbed and assaulted. Among those injured were Sunanda Deshapriya, editor of the anti-communal Sinhalese weekly, the *Yukthiya*; and Walter Keller, editor of *Sudasiën*, a German journal specialising in analytical articles and features on South Asia that was also very critical of the LTTE.

The organisers who went into the matter pointed a finger at the Government, or a section of it, for having initiated what became a fracas. It was also clear that anti-Tamil and anti-political settlement elements had jumped the

bandwagon and carried it to new lengths. One of the assailants of the *Yukthiya* editor had accused him of joining up with Chandrika (the President) and selling the country to the Tamils. What was immediately incriminating was the fact that the police moved to aid the victims only after a telephone call from a government minister who had been alerted.

Attempts to hold the conference in Ratmalana the following day were met by demonstrators who included Dr. Nalin de Silva, a well known hawk and chauvinist ideologue. The police who came

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there maintained that there was no Foreign Office clearance to hold the meeting. The Foreign Office with whom the matter had been amicably discussed earlier with an understanding having been reached, started being inexplicably obstructive.

It was later that the Government came to realise that it had become party to moves where it was being manipulated and check-mated by groups drumming up war hysteria and xenophobia, and implacably opposed to the political settlement

on which the Government's credibility hinged. It did try to make some amends.

The last UNP Government with an incomparably poorer record had its external public relations ably managed by the likes of Bradman Weerakoon and Neville Jayaweera. At least, visiting NGO officials and Human Rights organisations felt that there was someone in the Government they could talk to rationally and reach some compromise. It is surprising that this Government with persons like G.L. Peiris, Lakshman Kadirgamar and the President herself, who ought to know the modern world better, could not make a judgement and handle the Forum without causing so much damage to themselves.

#### The LTTE

Another aspect of foreign backing for the Government is a series of actions by the LTTE that have branded it as a party with which one cannot enter into meaningful agreements and have dealings with. Within its framework of totalitarian politics, its actions reveal a fixed agenda, while words and agreements are only used to confuse and buy time. One instance was the hard way UNHCR discovered in 1993, after painful negotiations, that the LTTE would not allow civilians the safe Pooneryn route across Jaffna Lagoon. The Government rediscovered it earlier this year. To take some of this year's irritants:

1. When the Government and the LTTE signed a cessation of hostilities agreement in January, provision was made for foreign observers. Several observers were sent by Western countries. The LTTE obstructed their deployment, even though this was clearly beneficial to the Tamil people.
2. About March negotiations between the LTTE and the Government had reached a



*Chandrika with Boutros Boutros- Ghali*

stalemate and both in principle accepted third party mediation. When France nominated a mediator, the LTTE had maintained since then in its propaganda that the mediator is a friend of President Kumaratunga's. Diplomatic sources are very clear that this is totally false and the two never knew each other.

3. The LTTE and its supporters continue to maintain that the Government is not serious about a political solution because it has not given the LTTE the political package it had made public. Again there is clear testimony that the Government tried hard to give the package to the LTTE through diplomatic channels, as one would to a party that broke off talks and went to war. But the LTTE never took it.
4. The LTTE propaganda line has been that its breaking the truce was only a pre-emptive measure against the Government that had decided to wage war. Again, the

testimony is that the Government was trying hard to restart talks. It was only when missiles were used to bring down its Avro aircraft in late April that the Government firmly committed itself to war.

5. Once the LTTE ordered the civilians to vacate Jaffna on 30th October, it began openly violating the agreement concerning the ICRC zone around Jaffna hospital, and forced the closure of the hospital.

These also point to the desperation of the LTTE whose strength has little political or material basis. Two years ago there was very little activity within the diplomatic community and many of them were bored. They were resigned to a long war of attrition. The Government's political package has given them some goal to work towards. Asked what would happen if the government went back on its word concerning the package, a senior diplomat acknowledged that there would

be a price to pay. He added, "we do not wish to run or be seen running things here. The people will have to decide".

On the European Union's resolutions condemning the LTTE, he said, "of course the European parliament does not have executive powers to make individual governments enforce them. But these resolutions are important because they represent a state of mind in Europe as a whole".

One may draw the message that if the Government moves ahead with implementing the political solution, European governments would make an extra effort to curb the LTTE's fund raising and arms buying activities. If not, they would once more become fatalistic and decide that there is not much they could do for a country bent on division. Then perhaps, after much more blood has flowed, UN troops would come in to cut corners, square circles and enforce the division. ■

# After the Lion Flag – what?

*Kethesh Loganathan*

THE "fall of Jaffna" symbolizes, more than anything else, the contradictions in the behaviour and conduct of the state and the LTTE in a manner that belies reason and sanity.

On the one hand, the on-going propaganda blitz over the "fall of Jaffna", characterized by the state-sponsored publicity given to the hoisting of the Lion Flag, is a far cry from the Statement issued by the People's Alliance that the hoisting of the Lion Flag by itself is not a solution to the Ethnic Question and that more needs to be done to restore to the Tamil people their just rights. While these sentiments are to be welcomed, they do not quite correspond to the veiled jingoism that marked the Flag-hoisting ceremony. The "Nandhi" symbol adopted by the Jaffna District Development Council in 1981, did look somewhat "cowed down", surrounded by the Lion and the symbols of the Security Forces!

No one can deny the right of the state to express its gratitude to the Security Forces for its achievements in the war front, in particular, the expulsion of the LTTE leadership from the Jaffna peninsula and the pressure exerted on them to move their politico-military infrastructure to the mainland and the Vanni

region. However, one can certainly raise questions as to whether the Flag hoisting ceremony in Jaffna was at all appropriate. This is particularly so, when it is far from clear whether the Tamil people and other minorities of a unified Sri Lanka live on the basis of equality and co-existence, as proposed in the "Devolution Package", or continue as "subjects" under the hegemony of Sinhala chauvinism and exclusivism. It is also far from clear whether the State has succeeded in establishing a comprehensive and an irreversibly military stranglehold over the LTTE,

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necessary for bringing the LTTE into the negotiation process and eventually into the democratic mainstream – or, failing which, to bring about its annihilation. I am inclined to feel that neither of the above political and the military conditions have been satisfied by the "fall of Jaffna" and the hoisting of the Lion Flag. It is, indeed, reassuring that President Chandrika is

cognizant of this reality when she posited a sombre and a realistic "long way to go" theme in her Address to the Nation that followed the Flag-hoisting ceremony.

The jingoism behind the raising of the Lion Flag was no less matched by the behaviour and conduct of the self-proclaimed "sole representatives" and "sole protectors" of the Tamil people, the LTTE, as it was withdrawing from Jaffna. The forced expulsion of the people from Jaffna and the systematic destruction of their houses, later justified by the LTTE as their "historical duty", was more a

senseless act of nihilism than a case of heroic resistance. It is, indeed, ironic that when Sinhala and Tamil human rights activists and intellectuals should justifiably caution the state against hurting the "Tamil Pride", that the LTTE should do precisely that by reducing to rubble the homes of the people of Jaffna, converting

their fertile lands and home-gardens into a mine-field and relegating them to the status of refugees and a perpetual state of dependence on relief agencies. Is this an irony, a paradox – or, typical of the LTTE phenomenon?

Be that as it may, the pursuit of a just and a durable peace cannot ignore the above realities. These are realities that must, firstly, be



recognized and then confronted, if there is to be a return to reason and sanity. Let us now look into the future – and see what could be salvaged and built upon.

On the positive side, President Chandrika and the PA Government continue to stand committed to the pursuit of a negotiated settlement – a principle position that even the LTTE cannot totally reject. More importantly, this is what the people want. When Sinhala soldiers offered an abandoned old woman in Jaffna their rations, and when that woman inquired from them as to whether they themselves had enough to eat, that was humanism in its purest form. (Based on what I saw in one of Rupavahini's video clippings.) This was an interaction at the human level that typifies the true sentiments of the broad sections of the Tamil and the Sinhala people. Neither the Sri Lankan state, the LTTE, nor the

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chauvinist forces on both sides of the ethnic divide, can afford to ignore this reality. And, if they do so, it will be at their own peril. Herein lies the objective conditions for peace.

But a peace constituency and the counter-discourse alone is not enough. If peace is to be durable, it must also be just. If peace is to be self-sustaining,

then appropriate structures and institutions need to be built into the polity and civil society. It is in this context that it is clear that we have no option but to advance the political process in the direction of democracy, devolution and demilitarization.

What I wish to focus in this article, however, is the question of devolution and regional autonomy. It is clear that despite the delay in advancing the "Devolution Proposals" by the PA Government, and its incorporation into the "total package" on Constitutional Reform, it is just a matter of time before the Sri Lankan polity and civil society will have to decide on the form and content of a new Constitution that also includes the relevant provisions pertaining to the Ethnic Question. This is so whether at the level of the Parliamentary Select Committee on Constitutional Reform, the on-going bilateral and multilateral

talks (formal as well as informal) between and within political parties or at the National Referendum where the people will ultimately decide.

However, what is disturbing is that the form and content of the debate is being increasingly shaped and influenced by "extremist" positions from both side of the "ethnic divide". And, often, the debate degenerates into reactive responses to misperceptions and misconceptions -- leading to a cycle of "high voltage" nationalism, where "nationalism" becomes an ideology for exclusion rather than coexistence. Let us briefly look into some of these issues -- or non-issues.

That Sri Lanka comprises a multi-ethnic, multi-lingual and a multi-religious society is a historical and a contemporary reality that no sane person can negate. To do so is to negate the very existence of the peoples who inhabit the island.

A problem does arise, however, when Tamil nationalists feel compelled to enter the realm of the "inalienable right of self-determination", in the context of a collective identity based on nationhood. It cannot be denied that given the collective experience of the Tamil-speaking people of Sri Lanka with institutionalized racism in almost every sphere of human existence (i.e. language,

employment, education, civic rights, security etc.), the "inalienable right of self-esteem" and the land on which they toiled and which they inhabited for centuries (in present administrative terminology known as the North-East province) also became the "living symbol" of their identity, security and socio-economic advancement. It is therefore meaningless on the part of Sinhala nationalists to prolong the debate on the "Tamil homeland".

Similarly, I am also convinced that it is archaic and redundant on the part of Tamil nationalists to articulate proposals for the resolution of the Tamil Question by invoking claims of a "traditional homeland", -- however valid it may be -- if the task is to seek a negotiated settlement to the Ethnic Question within a unified Sri Lanka. It is sufficient to argue that any scheme pertaining to autonomy and power-sharing

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requires a territorial unit. And, the unit that satisfies the criterion of historical residence, contiguity and concentration, economic viability as well as cultural and linguistic commonalities of the Tamil-speaking people broadly approximates the North-East Province.

Concepts and "ideological" constructs based on "nationality", "traditional homeland" and the "inalienable right of self-determination" are undoubtedly relevant and necessary under conditions of a national liberation struggle aimed at creating a separate nation state. And, if at the Thimpu peace Talks, for instance, these cardinal principles were invoked, it was precisely because the entire Tamil National Movement and the Tamil people were committed to a protracted, mass-based struggle for an independent and a sovereign state of "Eelam".

The prevailing situation is different. The call of the LTTE and sections of the Tamil diaspora for the creation of an Independent, sovereign state of Tamil Eelam is no longer the call of the broad Tamil masses of Sri Lanka. The experience of living in the now defunct "quasi-state" of the LTTE, with all the ingredients that go towards the creation of a monolithic and a fascistic society, is certainly not seen by the broad Tamil masses as the only viable alternative to the problems of institutionalized racism and Sinhala chauvinism. In any event, other than the demonstration of military might and regimentation, punctuated by nihilism, the LTTE has so far nothing to demonstrate to the Tamil people of its capacity to create an Independent State of Eelam - leave alone a State that is humane, democratic and prosperous. The argument that

seeks to equate the Tamil psyche with the Tiger psyche is a myth - but one which enables the Sinhala nationalists to deny and negate any form of autonomy and power sharing to the Tamil people.

As a first step, therefore, it is imperative that the Tamil nationalists, while presenting the case for autonomy and power sharing within a unified Sri Lanka, do so without

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invoking separate nationhood and inalienable rights and that the Sinhala nationalists, who concede that the Tamil Question needs to be resolved in a manner that addresses the legitimate grievances of the Tamil people, do not distort the demand for autonomy and power-sharing as just another stepping-stone to "Tamil Eelam".

Secondly, the need of the hour is a Movement for National Reconciliation. This has got nothing to do with a "national government" with electoral and

power ambitions. The Movement for National Reconciliation should essentially constitute the "Peace Constituency" and expand outward so as to influence all sections and to bridge the "ethnic divide".

Hence, I would consider the immediate task of the Movement for National Reconciliation (MNR) to be as follows:

- (a) Replacement of the war psychosis and jingoism with a peace culture and a peace discourse;
- (b) Assist in the task of reconstruction and rehabilitation through the mobilization of "peace volunteers";
- (c) Defend the "Devolution Proposals" from any irrational dilutions and engage in mass-contact campaigns for Democracy, Devolution and Demilitarization.

It is imperative that the Movement for National Reconciliation (MNR) functions independently of party Formations. The MNR can either be an off-shoot of the existing peace Movements or a fresh initiative which will work closely with existing peace Movements and NGOs.

These are modalities which can be worked out by those who take the initiative. But, there is no denying that the only rational answer to the Question "After the Lion Flag - What?" is National Reconciliation where the Lion Flag becomes a symbol of coexistence rather than one of dominance. Or, if the "pseudo-patriots", continue to hold aloft the Lion Flag to symbolize dominance, then one has to seriously consider including into the agenda of the Movement for National Reconciliation, the search for a new national flag which captures our collective visions for the future, while relegating the past to where it belongs! ■

# On Curbing Police State Impulses: Disturbing Trends

*Rajan Hoole*

A popular theme in stories of the Tarzan genre is one where some scheming, unscrupulous men descend on relatively innocent jungle folk or peasants. The outsiders playing on the fears of the natives and having made promises of supernatural glory and eternal prosperity, goad the natives into violent actions suicidal to themselves but profitable to the schemers. That is how chauvinism of every variety usually operates. It needs to first render the people stupid, gullible and prone to delusions. One finds a good deal of it among Tamil and Sinhalese expatriates for whom it is either profitable or a hobby. But the people of this country in their struggle for life and sanity gave a strong verdict against chauvinism at last year's parliamentary and presidential polls. The Government's course has not been an easy one, given the highly organised and conspiratorial character of the chauvinist lobby in the South. They have lost no opportunity to capitalise on the war and the fear created by the LTTE's terror. In recent months some lapses in leadership on the part of the Government have played into their hands, placing the cause of peace in further jeopardy.

During the aftermath of the July 1983 holocaust, literary productions of this country's diplomatic corps, laced with self-pity and wild attacks on foreign journalists and media, brought

further ridicule on the country -- while winning the authors accolades at home. One senses too much of the spirit of those times in the air in recent months. A good deal of unintelligent and hostile attitudes to Tamils have no doubt been manipulated and let loose. A frightened people have been encouraged to turn themselves into Mr. Plod and Mr. Goon -- the



*D.I.G. Kotakadeniya*

classic policemen of children's fiction--when dealing with Tamils.

The bluster of Kotakadeniya, the recently replaced DIG of the Colombo area, is a case in point. The Kenneth Mulder affair and the police harassment of the NGO Forum gathering at Ratmalana on 16th November, reflect a continuing tradition of sycophancy to the ruling power rather than policing that is

professional and intelligent. Both these were played up as being in the nature of global, Western/Christian backed, anti-Sinhalese conspiracies. The state media too was credulous and undignified, after some early promise under the new government. The Island-Divaina group went to town on the NGO Forum affair. Much credibility was given to an implied suggestion by a group of 'Sri Lankan' expatriates in London of British government support for the LTTE. This was to be deduced from: the Sri Lanka NGO Forum is pro-LTTE, it has its office in the British Refugee Council building in London and the Refugee council receives support from the British government.

The attack on the NGO Forum was also editorially joined in by the state-owned Daily News which had a recent change of editor. The Daily News had lately carried pictures of 'Sri Lankans' demonstrating in foreign capitals. One picture of demonstrators in London called for an end to 'Tamil Terror'. The nuances of this game were mainly anti-Tamil. The fact that the NGO Forum had associated in it delegates from Amnesty International, -- Article XIX and Asia Watch which had also been very critical of the LTTE does not seem to have made an impact. Indulging in mindless chauvinistic noises had become preferable to calm reflection. Worst of all was the failure of leadership on the part of the Government, where its actions seemed motivated towards appeasing the chauvinists or to

indulge in some puerile impulse.

It was after the NGO Forum fiasco that the Government was prodded into waking up to the dangers of the drift and making amends. The Deputy Minister of Defence threatening to send pseudo-patriots to the war-front did much good and was characteristically censored by the *Island*. Some of the damage could not be easily reversed. It is true that the Sinhalese people have learnt since July 1983, but not so their leaders and editors.

### The Mulder Affair

The deportation of Kenneth Mulder is an affair that reveals a good deal of intolerance and sycophancy, which also brings shame and ridicule on this country. Mulder is an American who was attached to the Justice and Peace Commission of the National Christian Council. I had occasion to get to know him reasonably well as a friendly, well-meaning person. I did not meet him this year. But it became clear to me that he had been making an honest effort at understanding objectively the situation in this country, although one need not have agreed with everything he said. [See his article in the *Pravada*]. Following a tip-off the police raided the NCC offices in late July, just after the abortive military operation in which over 150 civilians were killed in bombing and shelling. The only thing discovered that was immediately touted as incriminating evidence, was a fairly innocuous computer print-out. A white lotus from which blood was dripping questioned the sincerity of the President's white Lotus campaign, and raised questions about the war and civilian casualties.

Sycophancy then took over from judgement. Vague accusations of

subversion were made against Mulder, including in the state broadcasting media. The volume of speculation made up for any lack of substance. Someone had started it all by claiming that Mulder had insulted Her Excellency the President, and no one in power dared to question it,

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as ridiculous as the whole thing was. Mulder was deported. The Tamilness of the Foreign Minister perhaps stood in the way of wiser counsel, as Mulder was accused of being pro-LTTE.

Mulder represents a deeply rooted American tradition of student radicalism and protest. A landmark event in this movement was the shooting by the National Guard of student protesters

against the Vietnam war at Kent State University in the spring of 1970. Allison Krause, a female student, was killed. Twenty years later, a commemoration of that event addressed by Senator Mc Govern, the Democratic presidential candidate at the time of the protest, affirmed what in the course of time had become the verdict of the nation—that the student protesters had been right. Nearly everyone of us is confused about the current war in our country. I have several Sinhalese friends who have said much stronger things than Mulder did. They are aghast at the nature of bombing and shelling which makes sheer hypocrisy of the claim of liberating the Tamils from the Tigers. They see the impetus for a political settlement receding with the glorification of transient military success and a rise in war hysteria.

Are we living in some dark age where a technicality like Mulder's foreign nationality had to be used to shift the discussion that was uncomfortable to the government of the day? Those who believed the dire things that were said about Mulder would have expected the deported Mulder to go on the bing attacking the government and canvassing the LTTE. Mulder's recent experience at a Tamil expatriate gathering in Canada shows him to be an honourable man serious about his anti-war convictions, and who harboured no bitterness towards those who treated him shabbily. He represents an activist tendency born out of the Vietnam war and has a firm place in American society, which views with deep suspicion all foreign military ventures by the US government. Mulder has earned the curious position of both the LTTE and the



Sri Lankan police accusing the other of brainwashing him.

The deportation of Mulder also throws into question President Kumaratunge's commitment to those ideals which earned her a massive mandate from the people. She too had reached political maturity amidst the student radicalism of Paris of the 60s, which ought to have given her much that she shared with Mulder. Mulder is owed an apology by us all.

### The experience of Tamils in the South

The rising mood in the south, by its very idiocy, both official and unofficial, was incapable of making distinctions among Tamils. Among those who had bad experiences in this country during mid-November was Nirupama Subramaniam, who covers this part of South Asia for *India Today*, and her photographer [see box]. Commenting on the experience, she said. "I realized during this visit to Sri Lanka that this is a very racist society". She is neither an LTTE sympathiser nor a Tamil nationalist, but just an Indian national who also happens to be an influential opinion maker. For

The two Tamils sat on either side of the lavatory bowl, while the main cell was occupied by four Sinhalese taken in for criminal offences. Now and then a Sinhalese prisoner walked in, stood over the Tamils, and urinated into the lavatory bowl sited at floor level.

- \* A Tamil picked off the road and later released was sent to Mahara prison for a week, where he was held among convicts. The latter who had imbibed the prevailing mood outside, assaulted the Tamil and stole his money. The pickings were shared with the jail guard. Such experiences are many.
- \* Several police stations, as the Tamils detained learnt, were picking up Tamils on a quota basis (i.e. twenty three, two more for the day). As an example, a bus was parked near Hotel Ceylon Inns Wellawatte. The passers-by shown to be Tamils by their identity cards were loaded into the bus and taken away. The incident was reported in *The Island* the following day as one of LTTE suspects being taken in for

***The deportation of Mulder also throws into question President Kumaratunge's commitment to those ideals which earned her a massive mandate from the people. She too had reached political maturity amidst the student radicalism of Paris of the 60s, which ought to have given her much that she shared with Mulder.***

the local Tamils, Nirupama's experience was just the tip of the iceberg:

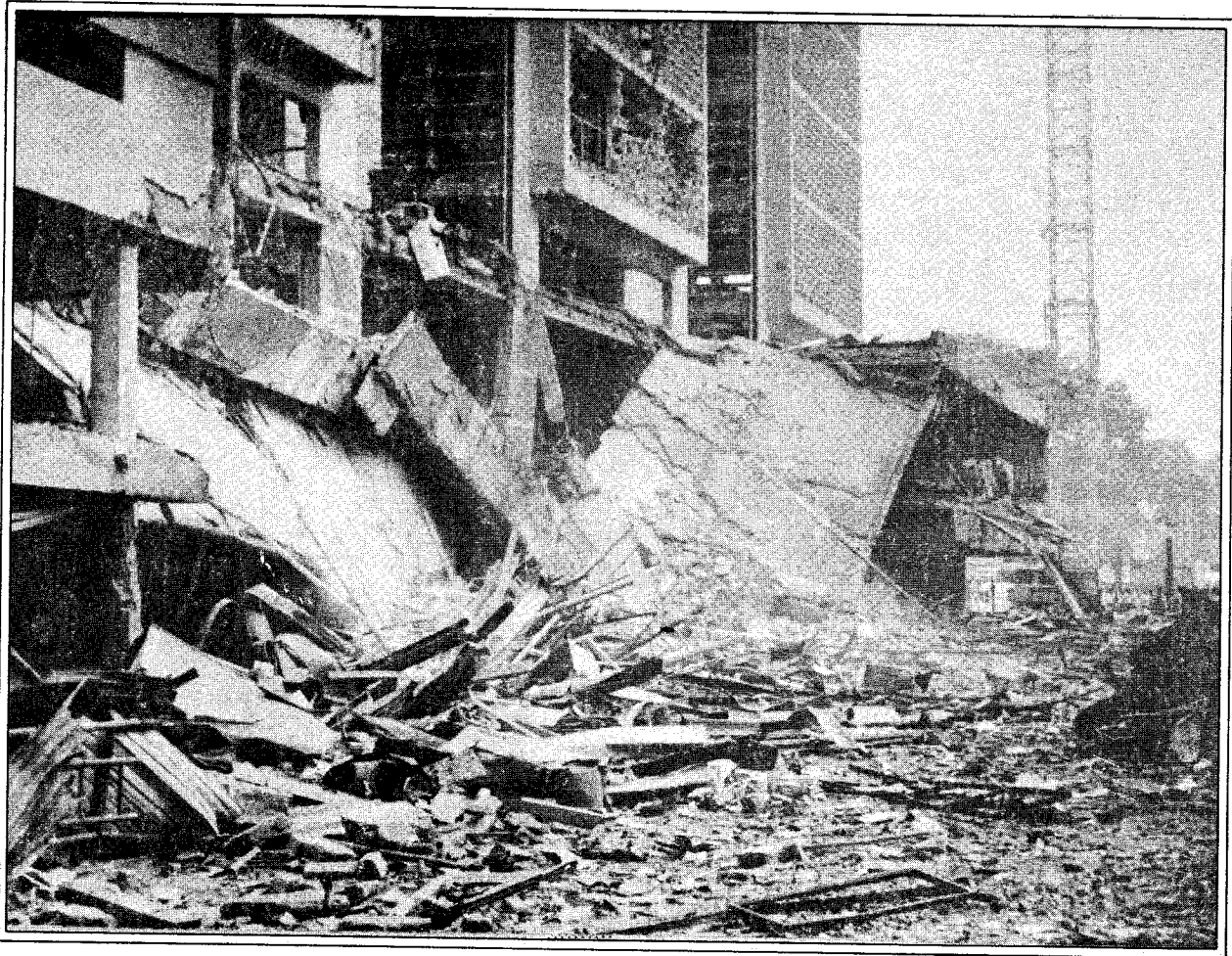
- \* Two Tamils of hill-country origin randomly picked off the roads, were made to spend the night in the lavatory of the remand cell at Kohuwala police station.

questioning, in a bid to cover up the tandem nature of the arrests. Such claims almost always end there without any investigative follow-up. Many *Island* readers would be left with the impression of thousands of LTTE cadres

## Nirupama's Ordeal

ON 11th November two suicide bombers exploded themselves in Slave Island near Army HQ. Though several civilians were killed, it was a desperate move without purpose. Shortly afterwards commandos entered the nearby prestigious Hotel Taj Samudra, got hold of the guest list and underlined the three Tamil names. Among the three were Nirupama Subramaniam and her photographer. The two were treated harshly. They were grilled, and their rooms and equipment were given a thorough search. The two had to move out. The photographer went to Hotel Oberoi where again he was harassed by armed men who came to his room. The two went the next day with some friends to a restaurant in Bentota (a seaside resort south of Colombo) where they had been before. The proprietress called in some officially accredited vigilantes. Nirupama showed them her official accreditation and tried to explain that she was an Indian journalist. The vigilantes' response was that all Tamils are forgers. She asked to be taken to the police whom she thought knew better. Fortunately, before being taken, she got a call through to a colleague in Colombo. She spent about four hours at the police station with the police doing nothing to verify her credential or clear her.

Her colleague whom she had phoned, had in the meantime contacted the IGP who said that his men were being very vigilant. The colleague who was anxious for Nirupama's release refrained from protesting at the absurdity of the remark. After her release, Nirupama observes that she felt this time that society here "was really racist". Her photographer, unable to take any more, took the next available flight to Madras. ■



roaming Colombo.

### Assimilation of terror

The law-abiding Madras photographer of *India Today* found that his Tamilness rendered the atmosphere in Colombo so oppressive, that he flew away unable to take more than two days of it. It is a measure of what lies within the Tamil community here that they have adapted to this oppressiveness that is both external and internal with a deceptive passivity. To take two recent instances, the first on being internal, where on 30th October a threatening loudspeaker announcement by the LTTE resulted in hundreds of thousands of civilians streaming out of Jaffna to become vagrants, refugees and persons without an identity. The second on 5th November was

external. Several busloads of civilians in Batticaloa allowed themselves to be used as human shields by the STF, with hardly a word of protest. The STF were trying to relieve the embattled camps at Puthydkudiyiruppu. Between 20 and 30 of the Tamil civilians so used were killed by LTTE fire. This was a "liberation struggle" in which the LTTE had purposefully replaced organised defiance among the people with atomised passivity.

The power of the LTTE and its manipulative influence were pervasive. It could for its purposes use passing rifts between mother and son, of differences between man and wife. It could even exploit the trust and confidentiality in normally healthy teacher-student relationships. The other side of this passivity is the passivity with which children in arms and suicide bombers perform with terrible

effect tasks destined for them by the LTTE leader.

In trying to match this with crude external terror, the state had rendered itself more odious to the Tamil people while providing further justification for the LTTE. One aspect of this thinking is the Prevention of Terrorism Act that has made failure to inform, or withholding of information on matters pertaining to the security of the state, an offence. Terror, particularly in its internal aspect, is a life and death issue for the Tamils which we need political space to deal with in our own way. In many instances, it has to be dealt with as an intimate family problem. When the problem concerns a brother, a son, a friend or a student, one does not go to an alien state, almost totally lacking in moral legitimacy. The latter years of Rajani Thiraganama's life showed that dealing with this

internal phenomenon in a way that is morally justifiable involves enormous risks. She had spent hours and hours counselling students and young persons whom she knew may one day be detailed to take her life.

The state's demanding, through police action, what went against the grain of the Tamil people's feelings, as in the PTA, was part of the process by which it became immersed in the psychology of terror. Recent vents do not suggest that this problem of total alienation is being addressed.

### The Government's Role

What the government could achieve is therefore not liberating the Tamils from the Tigers, but enabling the Tamils to acquire political space in which they could assert themselves against all forms of oppression. This is why the new PA Government's pledges in relation to respect for human rights and finding a political solution to the ethnic problem offered so much hope.

Militarily, the LTTE did place the Government in a difficult position where it had to take Jaffna or abdicate. I believe the President herself is clear in her mind that this is a separate issues form implementing a political solution. The defeat of the LTTE lies not principally in military action, but in creating political conditions where thousands of cadre would desert its ranks. There could be liberation for the Tamil in which thousands of LTTE cadre who are victims of circumstances end up as the ashes of military defeat. Thus the rising mood of chauvinism and mass hysteria in the South works against the very rationale for the government's existence. This is a tragedy because this is the first government in more than three decades that has shown a sense of purpose and still commands the ability to convince the people.

Among the casualties of the

present mood are the Government's commitments concerning respect for human rights. The President said in effect at a recent press conference that her government would act against members of the forces found guilty of violations, but could not take action on the basis of allegations. In this area the government's performance is very inadequate. The role of a number of officers in gross violations is well documented. The HRTF has even named several persons. Nearly all of them are still on the loose. They should at least have been kept under observation in a capacity where it is safe for others. Operational areas should be the last places for them. It is also foolish to pretend that the prospect of white van terror and of mysterious corpses has been checked after remanding some junior functionaries in the STF. There are far too many people on the loose at higher levels, who should like to see the back of this Government and are only waiting for a slackening of vigilance.

The Government seems to be very scrupulous about applying rules and procedures to such persons, while civilians continue to be punished. For these civilians who are bombed, shelled, or used as human shields, the international covenants guaranteeing their rights during conflict are to all purposes in abeyance. This requires some positive public demonstration by the Government that would give the people courage, to, say, refuse to be used as human shields.

The government thus needs to keep its eyes firmly on the pledges it made to give dignity to the ordinary citizen. This requires discipline and vigilance so as not to slide into some of the regrettable event described at the beginning. If not, we may soon find ourselves living in a police state heading towards inevitable fragmentation. ■

### The Editor Counterpoint

Dear Sir,

I respond to S. Sivasegaram. The Tamil community today is one that has been paralysed from within by the systematic and brutal decimation of dissent. The people have been cornered by the politics to accept death fatalistically. Unable to conceive or support alternatives, they can only think of escape or means to manage their private interests. Even the virtual conscription of children and massacres of Sinhalese and Muslims have to be accepted in silence. This is not to question the struggle against the Sri Lankan state. But what we did to ourselves during the course of that struggle and how we came to such a weak position is mainly our responsibility. We Tamils know that.

At this point of danger, papers which give much weightage to opinion and analysis are called upon to be responsible. The issues I have listed above, along with the forced expulsion of people from Jaffna by the LTTE are life and death issues. If a paper cannot discuss these and systematically obfuscates issues that are key to the community's survival, it could only be regarded as balanced in some perverse sense. If they honestly say they are afraid, that too could be appreciated. But a common trend among the Tamil elite, as reflected in the two papers in question, is to go beyond obfuscation and artificiality, blame all the ills of the Tamils on the Government. Surely, if the Tamils are not to perish, they need to start questioning themselves.

Once a paper adopts a line that is essentially false, it needs to go even further to protect the egos and reputations of the writers. What I have tried to show in my article referred to by Sivasegaram is that these papers regularly go beyond falsehood to mischief (i.e. trying to

# A RESPONSE

establish their nationalist credentials among readers by pitting out expressions like "traitors are more dangerous than enemies"). For the writer it is a game, but for the community and the young who are provoked, it brings a terrible fate. Surely, this ought to be challenged.

The *Virakesari* is of course a mainline paper and has its limitations. The other mainline papers too showed their limitations during the JVP's terror. But the *Sarinahar* which is part of the MIRJE has a different rationale for its existence. What I share in common with Sivasegaram and the staff of the *Sarinahar* is that we had all escaped from the very oppressive reality in the North-East. We have some choices. If without offering any positive programme of action or any hope, we only talk about what is negative in the South and represent the South and even Chandrika Kumaratunge as essentially demonic, it is a morally bankrupt position. By telling the people of the North-East that there is no hope in the South, we indirectly justify the LTTE and condemn the Tamils to accept its regime and what it means for their children.

But the reality is that there has been a qualitative change in the South and a good deal of laudable activity with which even the MIRJE is associated. Even this is being suppressed from the readers of *Sarinahar*. If we really come to believe that someone like Vasudeva

Nanyakkara is a fake and a fraud, we are then in a situation where there could be no hope in the South. Fortunately Vasudeva remains as staunch as ever. Yet the picture *Sarinahar* has systematically been trying to paint of Vasudeva is a negative one. What message is then the *Sarinahar* trying to give the Tamil people? I am not talking here about being anti-LTTE, but rather about a question of moral responsibility for our unfortunate brethren.

One could, I presume, argue that *Sarinahar's* is an open approach, an open forum, plurality of opinions and sources etc. while it is effectively manipulative. It might even be maintained that it is not pro-LTTE when in fact what is said, the way it is said and what is not said, lend legitimacy to the politics that is destroying the Tamils from within.

The *Sarinahar*, it could be argued, is politically correct in having condemned the massacres of Sinhalese civilians. But if one is being honest and responsible, one must go further and question the legacy of Tamil nationalism which gave rise to the politics of which such massacres form an integral part. The practice of the Tamil elite has been rather to hold onto this legacy and pretend that these massacres are incidental mistakes having nothing to do with us decent folk.

What brings out most clearly the obfuscating approach of the two papers and their habit of self-

editorship in favour of the LTTE, is the latter's recent forcible expulsion of people from Jaffna resulting in a traumatic exodus. People felt thoroughly devastated. They felt the community and their institutions had overnight ceased to exist. Their moral sense related this fate of theirs to the similar one that was inflicted on the Northern Muslims five years earlier. These two papers and the BBC Tamil Service have either almost evaded or obfuscated this momentous event for the Tamil people. This is not because they are deaf. One cannot assign any objectivity to such media.

I am puzzled that a respected Marxist like Sivasegaram should represent my criticism of the LTTE as being in the manner of hostility to an individual whose face I do not like. My criticism of the two papers has also been made to look like my demanding that everyone must hate that person whom I hate. That is most unfair. My whole approach has been from a moral standpoint looking at the debasing and destructive effects of the situation on Tamil society as a whole. I stated explicitly in my article that I blame not so much the LTTE but the opportunism of the Tamil elite.

It was not sudden caprice that made me write about these two papers. I have been following the line taken by these two papers for several years. I know what they would carry and what they would not. I also know something of what goes on in their editorial rooms. Given that manipulation abounded, I took a course which I thought would have some effect.

MIRJE is an organisation dedicated to bringing about understanding between the communities. Sivasegaram is being merely polemical in defining what should be the relationship between MIRJE and *Sarinahar*. ■

*Rajan Hoole*

# WELL DONE! -

## LET'S CONSOLIDATE NOW!

### *'Twixt slip and gully'*

Sri Lankan cricket has finally hit the top spot! After years of flattering only to fail at crucial stages, we have finally matured into a truly champion team.

Following a succession of remarkable performances which saw us win series in New Zealand and Pakistan, the Sharjah trophy and some spirited efforts in Australia in difficult circumstances, we added the icing on the cake with one-day cricket's most prestigious prize.

Sri Lanka's record in the previous World Cups was so dismal that many would have considered reaching the semifinal of the tournament a major achievement.

Sri Lanka were always the minnows of the game - no team had lost more matches in the history of the World Cup and we had never been beyond the first round!

The fact that we were able to put all the statistics behind us and play cricket of the highest quality to remain the only unbeaten team in the tournament is a proud achievement.

We had already made waves in the cricket scene with our performances prior to the world cup but were considered not consistent and professional enough to progress further.

We were easily the most experienced side in the World

Cup with five players having figured in over 120 games each and two others had another 180 games between them.

All those who witnessed our emphatic six wicket win over Zimbabwe on February 21 would have seen the signs of maturity. Chasing a total of 228 is not too difficult but the very professional manner in which we set about reaching the target was impressive.

Even though we lost the two vital wickets of our openers very early there was no panic at all and Aravinda de Silva and Asanka Gurusinha first consolidated and then cut loose to ensure victory with a huge 13 overs to spare.

The highlight of our performances in the tournament has been the emphatic margins of victory in every single game we played - no other team has gone through a world cup in

such impressive style.

One of the keys to our success is that at long last our batsmen have learnt the meaning of CONSISTENCY.

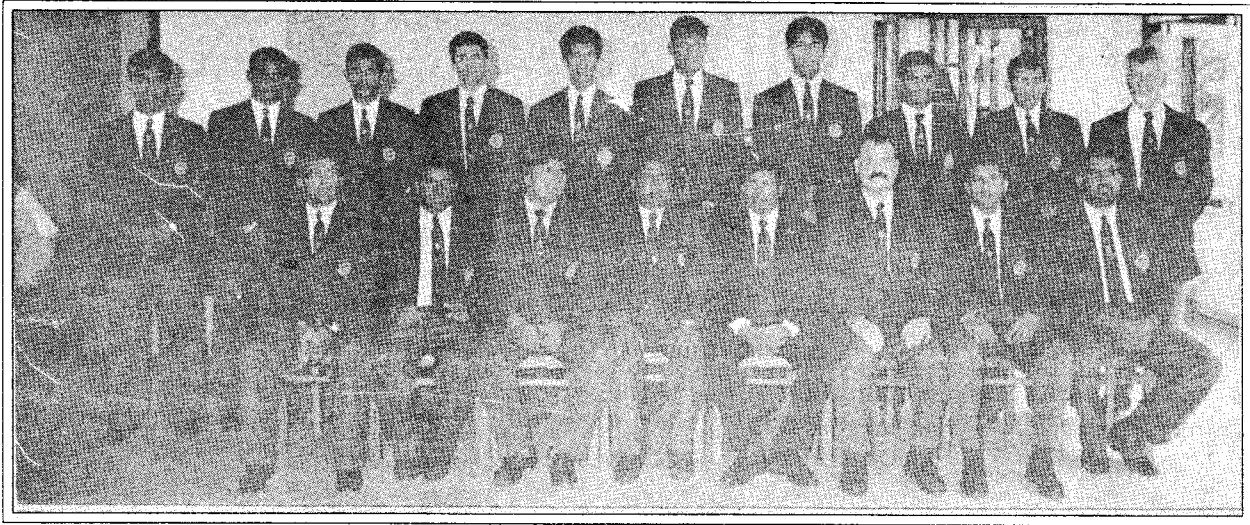
Every one of the top seven with the exception of Romesh Kaluvitharana had at least one fifty to his credit.

Aravinda de Silva in full flight is worth all the Laras, Tendulkars and Waugh's in this world and mercifully he has finally realised that scoring runs every time he bats is better than one big score and several disappointments.

He is one of the few batsmen in the game today who is untroubled by any bowler and often is dismissed by his own carelessness rather than good bowling.

Sanath Jayasuriya, Aravinda de Silva and Asanka Gurusinha stood out with their contributions, but Skipper





Arjuna Ranatunga, Hashan Tillekeratne and Roshan Mahanama played several crucial innings which made the difference between winning and losing.

Ranatunga ended the tournament with the staggering average of 120.50 and although he made just one fifty he had two scores of 46 not out and 47 not out against Zimbabwe and Australia and was dismissed only twice in six innings - both times being adjudged LBW.

The return of offspinner Muttiah Muralitharan and the sterling efforts of Chaminda Vaas gave our bowling a better image and the heroics of Jayasuriya, de Silva and Dharmasena with the ball made up for the lack of proper fast bowling support for Vaas.

We must now build on this great triumph and carry our talent into the test arena as well which is the true test of a champion side.

One of the bright spots of the one-day win is that our team will be much more "marketable" now and will attract better response from the senior cricketing nations.

We must ensure a fair distribution of tests between all test-playing countries and with its new found status as one-day champions Sri Lanka is bound to have a much bigger say at the annual ICC meetings too.

An area of great concern for us though is to find a good fast bowling partner for Vaas whose efforts were often undone by some rank bad bowling from the other end.

Kaluvitharana's wicket-keeping has improved vastly and he should be persisted with even in tests. The confidence he gained by knowing his place was assured in the team has worked wonders even with his keeping.

Sanath Jayasuriya should be groomed to open the innings in tests too as Roshan Mahanama's partner and Kaluvitharana should revert to the number seven slot.

Ranatunga's captaincy in the one-dayers is excellent but he was exposed quite a few times in the tests against Australia with ultra-defensive fields and was less inspiring when the chips were down.

The side's fitness too will be

a key factor in the five-day games and the likes of Mahanama, Gurusinha and Wickremasinghe will have to shape up.

We are now the World Champions of one-day cricket and for the next four years we shall carry that tag with us in all our games. Whilst being a more marketable team now we simply cannot afford to rest on our laurels.

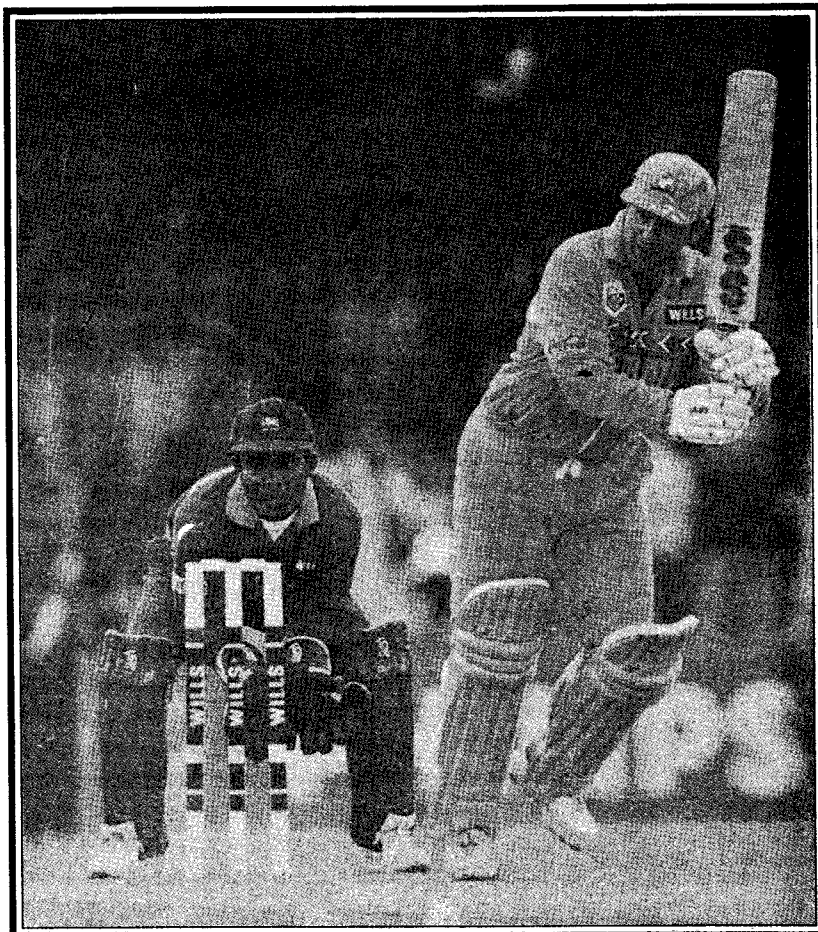
All eyes will be on us as we now set the standards for others to follow. We have an onerous duty to fulfil for the sport itself and we cannot at any stage afford to be complacent and let the side down.

It is good for our cricket to have people of the calibre of Marvan Attapattu and Ruwan Kalpage waiting in the wings.

We should build a squad of around 25 with Manjula Munasinghe, Eric Upashanta, Chamara Dunusinghe, Sanjeeva Ranatunga and some school-boys like Anushka Polonowita, Yasawin Dharmaratne, Mahela Jayawardena, Tilan Samaraweera, Nimesh Perera and Aviska Gunawardena contracted to the Board with test cricket and the future in mind. ■

# C R I C K E T

## THE AUSSIE RULES STYLE?



SRI LANKA'S acrimonious tour of Australia was over three whole months ago but the incidents that took place during that tour stunned the cricketing world and it is still the most talked about tour in recent test cricket history.

Australia has been by far the most friendly and accommodating of the "senior" test playing nations and apart from supporting our bid for full member status at the ICC, Australia has given us more test matches and tours than any of its counterparts.

What did go wrong then? It was just Australia's acknowledging that our cricket had come of age

and so we got the typical Australian treatment that is usually reserved for touring English teams in the battle for the Ashes.

Sri Lanka's recent heroics in New Zealand, Pakistan and Sharjah obviously had the Australians a trifle worried and they decided to pull out all stops on our team.

The media as usual fired the first salvos, interviewing members of the touring team and crushed their self confidence by getting them to pronounce their names slowly on TV and generally making fun of them.

Video tapes are then shown

on TV concentrating on the bowling action of the key bowler in the team and doubts are now created in the minds of all viewers as the videos are replayed several times over.

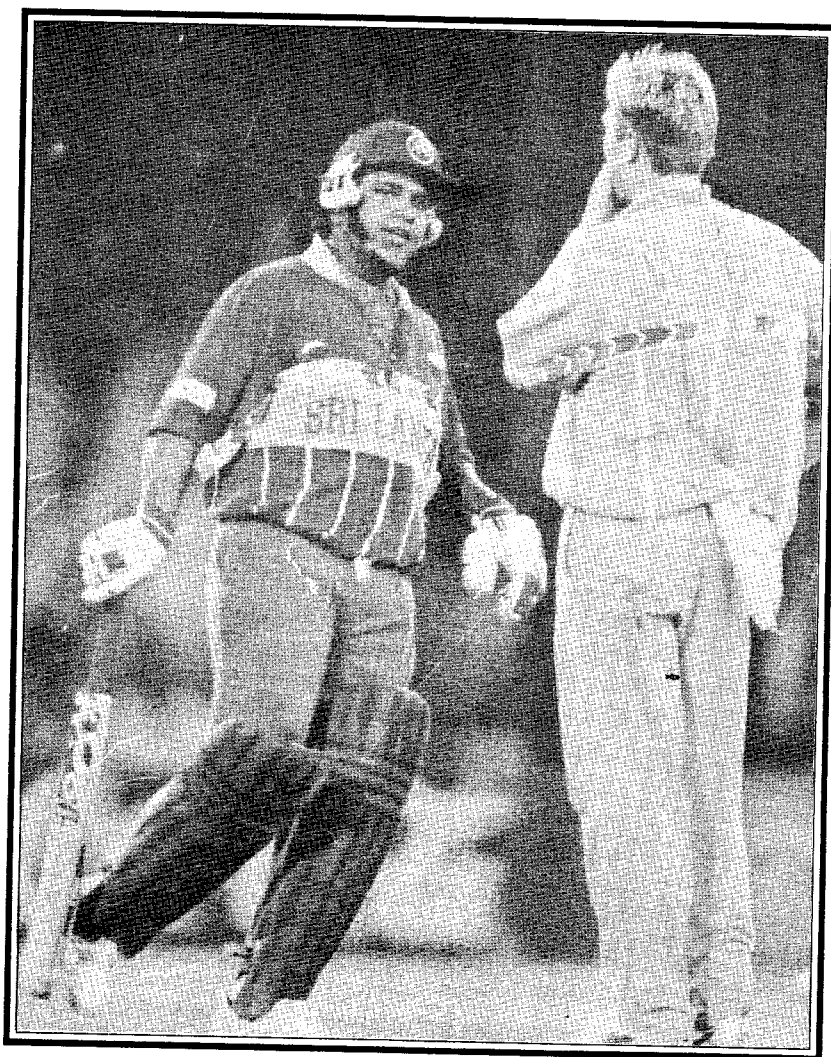
How the series would be played out was quite evident within the first few overs of the first test with Australian Captain Mark Taylor being ruled not out when trapped plumb in front of the wicket before he had scored. Taylor went on to make 96 in that innings and the value of that knock rose with each game as Taylor ended the series with a paltry 152 runs.

Fellow opener Michael Slater too had a similar reprieve and went on to make a massive 219. Mark Waugh trying to avoid his sixth successive duck against Sri Lanka was let off twice before he scored as Ranatunga's field placings and leadership looked out of sync.

Unfortunately, our team couldn't quite handle the situation and when the newspaper headlines screamed "Cheats" after the ball tampering incident and Murali was no-balled for chucking; the on-field verbalisations of a team which had honed sledging into a fine art, was the last straw and we only let ourselves down by losing our cool.

Interestingly enough the player who had to bear the brunt of it all - Muralitharan appeared to be the only one who could still concentrate on the cricket as he turned in some incredible fielding displays.

There is absolutely no doubt that umpire Darrel Hair had



made up his mind to no-ball Murali even before the second test began. There was talk about this in far away South Africa among the scribes covering the England - South Africa test series.

Former Australian captain Allan Border is on record saying that he believed the whole episode was preconceived and the Sri Lankans were been victimised.

Whether Hair acted on his own or on instructions remains to be proved but the sequence of events leading to the no-balling of Murali is interesting.

In early December, Hair was one of the "third country" umpires on duty in the test match between South Africa and England at Johannesburg and his umpiring was the topic of

discussion when he adjudged Graham Thorpe caught behind at a vital stage in the game.

Hair took no further part in the series and returned home to Australia where he was appointed to stand in the second test between Sri Lanka and the hosts on Boxing Day.

Hair calls Murali seven times in three overs from the customary position of the Head umpire - the first time ever such a decision has been made at this end.

Murali is switched to the other end where he bowls without incident and umpire Hair who is now in what is considered the ideal position to judge an illegal delivery, does not call the bowler and neither does fellow umpire Steve Dunn.

The ICC who had been very

slow to act on the ball tampering issue of the previous test produce a statement saying it had warned the Sri Lankan cricket board earlier about Murali's action.

Despite it being Boxing Day holiday and almost impossible to contact anyone let alone the big-wigs of the ICC the august body came up with its statement virtually overnight giving credence to the story that Hair travelled down from Johannesburg with the statement already in his pocket!

Murali then bowls without incident in the next game a limited overs match against West Indies and Hair looks cornered as both umpires in the match are local umpires.

Umpire Ross Emerson standing in his first one-day international and just back on duty after being suspended for "mishandling" a previous test match comes to Hair's rescue and calls Murali seven times in three overs.

Emerson however is made to look foolish and incompetent as he falls into a carefully laid trap by the Sri Lankans and he calls Murali even after the bowler has clearly switched to bowling leg spin.

Cricket crazy Sri Lanka goes beserk and varying suggestions are made from recalling the team to appealing to the ICC to the conducting of medical checks on poor Murali.

The circus meanwhile continues and a shell shocked Sri Lankan team is thrashed by the home side in often cruel circumstances.

A struggling David Boon is palpably LBW before he scores but is reprieved and goes on to make a hundred.

Asanka Gurusinha and Chandika Hathurusinghe fight tenaciously with their backs to the wall to save a game when both perish to horrendous LBW



decisions.

Shane Warne, the spoilt child of Australian cricket - earns an LBW decision against Hathurusinghe purely on histrionics and escapes censure from umpire and match referee.

Despite many protests from the Sri Lankans the hosts persist with umpire Darrel Hair in all the remaining games thereby denying the visitors the basic courtesy of nominating umpires from the available panel.

The one-day series goes the same way. Aravinda de Silva leading the side in Ranatunga's absence has a heated exchange with umpire Hair whilst fielding and the umpire strikes back later in the day giving de Silva out LBW before he has scored!

Umpire Steve Randall then gets into the act and appears not to see or hear anything whilst the Australians are batting but suddenly wakes up and Sri Lanka's key batsman Romesh Kaluvitharana is out LBW to a ball swinging down the legside.

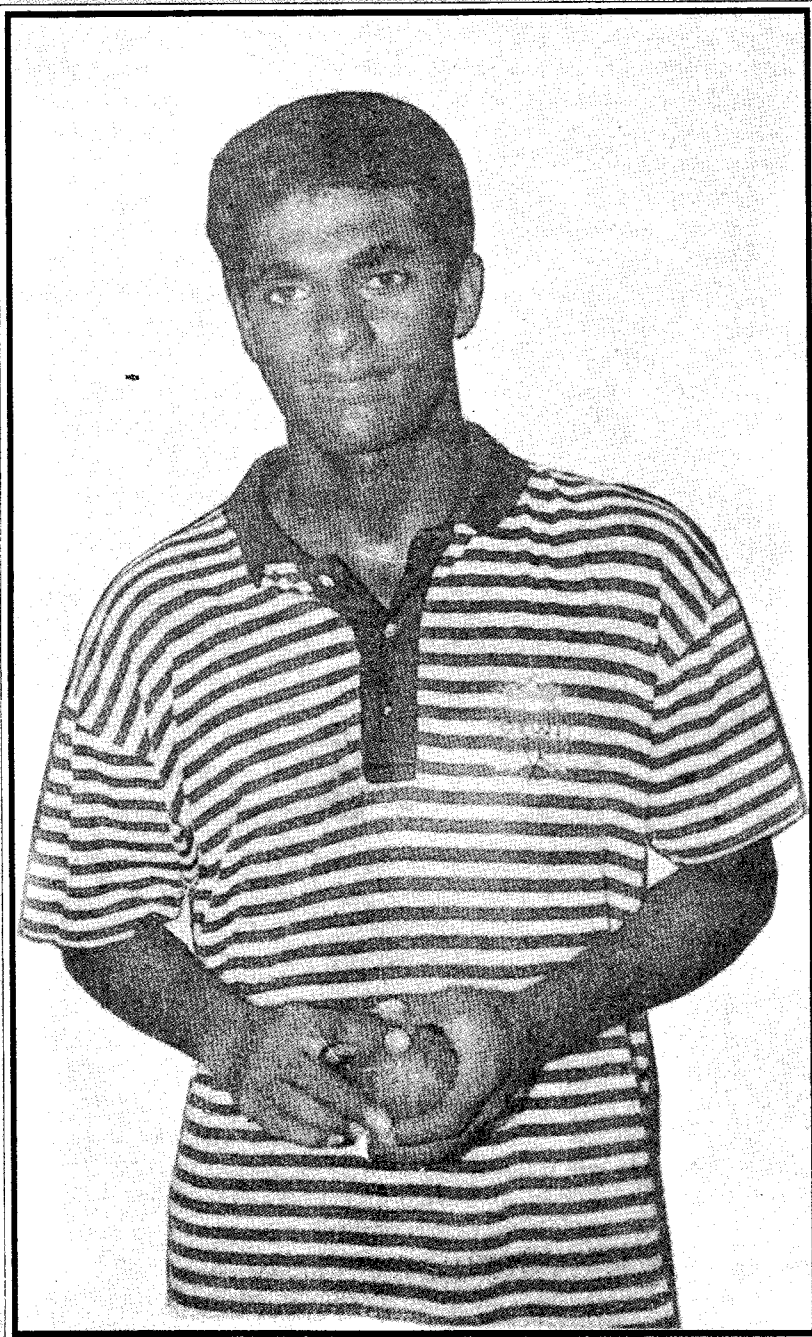
Almost all home sides have been known to benefit from close umpiring decisions and this trend will continue as long as there is even one local umpire standing in the game.

However, blatant bias towards the home side is just not cricket and the sooner the ICC make it compulsory that both umpires on duty in a test should be from "neutral" countries the better it is for the game.

The most popular sport in Australia today is Aussie Rules a combination of association and union rugby football - they can now boast of a new sport - Aussie Rules Cricket or cricket for Aussies only! ■

**"There are two sides out there and one of them is trying to play cricket".**  
- Australian captain Woodful during the famous bodyline series

## DID MURALI PAY FOR OUR PAST SINS?



WHEN our key bowler Muttiah Muralitharan was no-balled for "chucking" during the second test against Australia we became the focus of attention of the entire cricket world and

there was an overflow of emotions which clouded some of the more serious issues in the whole episode.

Everyone was outraged that a bowler who had played 22

tests without incident was suddenly been accused of throwing the ball and not bowling it!

Sri Lankans have in the not too recent past played bowlers who were confirmed "chuckers" and have encouraged them to chuck to gain cheap victories. A bowler who was called for chucking in a local game was persisted with at international level because he could throw the occasional ball which usually brought a wicket.

There were noises made even at international level and yet he got away because perhaps even while chucking he was not as good a "bowler" as Muralitharan or a potential match-winner.

Most members of the Sri Lankan team will confess how ashamed they were to cheat like this and how powerless they were in changing the scenario.

Yet the record shows that this bowler played 12 tests for Sri Lanka without being called for chucking and makes our argument for Murali worthless.

Umpire Hair's no-balling of Murali only seven times in the space of three overs clearly indicates that Hair believed Murali was DELIBERATELY throwing some deliveries.

This obvious fact seems to have escaped the attention of the cricket-crazy people here and as a nation we went overboard and lost sight of the correct path of action to be followed.

There is little doubt that umpire Hair made up his mind to call Murali even before the test match began either acting on his own previous doubts or on instructions from higher authorities.

The ICC statement indicated that our Board had been advised

earlier to take corrective measures over Murali's action but we had done nothing.

Kumara Dharmasena, another player with a questionable action hurriedly changed his delivery style during the Australian tour but sadly Murali was allowed to go uncorrected.

It is not even remotely possible to imagine that Murali would deliberately throw and thus attempt to gain an unfair advantage by cheating but something could certainly be done to change his bowling run-up which whilst adding to the controversial nature of his action does little to help the bowler.

One of the many international figures who spoke in defence of Murali was former Australian offspinner Bruce

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*It is not even remotely possible to imagine that Murali would deliberately throw and thus attempt to gain an unfair advantage by cheating but something could certainly be done to change his bowling run-up which whilst adding to the controversial nature of his action does little to help the bowler.*

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Yardley who had coached Murali some years back.

Yardley's observations were however damning, while stating that he found nothing wrong with Murali's bowling action he went on to confirm that the bowler did definitely "chuck" earlier in his career and had been corrected.

There are still many who believe that Murali may be unwittingly chucking the odd ball by trying to spin it too hard or too wide perhaps Hair too belongs to this category.

We instead turned our minds to trying to get medical evidence to prove that Murali had a deformity in his bowling arm

from birth. We also made asses of ourselves by trying to get ICC to give Murali a blanket clearance based on these medical tests. All those connected with the game know that such an assurance can never be given by anyone because if Murali wishes to throw in a future game he can do so with impunity.

The medical tests were an exercise in futility and were utterly worthless unless they could have proved that Murali was unable to throw the ball because of a deformity in his arm at birth.

The situation is akin to that of a batsman who is stricken with polio in one leg and due to this he loses his balance while playing a stroke and is stumped. The deformity he

suffers from probably cost him his wicket but according to the rules of the game he is out and no amount of medical evidence can change that.

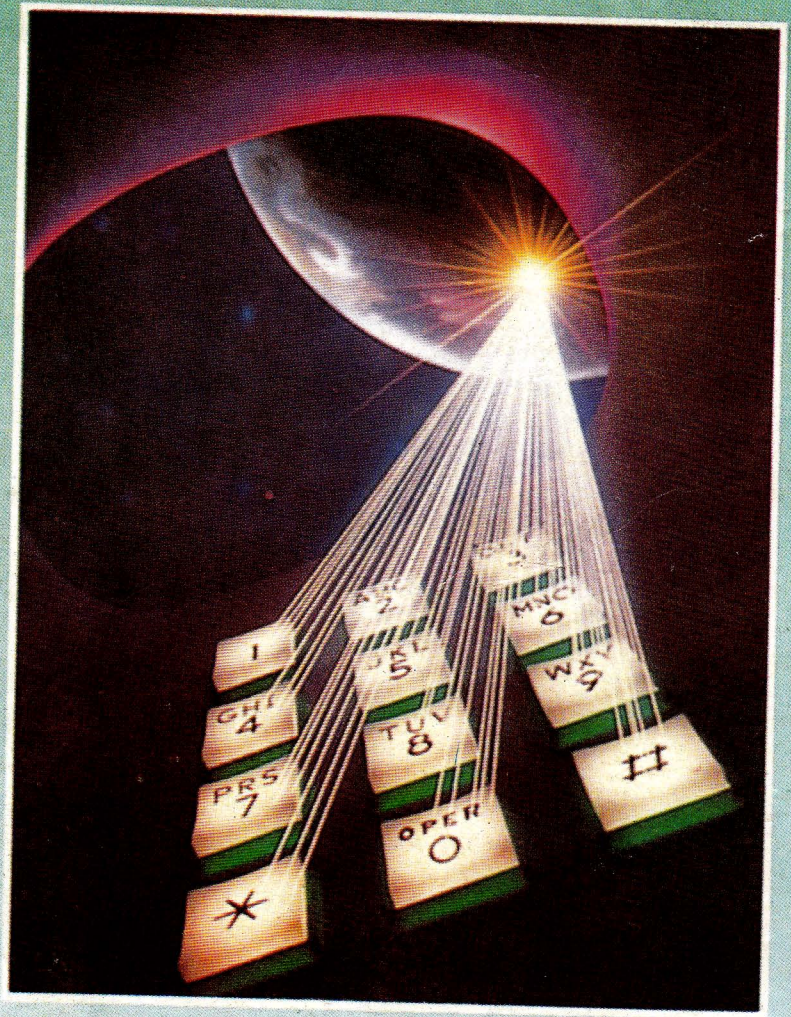
Murali's bowling arm is easily the most videotaped arm in history and nothing conclusive has been found either way. If the three overs during which Murali was

called seven times is videotaped and replayed in different order neither umpire Hair nor any other independent panel will be able to see much difference in the style of each delivery and they certainly will not be able to pick the seven "illegal" deliveries.

If also some of the leading bowlers in the world are videotaped as much as poor Murali has been their actions would certainly raise some doubts - the Australians themselves have at least one bowler whose action has caused some concern at Club level when he gets the odd delivery to kick like a rifle shot! ■



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