

Political solution:
another mirage?

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No need to resort to armed vio- lence - Bala

The Tamil Tiger rebel group in Sri Lanka says there is no longer a need for it to resort to armed violence.

Chief rebel negotiator, Anton Balasingham, told the BBC during peace talks in Thailand that remarkable progress had been made.

He explained that the military units of the Tigers were now observing a ceasefire and were non-operational.

Hower, Mr Balasingham said the Tigers' suicide squad - the Black Tigers - was still an important bargaining chip to pressure the government during negotiations.

He rejected calls by President Kumaratunga to disband the squads.

Politics first

But he added: "We have to keep them and pressurise the government to bring about a settlement that would satisfy the aspirations of our people."

Mr Balasingham maintained his position that the decommissioning of weapons could not happen until a final political settlement is reached.

He also said he felt the single biggest hurdle to the peace process was the attitude of President Kumaratunga.

He said the government of co-habitation where the president and prime minister both share power is causing inconsistency, with the president making statements against the peace initiative of the prime minister.

Custodian

Earlier, it was agreed that the World Bank would manage millions of dollars of redevelopment cash for the Sri Lankan Government and Tamil Tiger rebels.

The government's chief negotiator, GL Peiris, said the two sides had agreed the bank should be the custodian of the money - promised by international donors to help rebuild the country.

A custodian is crucial because donors are reluctant to give money directly to the rebels and the rebels do not want the government to control the fund.

A formal announcement that the World Bank has been asked to manage the fund is expected on Thursday. (BBC online)

Pirapaharan's most senior associate in Trincomalle LTTE vows to safeguard rights of NE Sinhalese

By our Staff Correspondent

V. Ilankumaran, the most senior member of the Liberation Tigers and a close confidante of Velupillai Pirapaharan, promised that LTTE would do everything to ensure and safeguard the rights of the Sinhalese living in the Northeast. Addressing an education workshop in Trincomalee this week, Ilankumaran, formerly known as Baby Subramaniam, said the LTTE would take special measures to safeguard the rights of the Sinhalese in the province.

LTTE officials said that the efforts are currently underway to expand the means of communicating with the Sinhala people in the northeast in particular and in the south in general.

The Tigers plan to develop a regular radio service in Sinhala and

broaden the distribution of their Sinhala paper, Dedunna (rainbow), according to the officials. They said the day to day interaction between the Tigers and the thousands of Sinhala people who travel on the A9 between the Muhamalai and Omanthai has also helped immensely in getting across the real picture about the situation to the average persons from the south.

"Their ideas and beliefs about our struggle and our problems had been skewed greatly by much disinformation and skewed media reports", an LTTE official said.

"We are considering the development of special programs to dispel the fears entertained by the Sinhala civilians living in the northeast", one of them told Northeastern Herald.

Ilankumaran was a member of the

Tamil New Tigers which was formed by Velupillai Pirapaharan in 1975. He is currently the LTTE's Educational Development Division.

Meanwhile, the zonal director of education for Dehiattakandiya, Mr.W.Kodituwakku who had attended the workshop, which Ilankumaran addressed, lauded the LTTE's stand on the Sinhalese living in the Northeast.

I leave with full confidence that the rights of the Sinhalese living in this province would be safeguarded. The assurance by Mr. Ilankumaran that there would be no discrimination against the Sinhalese has touched my heart," said Mr. Kodituwakku, speaking at the conclusion of a three-day Education Workshop organized by the NE Provincial Ministry of Education and held in Trincomalee.

The Dehiattakandiya education zone is one of the three Sinhala zones in the Amparai district in eastern province. Altogether, four Sinhala education zones are in the province, namely, Kantalai in Trincomalee district, Maha Oya, Dehiattakandiya and Ampara in the Ampara district.

Mr. Kodituwakku said that some among the Sinhalese community work against the peace process for personal reasons. "A majority of us pray for the success of the present peace efforts," he said. "Earlier I attended two conferences on northeast education held in Killinochchi. I have come to the firm conclusion now that the education of Sinhalese in the Northeastern province is in safe hands after attending the workshop."



A JVP activist carrying a bundle of petitions against the labour laws which the UNF introduced in Parliament this week to be handed over to the Prime Minister in Colombo on Monday. Pic by Buddhika Weerasinghe

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Female impotence: Firms under fire

Drugs companies have been accused of "creating" the disease of female impotence to help form a lucrative market for Viagra-style treatments aimed at women.

An article in the British Medical Journal (BMJ) says the pharmaceutical industry has funded and driven an effort for the last six years to have the theory of "female sexual dysfunction" clinically confirmed and publicly accepted.

"The corporate sponsored creation of a new disease is not a new phenomenon but the making of female sexual dysfunction is the freshest, clearest example we have," says Australian medical journalist Ray Moynihan in the BMJ on Friday.

"A cohort of researchers with close ties to drug companies are working with colleagues in the pharmaceutical industry to develop and define a new category of human illness at meetings heavily sponsored by companies racing to develop new drugs," adds Moynihan, who is based in Washington D.C.

Moynihan says the scientific evidence for female sexual dysfunction is often misplaced or absent. He says females' sexual problems are unnecessarily "medicalised," and their incidence inflated.

Despite these concerns, the media has enthusiastically picked up a figure, criticised by many experts as exaggerated, that 43 percent of women over 18 suffer from sexual dysfunction, Moynihan says. The figure is from a controversial 1992 University of Chicago survey.

Moynihan quoted the director

of the Kinsey Institute at Indiana University, Dr. John Bancroft, as saying lack of sex drive is in many cases a healthy and functional response for women faced with stress, tiredness, or threatening behaviour from their partners.

Dr. Leonore Tiefer, clinical associated professor of psychiatry at New York University, told Moynihan: "Sex is like dancing. If you break an ankle while you're dancing you go to a doctor. But your doctor doesn't take a dance history and wouldn't advise you whether your dancing is normal."

"The medical model is about defining what's healthy and what's sick — but sex isn't like that."

The article points to the huge markets in anti-impotence drugs. Pfizer reported \$1.5 billion Viagra sales in 2001 and Bayer and Lilly-ICOS are expected to have annual markets of \$1 billion each for similar drugs, Moynihan says.

Dr Mitra Boolell, Medical Director at Pfizer's UK operation in Sandwich, southern England, said it did not matter whether female sexual dysfunction was called a disease, a condition or a dysfunction, it was very common among women and caused a lot of distress and unhappiness.

"It is a very complex condition and we are only just beginning to understand the impact it has on women and some of the ways we can help them."

He said that in any case knowledge of the condition had predated Viagra having first been named at a conference in 1992 attended by the World Health Organization.

(BBC)

NE educational development gets underway in Trinco

Three-day workshop to finalise an action plan to implement several educational development projects in the war torn northeast province commenced Monday at Trincomalee. The head of the Educational Development Unit of the Liberation Tigers of Tamil Eelam (LTTE) Mr.V.Ilankumaran made the keynote address at the first workshop held in Trincomalee Monday for twelve zonal directors, their deputies and In-Service Advisors in the eastern province.

"We face an uphill task to take forward the educational development of the war-torn northeast province severely affected in past by deliberate discrimination in allocating funds and due to the acute shortage of teachers and other academic staff," said Mr.Ilankumaran in his speech.

Mr.Ilankumaran added even though teacher shortage problem is fulfilled we have to continue our educational development activities with the existing teacher cadre for another two years until the new appointees are trained. "Until such time we request teachers and academic staff in educational institutions to work more hours with service

mind," said Mr.Ilankumaran.

"We will work for the development of education in the northeast province irrespective of race, religion and caste. The rights and welfare of the minority community in the northeast will be safeguarded. Then only we will be in a strong position to demand the rights of Tamils living in other provinces excluding northeast should be ensured," said Mr.Ilankumaran. He stressed, "we are used to overcome obstacles. We take obstacles as step stones to move forward in our journey to achieve education development of our children."

Of the twelve zones in the eastern province eight are Tamil medium and the rest Sinhala medium. The second three-day workshop for the twelve education zones of the northern province will commence on January 11 at Killinochchi. All twelve zones in the northern province are Tamil medium, provincial education sources said.

Provincial Director of Education Mt.S.Mahalingam presided at the workshop held at the management Centre of the Provincial Ministry of Education at Thulasipuram in Trincomalee.

Mr. Mahalingam said in his welcome address appealed that teachers and other academic staff working in educational institutions should work at least twelve hours a day to uplift the standard of education in the northeast province.

Mr.R.Thiagalingam, Secretary to the Provincial Ministry of Education, Cultural Affairs and explained in detail the aim of the workshop. This was the third and final workshop to work out an action to launch several educational development projects in the northeast. "We have already agreed on conceptual issues regarding our educational development programme. This workshop would specifically decide on development projects that could be implemented in the next few years. Five inputs such as the capacity of learning, curriculum development, knowledgeable subject, in-service training, amount of time devoted for teaching and instruction materials should be taken into consideration when preparing action plan for the development of education in the province," said Mr.Thiagalingam.

'Defunct' SDN is shut down

Following several unsuccessful meetings of the Sub-Committee on De-escalation and Normalisation (SDN), at which the Sri Lanka Army refused to re-allocate its troops to pave the way for the resettlement of refugees, the Liberation Tigers and the Sri Lankan government Tuesday decided to shut down and discuss the matter in future at the direct talks between the two sides.

"The subcommittee (on de-escalation and normalisation) is suspended," Mr. Anton Balasingham, the LTTE's Chief Negotiator, said. He was speaking to reporters at the fourth

round of talks between both sides which were being held in Bangkok, Thailand.

The SDN was one of two sub-committees set up at the second round of talks between the two sides which was also held in Bangkok in November.

The other body, the Sub-Committee on Immediate Humanitarian and Rehabilitation Needs (SIHRN), would continue to function and would now take up the issue of the resettlement of refugees, Mr. Balasingham said.

The SDN was set up to "examine ways and means to ensure resettlement, the return of private property and the resumption of

economic activities in these areas." It was headed by Sri Lanka's defense secretary, Mr. Austin Fernando, and LTTE's Special Commander for Batticaloa-Ampara, Col. Karuna.

The SDN was unable to progress amid refusals by the SLA Commander in Jaffna Maj. Gen. Sarath Fonseka, to reallocate his troops and, most recently, a demand by him that the LTTE must disarm its troops and decommission its heavy weapons.

The Army's "unreasonable and unacceptable demands" had rendered the SDN "defunct" Mr. Balasingham said.

TamilNet



Crossroads scenic vistas and plain economics

By Rajpal Abeynayake

The following is not a study or academic tract on how the tourist industry in the North East should be developed. But, these are just some of the impressions gathered from some entrepreneurs who have been to the North and the East (particularly the East) after the ceasefire to seek new vistas for business.

The Southerners had a particular love affair with the beaches of Trincomalee, which reached a zenith after the ceasefire enabled many Southerners to make the journey to Psekudah, Kalkudah and of course Nilaveli etc.,

The lure of most of these beaches spring from the fact that they are pristine, and from the fact that they are spectacularly scenic but yet unspoilt.

Most entrepreneurs in the South are waiting for a chance to spoil these unspoilt surroundings! But some I knew have been savvy and have spoken of a general development plan for tourism development in the East.

Eventually it will be interesting to see what's going to emerge from this new incubus of economic activity created by the infusion of Southern capital brought together with labour from the north and East.

But whether in the concrete or whether as vague ideas in the minds of a set of entrepreneurs, these ideas are typical of the entrepreneurial zeal of persons who know nothing much else other than business. These are a metropolitan business elite, who are crass but their crassness has also suddenly become attractive to the hitherto deprived people of the East who have been reeling from the effects of a seemingly never ending conflict.

The New York Times for instance, in a recent cover page article says that nobody in the East is 'in a mood for war anymore.' The article is in a different context, but it seems to be the conclusion also of the business elite from Colombo who I refer to.

They see the Easterners in or

near Trincomalee for instance, as 'deprived yokes' who identify with the business elite from Colombo because they see them as a source of upward mobility. Some of this elite has recruited these persons to establish new business ventures.

But, this class of peasant Easterner in cahoots with the Colombo elite represent just one face of the North and the East. They are removed from the articulate idealistic and upwardly mobile youth, who see a different plan for their lives via a more holistic scheme. These youth do not want to hitch their wagon to somebody who comes from Colombo — on the contrary they have reposed their faith for redemption in the larger scheme of Eelam or a quasi-Eelam.

These two mindsets are now at

odds in the East where some of my entrepreneur contacts have established certain ventures which plant to promote eco tourism and theme tourism. Their argument is that development in the East will come by way of natural intervention with the local economy by kick starting it with new enterprise.

This bottom up theory may be at variance with the ideology of the articulate Northern youth, but even so, there has been a meeting of minds between the peasants of the East and the entrepreneurs from Colombo who see that their mutual pragmatism will in the end benefit all.

Eventually it will be interesting to see what's going to emerge from this new incubus of economic activity created by the in-

fusion of Southern capital brought together with labour from the north and East.

Whether the new fangled ideas of theme tourism can be grafted into a war ravaged terrain, and whether an infusion of capital and ideas can change the culture and economic outlook of a people better than the articulated vision of a upwardly mobile educated and pro active group is an interesting question whose answer will only be known with the passage of time. There is a clash between ideals and between pragmatism, and there is also a certain degree of impatience which is impelling the 'yokel' to forget everything and go with the winds of change coming by way of a puikka Sahib from the South. This pukka sahib seems to know everything including keeping the environment clean, and he says there is money in this eco tourism too! It is different from the brahminical puritanism that has come his way from the articulate youth, and it is exciting. But it can also be fleeting.

Iraqi Oil and the Global Economy

By James T. Bartis

If Saddam Hussein is ousted as leader of Iraq, the United States will face critical decisions about the future of the world's second-largest oil reserves. Should the United States support greatly increased Iraqi oil production? Or should America protect the status quo of artificially high oil prices?

The choice the United States makes will have profound repercussions far into the future, because Iraq holds 112 billion barrels of proven reserves of crude oil — more than five times the size of U.S. reserves.

For decades, the United States has appeared satisfied with the status quo of high oil prices more than \$20 per barrel in today's dollars, rather than prices in the \$8 to \$12 per barrel range, which is where they would be today under a free market. The Organization of Petroleum Exporting Countries drives oil prices artificially high by keeping the supply of oil artificially low.

U.N. sanctions against Iraq are a key factor in holding down worldwide oil production and keeping oil prices high. Be-

cause of the sanctions, Iraq produces fewer than 2.5 million barrels of oil a day — far below what that country's huge oil resource base can sustain.

If Iraq is defeated in a war with the United States and allied nations, Iraq will need funds to rebuild. Oil exports are the obvious answer. Within 5 to 10 years, a combination of high pay-off investment and sound management could enable Iraq's oil fields to produce more than 10 million barrels of oil per day — more than four times the current level.

Pumping millions of additional barrels of oil into the world market everyday would cause world oil prices to plummet. It is very unlikely that key OPEC members would agree to cut their own oil income by accepting significant cuts in their production. OPEC could plunge into a death spiral.

Under a free market, oil prices would probably fall to between \$8 and \$12 per barrel over the next 10 years — down dramatically from today's price of about \$25 per barrel. At current prices, the United States is sending about \$90 billion per year to OPEC members and other oil exporting countries. Globally, about \$350 billion per year moves from oil importers to oil exporters. With

free-market oil prices, these huge transfers of wealth would drop by at least half and possibly as much as two-thirds.

A major decrease in petroleum prices would boost U.S. and global economic activity. Home heating oil prices would drop by at least a third. Gasoline prices would drop to less than \$1 a gallon. As a result, people and business in the United States and throughout the world would spend far less for fuel. From an economic perspective, the United States and many nations around the world would clearly win.

But the U.S. government needs to weigh the clear benefits of a boost in global economic growth against three potential dangers: crippling American energy producers; reducing energy conservation efforts at home and abroad; destabilizing the Middle East by sharply reducing oil earnings in the region.

On the domestic energy front, lower oil prices would hurt the oil and gas-producing states of Alaska, Louisiana, Oklahoma, Texas and Wyoming by making it uneconomical to produce as much petroleum and to explore for some new supplies of petroleum.

We can expect that indepen-

dent oil producers in the United States would argue for a tax on imported oil while leaving domestic production untaxed. This proposal has been raised frequently during the past 25 years and has been rejected by all sides of the economic and political spectrum. Basically, an import-only tax amounts to a subsidy of U.S. oil producers and results in premature depletion of our domestic oil reserves.

On the environmental front, one of the benefits of high energy prices is that they encourage energy conservation, resulting in less damage to the environment from fuel production and combustion. This happened during the 1980s, when energy prices were high. Just the opposite occurred during the 1990s when prices were relatively low.

If OPEC loses its power to set energy prices, energy use will almost surely increase absent other measures. This problem is especially important in view of the growing international consensus regarding the relationship between fossil fuel use and global climate change. As a result, lower oil prices might spark a renewed effort for across-the-board energy taxes to encourage reduced energy use and lower emissions of greenhouse gases.

As for the Middle East, most of OPEC's production is coming from nations bordering the Persian Gulf, which are currently pulling in about \$500 million a day from oil exports. Some of these countries — such as Kuwait, the United Arab Emirates and Qatar — have small populations and could prosper even with much lower oil prices. However, Saudi Arabia — with a population of more than 23 million — would sorely feel the loss in oil revenues because it is the dominant producer in OPEC. The combined impact of lower prices and reduced sales (at least in the short term) could devastate the Saudi economy and destabilize the government.

As we look at the real prospect of overthrowing Saddam, U.S. leaders need to keep in mind the profound effects their actions taken in the months ahead can have for decades to come on the world's governments, businesses and environment. America's challenge is to formulate an energy policy that promotes long-term political stability and economic growth while minimizing the negative effects of lower oil prices.

Political solution - another mirage?

V.T. Thamilmaran, senior lecturer in law in the University of Colombo, delivered the third Kumar Ponnambalam Memorial Lecture at Veerasingham Hall in Jaffna on Sunday January 5, 2002. The speech was delivered in Tamil.

"The greatest tribute one can pay to Mamanithar Kumar Ponnampalam is to continue the struggle for the right to self-determination of the Tamil people. Among the so-called moderate Tamil leaders, it was Kumar who accepted the leadership of the LTTE and proclaimed fearlessly that they are the true and the sole representatives of the Tamils. This remarkable and courageous political stand upset many in the south because the then leadership of the Sri Lankan government was dreaming that it could drive a wedge between the Tamil people and the LTTE.

By portraying the LTTE as a band of terrorists and by luring the Tamils through quislings in Colombo, the former government thought that it could impose half-baked solutions on the Tamils.

But, the roaring Kumar had demolished their castle of dreams. That is why he was killed.

Why didn't the government indict the suspected perpetrators of the shameful killing of Kumar under the PTA?

A respected leader of a political party, a senior counsel who defended the innocent Tamil boys and girls, and above all a strong critic of the government was shot dead in the heart of the city in broad daylight.

If the PTA was not applied in this instance to indict the offenders, then for whom is it meant? Is it only for applying against a particular community?

"The nationhood of Tamils and their right to self-determination are non-negotiable. Any political solution that might emerge out of the ongoing peace process can't go below these.

Thousands of lives lost so far and the destruction of property worth of billions of rupees and the shocking level of atrocities committed against the Tamil population have brought the Tamils of this country to believe that there is no salvation for them unless they are ruled by themselves. The territory of Northeast is part of the identity of the Tamils of this country. We don't need historical proof for this. We firmly believe so and we consider our selves as belonging to this part of the island. Our identity can't be dictated to us by others.

It is forged by us.

We don't need anyone's recognition or consent to exercise our right of self-determination. It is the birthright of each and every nation.

However, the historical fact that the democratic right of the Tamils to participate in the process of governance has been

The territory of Northeast is part of the identity of the Tamils of this country. We don't need historical proof for this. We firmly believe so and we consider our selves as belonging to this part of the island. Our identity can't be dictated to us by others.



proval by the people in a countrywide referendum.

Under the existing proportional electoral system it is not possible for a single party to get such a 2/3 majority in Parliament. Further, is the southern polity politically matured enough to vote for federalism at a referendum?

This is a polity that voted at the referendum of 1982 that it didn't want elections for another six

years. Will it vote for a federal solution to the ethnic conflict?

Since serious doubts are entertained over the possibility of adopting the constitutional method for amending the Constitution, some experts say that we can try the method adopted in 1972.

Here, you go for a Constitutional Assembly outside Parliament and draft a new Constitution after obtaining the necessary mandate from the people at a general election.

But, there is a legal barrier to adopting this method now. Unlike in 1972, this time one has to overcome the constitutional barrier under Articles 75 and 76 of the present constitution. These provisions stipulate that it is the sole right of Parliament to legislate either to amend or even replace the Constitution.

In addition, Parliament, even if it does want to, cannot delegate or devolve its legislative power to any other institution. Any one can petition to the Supreme Court and get orders preventing the formation of a constituent assembly.

The only option available is to go for revolutionary method adopted in some African and Latin American countries. But this acid test heavily depends on the mass-mood demanding change.

When you try to restructure all three organs of the government including the judiciary there would be anarchy, if the three refuse to accept the change. It would lead to a total collapse of the state machinery.

Above all, federalism demands political maturity. The people of Namibia, South Africa, Austria and Belgium have recently dem-

onstrated this political maturity.

The negotiating parties to the ongoing peace process in this country have been tirelessly encouraged to learn more and more on the positive aspects of federalism in order to come to an understanding on how to share governmental powers between them in an amicable manner. They have been, as I understand, already briefed of the successful working of the Swiss and the Canadian model of power sharing. Whatever the mechanism that is envisaged, effectively guaranteeing a sort of autonomy or self-rule would be the goal of these models. In this context, there are other models as well, which should attract the attention of those who are committed to find a lasting solution to the ethnic crisis of this country.

Autonomy is a means for diffusion of powers in order to preserve the unity of a State while respecting the diversity of its population. It is often suggested as a solution to ethnic conflicts. While rights of minority to autonomy are recognized in principle in international law, minority groups have only been granted autonomy in exceptional cases. The exceptional situations might elevate the minority into the category of people and thereby entails them the right to self-determination.

In its broadest sense, autonomy refers to self-rule. But, a distinction must be made in case of the 'peoples right' between territorial autonomy, personal or cultural autonomy and sovereignty. Prof. Ruth Lapidoth, in his book 'Autonomy: flexible Solutions to Ethnic Conflicts' (1996), explains that 'a territorial political autonomy is an arrangement aimed at granting to a group that differs from the majority of the population in the State, but that constitutes the majority in a specific region, a means by which it can express its different identity'.

When a group, in addition to its different language, ethnicity, religion and culture, constitutes as majority over a particular area of territory, then that area itself forms part of the identity of that group and it must be recognized in terms of its right to self-rule or autonomy.

The arrangement made for the autonomy of Aland Islands with the help of the international community as far back as 1921 still deserves to be considered a viable and well-suited model of settlement for resolving ethnic conflicts that have territorial implications as one of the fundamental issues.

The Ethiopian Constitution of 1995 contains an exceptional provision which recognizes the right to self-determination of the constituent states of the Federation of Ethiopia. Article 39 of the Constitution expressly provides for the exercise of the right to secede

by virtue of the principle of self-determination as enunciated in the Preamble to the Constitution. The drafters of the Ethiopian Constitution clearly identified that the positive development of federalism is to be found neither in the extent of the powers to be devolved to the regions nor in the flowery phrases used in decorating the document but in the principle of self-determination. This principle is meant for measuring the effective functioning of the successful federal system. In addition, the Constitution includes the necessary rights associated with realising what is meant by self-determination in the Preamble. Art. 39(4) details out the procedures to be followed in exercising the right to secession.

The 1993 the reform introduced two fundamental changes to the central institutions under the federal Constitution of Belgium. In matters affecting the interests of linguistic groups, a special legislative process is prescribed and this procedure demands a special majority in each parliamentary groups of Flemish and French. Art 53 of the Constitution provides for what is called as 'alarm-bell' procedure according to which a linguistic group can present a list with the signatures of three-quarters of its members and thereby put a halt to any legislative initiative which in their opinion threatens groups relations.

Under the Austrian Constitution the Länder (states) have gone to the extent of establishing a hold over the foreign policy matters by effectively blocking Austria's entry into the European Union. Citing Art. 23 and 50 the Länder successfully argued that without their informed consent and approval Austria can't become a party to any international treaty that might in turn affect their autonomous status under the Constitution. This has happened in the case of Swiss Cantons as well in 1999.

The arrangement made for the autonomy of Aland Islands with the help of the international community as far back as 1921 still deserves to be considered a viable and well-suited model of settlement for resolving ethnic conflicts that have territorial implications as one of the fundamental issues. Let's look at some of the basic features of the system that has been in operation for more than a three-quarter of century.

All these things are to explain what is meant by political maturity. I would like end my talk to by quoting what Benjamin Franklin had said on federalism: "If we do not hang together we will all hang separately".

This is one of those occasions where pessimism can't be construed as cynicism.

Third Kumar Ponnambalam Memorial Lecture

Attack on Jeyanandamoorthy highlights plight of Tamil scribes

His photo of the LTTE courtroom in Palugamam is well known. People have either seen it or have heard about it. The photo he took with his Canon Powershot digital camera sent ripples down the corridors of power in Colombo. He was even accused of being an LTTE photographer in a TV talk show. Yet few people know Senathirajah Jeyanandamoorthy.

He lives in Valaichenai. Now Islamic extremists are gunning for him.

His home was attacked with grenades around midnight Tuesday. The attackers poured petrol and set fire to the house located in the Sri Lanka army high security zone in Valaichenai, 32 kilometres north of Batticaloa. The fire did not spread due to rains and the efforts of neighbours, his colleagues said. Mr. Jeyanandamoorthy had received several death threats in the past from a suspected Islamic extremist group in the area.

The journalist and his family who were in the house escaped the attack.

Mr. Jeyanandamoorthy is the correspondent for TamilNet in Batticaloa. He is also a senior correspondent for the Tamil Daily Virakesari.

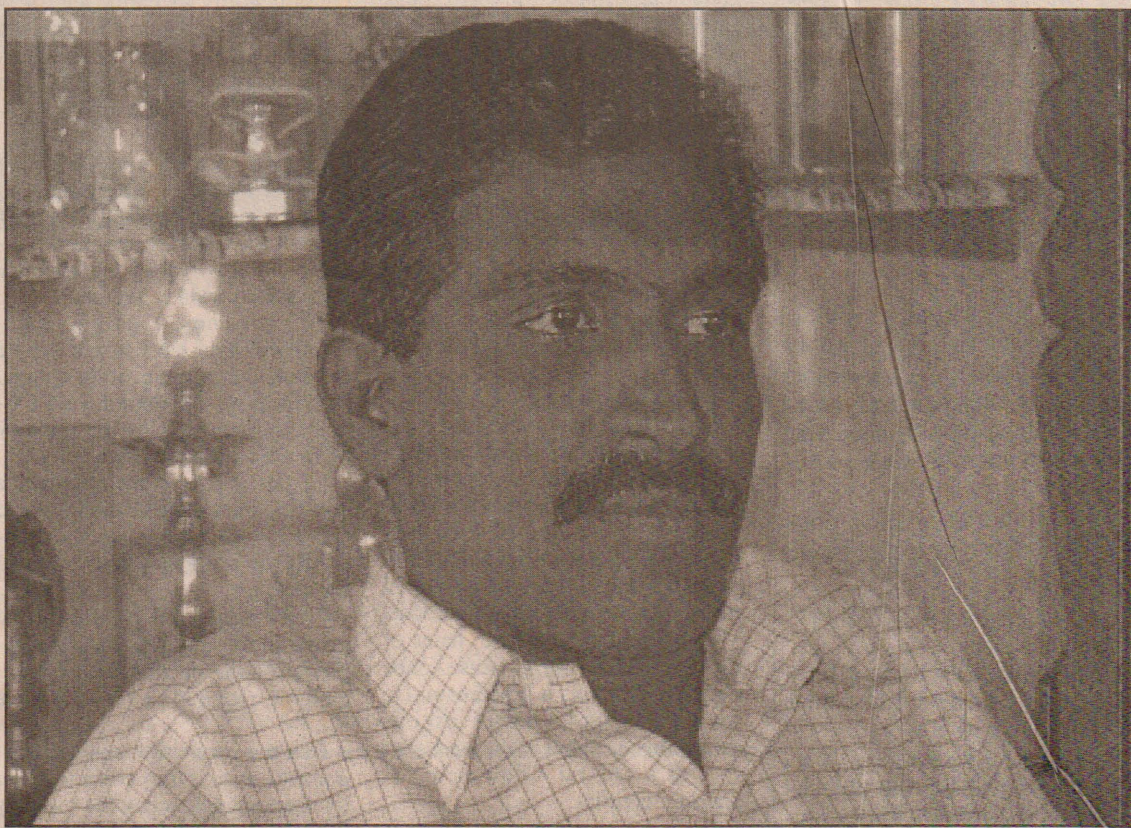
Suspected members of the Islamic extremist group set fire to a house next to the journalist's home on June 26, 2002, mistaking it for his residence.

Mr. Jeyanandamoorthy lodged a complaint about the attack with the Sri Lankan Police in Valaichenai Wednesday morning.

A scathing attack on the journalist was published last month in a book by an organisation believed to be a front for the Islamic extremist group.

Mr. R. Thurairatnam, President of the East Lanka Journalists' Association (ELJA) condemned the attack.

"The attackers could not have entered the premises of Mr.



Jeyanandamoorthy's home without the knowledge of the permanent army patrols and check points nearby," said Mr. Shan Thavarajah, the secretary of the ELJA.

The journalist's home is located close to the SLA's Fisheries Harbour camp in the Valaichenai town and its forward defences.

Mr. Jeyanandamoorthy has published news stories and articles referring to the activities of Islamic extremists in the area.

Mylvaganam Nimalarajan, the BBC Sandesiya's Jaffna correspondent was killed at his home in the army's high security zone in the heart of Jaffna town. Clear evidence has emerged that the EPDP was allegedly behind his murder, with the knowledge of the army unit that was on duty at the time.

Yet no one has been brought to book so far. It is alleged that Nimalarajan's killer left the coun-

try illegally with the help of a section of the Sri Lankan security forces.

A grenade was lobbed at the residence of Virakesari's senior correspondent, Aiyathurai Nadesan, in the Sri Lanka army high security zone in Batticaloa town two years ago.

It was obviously the work of persons connected to the military as no one else could have entered the area late in the night. Yet no one has been brought to book.

In the past, Tamil journalists have also been falsely accused of links with the LTTE and have been arrested arbitrarily.

Senior Tamil journalists, Sree Gajan and P. Manikkavasagam were accused of links with the LTTE and were arrested by the Terrorism Investigation Division (TID) of the Sri Lankan security forces under the Prevention of

Terrorism Act in 1998. They were detained for more than two months. But were later released without charges. Tamil journalist T. Mathusoothanan was arrested by the Police and accused of links with the LTTE in 1999. He too was released without charges two months later.

Several Tamil journalists have been arrested arbitrarily by the Police under the Prevention of Terrorism Act for allegedly possessing pro-LTTE publications and merely on suspicion.

Under a specific provision of the PTA which has claimed the freedom of thousands of Tamils, a journalist could be arbitrarily arrested and held for failing to provide information about the LTTE.

Every Tamil journalist was vulnerable to arrest and detention under this provision. In the course of carrying out their duties Tamil

journalists in the northeast had to inevitably come into contact with the LTTE. The Police or army could arrest a Tamil journalist for failing to provide information about the Tigers.

Even a journalist who may never have set his eyes on the LTTE was liable to get arrested and held for not providing information because of the simple fact that he was living in the northeast - the logic being "if you are resident there then you surely would know the Tigers".

Worse still was the manner in which the Sinhala and English press in Colombo treated innocent Tamil journalists who fell prey to the arbitrary provisions of the PTA and Emergency Regulations.

An English paper accused Manickavasagam and Srigajan of being LTTE spies even before the TID could conclude its investigations.

The benefit of doubt the paper would normally grant even a wretched criminal was considered a luxury in the case of Tamil journalists arrested arbitrarily and held under the PTA and ER.

One paper even urged great punishment for the Tamil scribes for 'being LTTE agents'.

The Island and Divaina carried stories, which portrayed Nimalarajan as an LTTE operative when he was dead and had no right of reply.

His children had no future in Sri Lanka with their father accused thus by his own tribe.

The Divaina continues to carry on a campaign against Tamil journalism with a singularly venomous zeal.

When Sinhala nationalists shed false tears for the human rights of the people in areas controlled by the LTTE, they should also remember the heinous manner in which they treat their Tamil brethren in the fourth estate.

Boston white supremacists on trial

The trial of two alleged white supremacists accused of plotting to blow up Jewish and black landmarks in an attempt to ignite a "racial holy war" has begun in Boston, Massachusetts.

Leo Felton - the 31-year-old son of a white mother and black father who were both civil rights activists - and his 22-year-old girlfriend Erica Chase are charged with conspiracy, making counterfeit bills, obstruction of justice, and firearms and explosives violations, the Associated Press news agency reported.

Mr Felton is also charged with bank robbery and conspiracy to commit bank

robbery.

The couple have pleaded innocent to all charges, for which Mr Felton could face life in prison and Ms Chase up to 35 years.

Jury selection is expected to take at least a week owing to the sensitive nature of the case.

Investigators' discovery The couple were arrested in Boston in April 2001 after attempting to use counterfeit money to buy food in a store.

A resulting search of the couple's apartment uncovered bomb-making materials, including 23 kilos of ammonium nitrate, a prime ingredient in the explosive device used by Timothy McVeigh in the 1995

Oklahoma City bombing.

Agents from the Federal Bureau of Investigation also found books on terrorism with instructions on how to kill people using nerve gas, and newspaper clippings of Boston landmarks linked to Jewish groups.

Prosecutors allege that the evidence is a clear indication the couple wished to blow up structures, "thereby advancing the defendants' anti-Semitic and white-supremacist goals and igniting a 'racial holy war'".

However Ms Chase claims that the couple had not obtained the materials for any reason other than to build

bombs to detonate on the beach for "entertainment".

Supremacist links

Mr Felton's history reveals associations with white supremacist groups he was exposed to during his time in prison for the attempted murder of a black cab driver, the prosecution says.

US prisons are considered fertile ground for recruiters belonging to racist organisations such as the Aryan Nations and the Aryan Brotherhood.

Prosecutors claim Mr Felton is a member of a violent white supremacist organisation known as the White Order of Thule.

Mr Felton began a relationship with Ms Chase after she wrote to him in prison, but the pair first met only days after his release.

Their lawyer fears that the prosecutors' emphasis on the pair's alleged links to such right-wing organisations, coupled with the nation's fear of terrorism following the 11 September attacks, may lead them to a prejudicial decision.

However, the director of the Anti-Defamation League, Robert Leikind, said that the enormity of what the couple had allegedly planned should not be underestimated.

"These are profoundly serious charges," he said.

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International community's moral obligation

The international community is playing a crucial role in the current peace process. The Japanese foreign minister visit to Jaffna has underscored the fact once more. Although we have got used to speaking in very general terms of the international community in this context, it is obvious that the US and its allies are playing the main external role in the current peace talks.

Their efforts are very commendable in that they have contributed immensely to bringing about the longest period of peace in Sri Lanka.

Their commitment support toward rebuilding the war ravaged northeast is also very praiseworthy.

It is the fervent wish of the Tamil people that their efforts would eventually bring about a settlement to the conflict that would be acceptable and honourable.

That the US and its friends, with the able assistance of Norway, have had unprecedented success in lowering the threshold of the LTTE's ultimate political goal should not, under any circumstance, be taken as a cue for coaxing the Tamils to compromise their legitimate political aspirations any further.

The LTTE, it should be pointed out here, entered the peace talks amid criticism from influential Tamil quarters that the peace talks could turn out to be an entrapment; that by keeping the Tigers locked in the peace process, the international community could politically and economically stabilise the Sri Lankan state while delivering nought to the Tamils in terms of a political settlement.

We frequently hear voices from the international community saying that the two sides are locked in negotiations mainly because they are war weary.

We have witnessed numerous instances in recent world history where war has been designed and imposed on peoples struggling to achieve their rights with the specific goal of breaking their collective will and reducing their expectations to mere survival.

In other words, oppressive regimes and their international backers have successfully used the strategy of inducing war weariness among peoples to defeat their political struggles and to lock them up in the system of inequality which those people set out to challenge.

It is true that the Tamil people have been subjected to twenty long years of relentless war the cruel effects of which were multiplied by economic embargoes, mass evacuations and draconian laws. They are naturally war weary.

But it does not mean that they would settle for anything in the name of peace or wait for long with meek patience, content to repose their faith in the Sri Lankan state's goodwill.

These concerns are real for the Tamils as the talks progress in spite of the recent hiccups for the Sri Lankan government appears to believe that the international community would prevent the LTTE from disengaging itself from the process.

It means that the LTTE may remain locked in the talks even if the UNF and PA indefinitely defer the legalising of an honourable settlement for the Tamil speaking people.

The UNF government knows full well that only a miracle can help it legalise a federal system to settle the conflict.

This is why it may be tempted with each passing day to use the goodwill of the international community to keep the LTTE locked indefinitely in the talk mode.

The UNF should avoid this dangerous pitfall.

And the international community, which has voluntarily accepted the task of supporting the Tamil speaking people's right to internal self-determination, has thereby imposed on itself a moral obligation not to hinder any further efforts by them to live freely and honourably in the land of their forebears.

Demystify Tamil opinion

By D. Sivaram

The US led coalition that is backing and facilitating Sri Lanka's peace process is no doubt congratulating itself that the LTTE has eventually been persuaded to give up its demand for a separate state and settle for a federal system of regional autonomy within united Sri Lanka. The UNF too thinks that this is a great step forward in settling the conflict.

Fine.

Does this mean that the UNF and its international backers are genuinely unaware that a federal solution to the ethnic conflict is practically, legally and politically impossible?

I do not think so.

In that case the whole peace exercise can only be a means for them to buy enough time to contain the Tigers until such time that the Tamil people here and abroad lose their political will and cohesion required to sustain the LTTE's conventional military power and unity of purpose.

N. Ram, that inveterate hater of the Sri Lankan Tamil cause, once declared Eelam is a pipedream. He may have fared better as our doomsday prophet if he had said that of a federal solution to Sri Lanka's conflict.

Let's examine why federalism is an impossible dream in Sri Lanka.

With the exception of die hard Sinhala nationalists and assorted racists who rant feverishly from time to time in sections of the English and Sinhala press and TV talk shows, there is a general feeling among opinion makers and politicians in the south today that any political settlement to the conflict should go beyond the 13th amendment to the constitution.

The maximum regional autonomy that is possible within Sri Lanka's present constitution was granted to the provincial councils under the 13th amendment in 1987. The EPRLF, which was elected to run the North-east provincial council in 88, came to the conclusion after two years in power that the quantum of devolution granted under the 13th amendment was woefully inadequate to meet the even the very basic expectations of the Tamil people.

All the devolution proposals, which were discussed or put forward by the Sri Lankan government subsequently, have invariably looked beyond the provincial council system of regional autonomy.

Any framework of devolution within a united Sri Lanka that goes beyond the 13th amendment has to be a quasi-federal or federal settlement.

Twelve years ago, from the day the Tamil parties and the Sri Lankan state started discussing models of devolution which went beyond what was offered under the 13th amendment, many Tamil commentators and constitutional experts have been pointing out ad nauseum that it is legally and politically impossible to work out a political settlement which grants more regional autonomy than the provincial council system.

For the sake of record I will repeat the reasons once more.

A devolution plan that offers

more than the 13th amendment is necessarily predicated on repealing article 2 of the present constitution which declares that Sri Lanka is a unitary state. This requires a two thirds majority in Parliament. It is not possible under the proportional representation system of elections for a single party to secure two thirds of the seats in the legislature.

Let's assume the government and the opposition join hands to muster the two third vote necessary for the repeal. It would still require the approval of the majority in a countrywide referendum.

The government and the opposition will then have to ask people to vote aye, among other things, for repealing the 'entrenched' Article 9 which upholds the primacy of Buddhism as the state religion.

(If this article is not removed, a non-Buddhist regional body would not be able to legislate independently on religious and cultural matters).

The constitution stipulates that a two thirds majority and the approval of the people at a referendum are required to repeal Article 9.

Can the opposition and the government, even if they come together by some miracle, coax the majority Sinhala Buddhists of this country to strip their religion of the august status it enjoys under the present constitution by virtue of Article 9?

During a discussion on this subject a few months before the 1994 general elections, the late Dr. Neelan Thiruchelvam said these constitutional snags could be overcome by setting up a constitution assembly if Chandrika Kumaratunga got a mandate for settling the ethnic conflict politically.

He said that the PA was ready to favourably consider the matter.

The deal whereby R. Sampanthan was to take Thangathurai's seat was justified at the time on the basis that the former was needed to forcefully articulate the Tamil case in the constitution assembly. (Dr. Neelan, who had persuaded Thangathurai on this score, was given custody of the latter's undated letter of resignation)

Chandrika Kumaratunga spoke not a word about the constitution assembly when she became President. The TULF too kept mum, awed no doubt by the overwhelming support she got in the Tamil electorates at the Presidential election.

How President Chandrika Kumaratunga lost her bearings on the ethnic conflict after that, deduced by the belief that the Tamils were with her, and began her ruthless war for peace is now history.

(The question of the constitution assembly came up again when it was suggested that Thangathurai's letter of resignation, which was in Dr. Thiruchelvam's custody, should be sent to the speaker and secretary general of Parliament to make room for Sampanthan.

But Thangathurai refused to give up his seat on the ground that the original reason for which the letter had been given was no longer valid)

In 1996, when it was becoming increasingly clear that obtaining a two thirds majority and approval at a referendum for President

Chandrika Kumaratunga's devolution proposals, PA theoreticians and some of its bigoted Tamil lackeys floated the canard called the 'non binding referendum'. It was, according to them, the means of overcoming the legal and political hurdle posed by the 'entrenched articles' of the constitution.

The so-called non-binding referendum was supposed to give the moral basis to the PA for introducing a new constitution, side stepping the political impediment of the 2/3 majority in Parliament and the national referendum.

The idea behind it was that sovereignty is vested in the people and that the constitution, shorn of its legal aspects, is ultimately the expression of that sovereignty. Therefore a popular mandate from the people to change the constitution can override the legal requirement stipulated for such repeal, said a PA academic at the time.

Eventually when the referendum was about to materialize, the PA leadership called it off.

The non-binding referendum was a hoax right from the start. The PA knew that it was a cul de sac. The constitution assembly for which it was designed could never be set up.

The hype about the non-binding referendum was obviously intended to buy time and confound the political will of the Tamils.

The Tamil constitutional expert, V. T. Thamilmaran, exposed the constitution assembly canard in his Kumar Ponnambalam memorial speech in Jaffna last Sunday.

He explained that the Supreme Court would declare a constitution assembly illegal in law as it contravenes Article 76 of the constitution, which expressly prohibits the parliament from delegating its law making powers to another body.

Article 76 was designed to give teeth to Article 2 which makes Sri Lanka a unitary state. Article 76, read together with Article 2, would give greater force to the Supreme Court ruling on any proposed constitution assembly.

Setting up a constitution assembly was long thought to be the panacea to the insurmountable constitutional obstacles to finding a solution that can offer more than the provincial councils.

The Tamil people have to be told truth. It is the bounden duty of the LTTE to educate them on the possibility of federalism in Sri Lanka.

The TULF, which has been held in great respect for its expertise on legal matters and political acumen, had wittingly or unwittingly contributed in no small measure to confounding and obfuscating the Tamil people's political will and knowledge in the past, as its stand on the constitution assembly amply reveals.

It is still not too late for the party to set out on the job of demystifying the realm of Tamil politics and ridding it of the host of canards, half-truths and obfuscations that have plagued for long the national will to struggle for our inalienable rights.

Leaving politics to the generals

By T. Sittampalam

Sri Lanka is lucky. Every now and again someone, either light in the mind or so full of their own importance that they forget their station, manage to spill the beans thereby alerting the public about the traps and pitfalls that lie ahead for a country striving towards finding lasting peace.

Last year it was Mangala Samaraweera, the strident supporter of President Chandrika Kumaratunga in the SLFP who let the cat out of the bag about the PA's plan to re-emerge as the government by ousting the UNF, a move which was quaintly described by sections of the media as the 'out coup.'

This time however it was turn of Major General Sarath Fonseka, security forces commander, Jaffna. All he was asked to do after the meeting of the Sub-committee on De-escalation and Normalisation that met in December last year to discuss resettlement in the High Security Zones (HSZ) was to provide a detailed plan of how this could be executed in Jaffna. The LTTE was to respond to this by providing its own version of how the resettlement plan should be implemented.

And bingo! here we have a highly political document that looks at the resettlement more from a politico-military angle than as a report that keeps within the terms of reference, which was to look at the military aspects alone.

Fonseka's bloomer is very damaging by itself, but the blunder was compounded by the statements made by the army commander, Lieutenant General Lionel Balagalle. This was obvious at the meeting presided over by Prime Minister Ranil Wickremesinghe where Fonseka was reportedly chided for releasing the report, which was a detailed plan of the government's strategy of de-escalating its military presence in the HSZ.

What is important to this writer is the fear expressed by Fonseka about the political assets the LTTE would gain if a resettlement were implemented in the HSZs in Jaffna. The military aspect – especially Fonseka's obvious concern of the artillery firepower in the hands of the LTTE he was so anxious to see be decommissioned – is for the military experts to handle.

The question is: whose plan is this? Is it authored by the military, but put together by Fonseka? Or is he the agent of the political forces defined as being against the peace process intent on drop-

Therefore the plan that leaked could very well have been purely the thinking in sections of the military, fearful that if the LTTE were not emasculated politically, its popularity would only supplement its military prowess.

Therefore it was imperative to neutralise any moves by the Tigers to consolidate politically

ping negotiations with the Tigers and recommencing hostilities – the forces popularly identified with Kumaratunga and the JVP? Or is he reflecting a hidden agenda of the UNF-controlled government, an agenda it was concealing behind all the bonhomie and accommodation it displayed to the public?

If, as it has been represented in sections of the media, the plan was purely devilry hatched by the Kumaratunga loyalists, it would have been a good opportunity for Wickremesinghe when the document became public to at least deny any government involvement in the matter and put the blame squarely on Kumaratunga. Even in the present climate of a slight thaw in the relations between the Wickremesinghe and Kumaratunga and the parties they lead, it would not have been out of place. But Wickremesinghe did not do so; instead it was Fonseka's negligence that was blamed.

The second option – that Fonseka reflects the hard-line in the military – is quite tenable, because there is always such a section in any military structure that resists peace for different reasons – from acting as a hindrance for corrupt officers to make money to reducing the importance of the military's input in the decision-making process and thereby in the overall political process as well.

That the UNF is wary about pursuing its peace option to the point of antagonising the hard-liners in the military is very obvious. For one, there are precedents that speak eloquently about the dangers of falling foul of the generals. In 1994 when Kumaratunga entered the peace process, in the first flush of success she began deriding the military as a bunch of corrupt warmongers who were promoting UNP militarism and Sinhala hegemony. For this stance she was to pay dearly when peace talks broke

down and the military was called upon to fight.

The other example is during the 1989-1990 negotiations between the government and the LTTE when there was a constant tug-of-war between President Premadasa who favoured political negotiations with the Tigers and the faction led by Minister Ranjan Wijeratne who was hell bent of strengthening the military. When hostilities resumed, the Wijeratne faction made it appear that the security forces relaxing their guard during peace talks is detrimental to national security.

Wickremesinghe is very careful to refrain from indulging in such fancies. There was a recruitment drive that was begun after the UNF assumed office, though apparently not very successful. Similarly, there have been moves restructure the army to function in a peace footing rather than to disband it. Besides, procurements continue with the MOU mounting no obstacle to the

decisions – are not alienated.

Therefore the plan that leaked could very well have been purely the thinking in sections of the military, fearful that if the LTTE were not emasculated politically, its popularity would only supplement its military prowess. Therefore it was imperative to neutralise any moves by the Tigers to consolidate politically.

But is the plan only the product of military thinking? Or does it have an input from the UNF as well? There are two important considerations – both political – due to which the UNF would like to see the LTTE politically weakened. One has to do with emerging realities in the south; the other in the north.

The section in Fonseka's e-escalation plan referring to the political gains to be made by the LTTE in the event there is a resettlement in the HSZ states: "It should also be understood resettling civilians in the HSZ could bring a big political success to the LTTE... Therefore, it can have a direct impact on the political situation in Jaffna, which may most probably go in favour of the LTTE under the present political situation. While appreciating this situation, it should also be borne in mind... political criticism in the south of Sri Lanka also cannot be ignored. Therefore any adjustment or variation in security zones should not create political turmoil in the south..."

"While appreciating the urgent need to resettle people in the HSZ it is imperative that political mileage which the GOSL has to maintain should not be hindered by creating a weak security environment in the north."

If the Fonseka document was inspired by the forces behind

came show it up as another clumsy attempt by the UNF to sell the country to the Tamils. Fonseka's exercise was deliberately intended to prevent this. Unfortunately for him, rather than keep these concerns to himself, or have them conveyed in confidence to the government, he handed over the report to the SLMM from which it reached the hands of the LTTE.

The sinister plan of Fonseka is a clear act of wrongdoing. It is an attempt to stifle and neutralise an organisation, which is attempting to become politically active in fear that it might become a political force that challenges the status quo.

Fonseka's document also is a clear acceptance that the LTTE is not a force that is merely military, which seeks public obedience through the power of the gun. Though it was not his intention, Fonseka has portrayed the LTTE as a legitimate political organisation supported by the Tamil people. It is for this very reason it has to be emasculated and rendered impotent.

This also contradicts the assertion that the EPDP, though elected by fraudulent means, is legitimate because it contested an election, whereas the LTTE is not. When public protests were mounted against the EPDP's presence in the islands such as Delft, they were represented in the south as the LTTE orchestrating and manipulating sit-ins and demonstrations and not as genuine support by the public for anti-EPDP forces. If the LTTE did not have genuine public support Fonseka would not have been worried about it.

Finally, it questions the sincerity with which future programmes are going to be implemented by the government. If the government is going to have an eye over its shoulder to see whether the LTTE gains ascendancy over it in matters of political importance such as rehabilitation, providing infrastructure and other development activities, the Tamils have to be wary about powers in Colombo.

Fonseka's report however places firmly a matter that Tamil commentators knew very well but was seldom openly acknowledged in the south: in the final analysis, it is the weapons and military assets in the possession of the LTTE that matter in any political settlement. Fonseka, the soldier, knew that even the political gains reaped by the LTTE through initiating resettlement in the HSZ would be brought to nought if the Tigers were deprived of their weapons. That is why he insisted that the weapons be decommissioned.

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purchase of military hardware. Therefore, it is very evident that care is exercised to see that sections of the military that still wish to pursue a military option – especially its higher echelons that make

Kumaratunga keen on derailing the peace process, they would have acted differently. They would have waited for it to happen while criticising the process all the time and when the opportune moment

An open letter to Kumaratunga

"Your speech reflects your Hatred"

We publish the last letter penned by Kumar Ponnambalam before his brutal murder in Colombo three years ago to mark his memory.

I refer to your Victory Speech of 22-12-99 on your election, once again, as President.

I write as a Tamil Eelavan. But more importantly, I write as an unalloyed, unrepentant supporter of the political philosophy of the LTTE and as one who, with that conviction, lives in the South. I write as one who has publicly stated this position of mine not only within this island but also without, and both verbally and in writing. I write as one whom you have recognized in your speech. And, I write as one who refuses to be deterred by the naked threats that dot your speech.

Permit me to tell you that your speech reflects the hatred that you have, only too readily, recognized in others.

Your speech is nauseatingly replete with one word - "peace". But the tenor of your speech is anything but one that is, in any way, conciliatory or given to peace.

You have sent a clarion call to all your "Tamil brothers and sisters" with outstretched hands of friendship. This shows your stark insincerity if one only recalls your speech made many moons ago, when you inaugurated the Sama Tawalama at Anuradhapura, with the unacceptable posture that this island is Sinhala land and Buddhist country.

You refer to 18 December 1999

as "the night that will go down in history as the night this land was touched by the hand of darkness one too many times". You indulge in this rhetoric because it happens to concern you. Do you not realize that there are thousands of widows in Tamil Eelam to whom certain nights have gone down, in their own lives, as nights that have been touched by the hand of darkness which is yours, as Commander-in-Chief of your armed forces?

You have challenged "those who doubt (your) resolve to lift the curse of hatred and death that has fallen upon (this) land" to look you in the face now and voice our doubts about the sincerity of the desire to forge permanent peace. I hasten, with this letter, to say just that to you with all the vehemence I command. I am fortified in this statement by your victory speech itself.

You want to finish the LTTE. Please do so, if you can. With that will go, for all times, any prospect of permanent peace in this island. Your election results shows ruthlessly that all Tamils, not only Tamil Eelavar but also the Upcountry Tamils, not only do not want you because they do not trust you anymore, but also do not want a political solution from you. This is an indictment on all your postulations of wanting to forge permanent peace.

Just take your peace packages. There were three in as many years,

during the first three years after the commencement of your tenure. For the next two years, there was not a murmur about those packages. Even those three packages were diluted with each subsequent appearance! Surely, anyone who has a genuine desire to bring about a political solution will not trifle with packages every summer? One stands or falls with just one.

You say that you see very clearly "the enemy that walks so freely" in this island, and you identify that enemy as "hatred". No, the enemy you see are the Tamils in this island. Thank God this is reciprocated by every Tamil worth his salt. This has also been evidenced by the election results.

You boast that "the entire LTTE terrorist enterprise will fail" against you but, in the same breath, you contradict yourself pathetically by wanting the Tamils to bring Prabakaran to the negotiating table. You have played ducks and drakes for far too long about whether you want to talk to the LTTE or not. Political maturity demands that you and your Government finally state whether you want to talk to the LTTE, unconditionally, or not. It is only when this is known definitely will anybody move in this matter.

If talking to the LTTE at the negotiating table is your honest position, then your outburst about "cowards of the LTTE" and "terrorist cowards" or your urge to wipe out the LTTE, must surely be counter productive.

By all means "clear away the culture of terror and death", which has become the way of life in this island thanks to the Sinhalese who

first showed everybody the way in June 1956. But you will realize immediately, as everybody in this island realizes, that you will have to start doing so at your very own doorstep in the first instance, before you decide to go anywhere near the LTTE!

May I close by referring to your constant refrain about bringing about peace. If you are hoping to bring about peace through any one of your packages, please forget it. The Tamils have shown unmistakably that they are not interested in you or in your peace packages.

In fact, if the Tamils are worth their salt, they will not want anything dished out by you, or for that matter, by your adversary. Why should we? We Tamils were not born to depend on the "benevolence" of the Sinhalese or on what they choose to dish out to us. A part of this island rightfully belongs to the Tamils, in as much as the other part rightfully belongs to the Sinhalese. This must be appreciated by the Sinhalese.

As far as the Tamils are concerned, they in turn, must appreciate that if their aspirations hold that as a Nation they have the right to self-determination and that that right is inalienable in that it is born with them, then they must have the political wisdom, strength and sagacity to exercise that right and decide their own political future themselves. They have, for far too long, looked to peace packages, negotiating tables and anything offered or dished out by the Sinhalese. This beggarly attitude must go. The sooner it goes, the better it is for the Tamils.

The Tamil Nation has, through

the Delegation of the Tamil People, solemnly informed the world about its aspirations in August 1985 at Thimpu. To go back on that position will be tantamount to compromising future generations of Tamils yet unborn. The present generation does not have the right to compromise future generations. Any signal that would give the Sinhalese the idea that the Tamils are not serious about their aspirations, or that they are climbing down, will be an act of treachery. The present generation does not seem to tolerate such treachery or to take kindly to traitors.

May I end by saying that, on the basis of what I have just stated I, personally, have got disgusted and tired of talks, third party intervention, etc. My considered conviction is that a political solution to the Tamil Problem is in the hands of the Tamils themselves and only in their hands and that the Sinhalese and Tamils can continue to live in this island and in peace only if they live in two definite and distinct compartments each minding their own business unfettered by the other. Only such an arrangement will prove relevant that great quotation on peace you have used in your speech:

"Peace is a battle. Peace is never given freely, never acquired. Its conquest is the result of courage and of respect for others. It demands awareness and commitment from everyone. Peace is not the law imposed by the mighty, but that which is founded on equality and dignity of all peoples."

-G.G. Ponnambalam

Army and LTTE discuss missing Tamil paramilitary operatives

"The Sri Lanka army should supervise the activities of the paramilitary groups and keep them under control. Recent incidents in Batticaloa appear to be aimed at casting aspersions on us and confounding the peace process. Agent provocateurs have been attempting to derail the peace process in the east by instigating violence against communities in Valaichenai, Muttur and Akkaraipattu and by staging abduction dramas," said T.Ramesh, LTTE's special commander for the Batticaloa-Amparai region, at the conclusion of a discussion with the Sri Lankan armed forces near the eastern town this week.

"The world is carefully watching each move we make. We are acting with great caution in this context," he added.

"We condemn the insidious at-

tempts to blame us for recent incidents in which paramilitary operatives have been reported missing. The Sri Lanka army operative known as 'Cashier' who allegedly went missing on Friday was in a crowded neighbourhood well secured by the Sri Lanka military and Police. He was in the midst of many people. It would not have been possible for anyone to abduct him secretly from such a place in broad daylight," Ramesh said.

An LTTE delegation comprising the head of the Tigers' political division for Batticaloa/Amparai, Mr. E. Kousalyan, head of administration Mr. Reginald and head of LTTE's finance division for Batticaloa, Mr. Suvi, led by commander Ramesh had discussions with a delegation of Sri Lankan armed forces, led by the commander of the 23 Division, Brigadier Sumith Balasuriya. The

commander of the Batticaloa's 23-3 brigade, Col. Rajiva de Silva, Special Task Force officer Upul Seniveratne, Superintendent of Police for Batticaloa, A. M. Keeragala and other officers were in the Sri Lankan armed forces delegation. The meeting took place in the no man's land in Vavunathivu, five kilometers southwest of Batticaloa town, on Monday from 2.30 p.m. to 4 p.m.

"We want to build on the understanding that has developed between us and the Sri Lankan armed forces. By doing this we also want to dispel apprehensions among our people about the future of the peace process," Mr. Kousalyan told press persons whom he met after the meeting. Sri Lankan security forces officials declined to speak to the press. Meanwhile the latest issue of the Tamil Guardian criticized the role of the paramilitary groups in the North-

east.

It said: "The continued presence of Tamil paramilitaries alongside Sri Lanka's regular security forces points to the deliberate maintenance of a 'dirty war' capability. Being outside a military command structure, such operatives are meant to also remain outside the military chain of responsibility. Leading human rights organisations such as Amnesty International have repeatedly protested Sri Lanka's use of paramilitary squads in counterinsurgency operations. Many groups have operated chains of torture camps in the government controlled areas being contested by the Tigers. The human rights groups failed to prevail. Many militant groups finally faded into oblivion only after suffering casualties, or with the loss of their leaders as often as not in internecine battles.

The paramilitaries active today have considerable experience in creating ethnic tensions. The logistical and other support they enjoy as part of the military makes their activities easier. With a sizeable section of the Sri Lankan military particularly in the eastern province opposed to a negotiated settlement with the LTTE, it is not unreasonable to expect them to step up their disruptive efforts as the peace process advances. It is therefore incumbent on all concerned with the establishment of peace, human rights and the rule of law to explore the eastern province and inform themselves of the dynamics of the conflict in the region, rather than simply moralise about these abstract concepts from distant ivory towers. If protecting human rights is the objective, that is.

Women fighters in Columbia's dirty war

By Jeremy McDermott

Adriana is 17 years old. She joined the Revolutionary Armed Forces of Colombia (FARC), when she was 13 and killed her first man at 14.

"We attacked a police station, Adriana said looking down as she recalled her first taste of combat. "I just kept firing at the police station whilst other moved in. I lost some good friends that day."

Up to 30% of Colombia's most powerful guerrilla army is female. Women fight alongside the men and endure the same hardships as them.

The FARC control more than 40% of the country and almost every week some isolated police station or security force base is attacked by guerrilla columns, hundreds strong.

Without the women the FARC would not be able to maintain such territorial domination or mount such frequent operations.

And while the FARC seven-man secretariat is just that - all men - women are making their way up the guerrilla ranks, and several now hold the coveted title of Commandante.

One such woman is Mariana Paez, 38. She has spent more than 11 years in the rebel ranks and now is on the FARC team involved in the peace process.

"No machismo"

She said the FARC was blazing a new trail in Colombia on the treatment of women.

"In the FARC, there is no machismo, as a policy," she said. "Yes there are macho men in the FARC, because let's face it, this is a macho culture. "But such is the discipline in the FARC, that we are erasing these tendencies."

At first sight the women appear the same as the men. Both carry AK-47 assault rifles with the obligatory machete hanging on their hips.

"Women are not treated differently, we do not cut them any slack during training or operations," said Mariana.

"They march with the men, they carry their equipment and they fight just the same," she added as she sat in the sun outside the negotiating centre in the south of Colombia, in a 16,000 square mile zone granted to the FARC for peace talks.

But peace talks are frozen and the dense jungles of this safe haven are riddled with FARC camps, where guerrilla live, train and plan their next operations.

Visiting these camps the

practice seemed to contradict the theory as far as women are concerned.

In the field kitchens it was the girls that were peeling the potatoes and preparing the lunch. It was the girls who served the meal and then cleared up after it.

Despite the rough living conditions in the jungles of southern Colombia, many of the guerrillas girls wore make up, had colourful hair bands and exotically painted nails.

Yet they receive no regular salary and few have the chance to go into towns to buy such luxuries as cosmetics.

Rules on relationships

Many armies around the world have, or are, considering putting women in the front line, but wrestle with how they can regulate relationships between the sexes in the close confines of operations.

The FARC have set up a complex set of rules governing sexual relations. They are permitted, but no lasting attachments are encouraged and pregnancy is forbidden.

"In the first place girls have to ask permission before they embark on a relationship. There can be no secrets and if discovered these are punished," said Mariana Paez.

"Secondly there is no contract of any kind and if the commander tells her to leave her boyfriend then so be it. While they are together they may bunk down in the same place, but at no time must the relationship interfere with work."

But there is discrimination within this policy.

While male guerrillas may form relationships outside the rebel ranks, the females may only date men within the organisation. But Adriana said that women are protected from abuse within the FARC.

"They can't abuse the women because if they mistreat a woman and she reports them to the commander, he has to go in front of a war council," she said. "If the war council finds a man guilty of rape, for example, he is executed."

Contraception is obligatory, no matter how young the guerrilla girl.

"Well it is not written anywhere that we cannot have kids, but there is an obligation to plan against such," said Mariana.

"It is understood that we are professional revolutionaries. Now while that might not be stated when you join, slowly that is made clear to you, as it is very

difficult to be a revolutionary and be a mother."

Intelligence role

Women are being used not just in the front line of battle but increasingly in intelligence gathering. In July, the elite FARC column Teofilo Forero staged an audacious mass kidnapping operation.

In the southern city of Neiva, not far from the guerrilla safe haven there is one luxury tower block of apartments, where the city's rich live.

Guerrillas disguised as policemen took over the building, blowing armoured doors of their hinges and kidnapping 15 people.

The operation had been planned long in advance and the information about how to get in and who to take had been painstakingly gathered by FARC women, who had infiltrated the building as maids.

Adriana was asked why the FARC recruit girls and why do they recruit them so young?

She looked puzzled and said she didn't know. But then she unwittingly answered the question as she rambled on about her experiences:

"There were not that many young boys left in our village, so they asked the girls. I went because I was bored at home and thought that life with the

guerrillas would be an adventure. At 13 I did not know what I wanted to do, I did not realise that I could study like I am now."

But Adriana is not speaking from a FARC jungle camp.

The FARC now want to kill her, as she has done the unthinkable - she has deserted from the guerrillas and turned herself in to the authorities.

Now she is in a special rehabilitation house for minors and she is trying to unlearn how to kill, and to learn how to live in a city and a democracy.

She can never go home again as her family live in FARC-controlled territory, where her former employers are waiting.

FARC Keeps fighting on and on

The FARC are neither terrorists nor revolutionaries in the conventional sense.

They are not of the mould of the traditional Latin American revolutionary guerrilla force, expounded and exported by Fidel Castro and Ernesto Che Guevara after the successful Cuban revolution.

For they predate the Cuban experience and have outlasted and outgrown all other Latin American revolutionary movements.

Their roots can be found in the Liberal guerrilla bands of La Violencia, a civil war between the Liberal and Conservative parties that raged from 1948 until 1958, which became disillusioned with the leadership of the Liberal Party and turned to communism.

One such guerrilla band was led by Manuel "Sureshot" Marulanda (his real name is Pedro Antonio Marin), who in 1966 baptised his group the Revolutionary Armed Forces of Colombia (FARC).

Manuel Marulanda, now more than 70, still heads the FARC.

Drug taxes

Until the 1980s the growth of the FARC was slow, restricted mainly to the outer reaches of the country where hardy peasants had carved land from the jungle and where the state has neglected to

follow them.

But then the FARC discovered drugs, not consuming them, which is prohibited in the rebel ranks, but taxing them.

Now they tax every stage of the drug business, from the chemicals needed to process the hardy coca bush into cocaine and the opium poppy into heroin, right up to charging for the processed drugs to be flown from illegal airstrips they control.

And they make at least \$300m from the drug trade every year, added to which is their income from kidnapping and extortion, making them probably the richest insurgent group in the world.

Closed route

The FARC did briefly flirt with a political route to power, establishing a political party, the Patriotic Union (UP), in the late 1980s.

But the UP was decimated by right-wing death squads, sponsored by drug traffickers and with links to government security forces.

Some 3,000 UP members were murdered, including the UP's 1990 presidential candidate, Bernardo Jaramillo Ossa.

The political route was therefore effectively closed to the FARC and they focused on the military route to power, which they are still following today, despite having been in a peace process with the govern-

ment for three years.

Turning tide

Granted a 42,000 sq kilometre safe haven in 1998 by President Andres Pastrana - their condition for sitting down at the peace table - the FARC have talked peace with the government but made war, bringing violence and kidnapping to record levels.

They have used their safe haven to import arms, export drugs, recruit minors and build up their military machine.

From 1996 to 1999 the FARC inflicted a series of humiliating defeats on the Colombian army, capturing more than 500 security force members.

But the tide has turned and while the Colombian military is in no position to defeat the FARC, thanks in no small part to US military aid, it now is able to swiftly react to guerrilla attacks and with the use of airpower and helicopter troops has been inflicting heavy losses on the rebels.

Yet the FARC still believe they can take power by force, and until they are shown that this is an impossibility they are unlikely to negotiate peace in earnest feeling, they can achieve more on the battlefield than at the peace table.

Children's Rights: Language of the Powerful

By Kothai Kanthan

Rights proponents have generally blamed 'lack of political will' for evidence that rights have not actually resulted in the end of persecution for the majority of victims. But I argue that political will was not the issue with Sri Lanka. Rather it was more the case that because the powerful, not the victims, could be agents in the practice of rights, the way the powerful conceived of the use of children's rights was quite distinct to how victims conceived of it.

Sri Lanka had far more than the powerful norms of state sovereignty on its side to insist that its behaviour towards people within the country was an internal affair – norms which, in any case, human rights were said to 'trump.' It was both a 'friendly' liberal free-market democracy, as well as being often proclaimed a model of Third World education and health. Thus with the metanarrative of rights declaring liberal democracy to be the ideal condition for furthering human rights, and with children's welfare organisations primarily concerned with these very social indicators that 'proved' development and, therefore, welfare, Sri Lanka was valued highly by the children's agencies that had adopted the imperatives of children's rights in their structures of knowledge. In addition Arve Ofstad, former UN Resident Coordinator in Sri Lanka, states that what aid donors primarily considered in countries undergoing severe internal conflict was "how the volume as well as the orientation of the program can influence a peace process." For Sri Lanka, he comments, "[t]he main [consideration] was, of course, the support by the donor countries to the government's struggle against the LTTE." Thus both the political economy of the children's rights agencies, where donor considerations were significant in providing resources and in motivating agencies' profile-building activities; and the agencies' own conceptions of a desirable world order, one where development, democracy and free-market economics were paramount, shaped how they conceived of the use of children's rights to remedy the conflict. Consequently, notwithstanding the fact that the Sri Lankan Government was secretly considered responsible by Amnesty International for killing at least 98% of the 60,000 or more civilians who had died since the war began in 1983, UNICEF,

The historical evolution of children's images in government propaganda was telling. For some years previously the government had tried to depict the LTTE as made up merely of 'baby brigades': "to bolster Sinhalese morale, to ridicule and thereby diminish the challenge posed by the LTTE...[t]he defence establishment trumpeted that the armed forces would make mincemeat of 'baby brigades'."

nevertheless, did not once speak out against the direct targeting of civilians nor against the government forces' violations of children's right to life.

However it was not the case that agencies' beliefs became obstructions to attempts to uphold the rights of victims, indeed the agencies took a very active approach in deciding the use of children's rights. According to Ofstad, "all donor countries supported or accepted the [Sri Lankan] government's policy line," a fact that agencies with a "human rights approach" were influenced by. They repeatedly conveyed the impression in their reports that the government forces, rather than persecuting the Tamils, were instead protecting the Tamils against the violence of the LTTE, as if they were in collusion with the government's war propaganda. Furthermore they issued press releases expressing outrage at violence the government alleged to be perpetrated by the LTTE at the same time as largely ignoring the government's own violations. In 1994, the ascent to power of Western-educated Chandrika Kumaratunga, was appreciated by international community, because, as Ofstad remarks, unlike previous regimes, "the Kumaratunga government emphasized human rights as part of its political platform." Understanding how to use rights language to elicit international support and claiming this was 'a war for peace,' meant that the government could increase the ferocity of its war, which in turn meant an increase in the scale of human rights violations. Thus, as Ofstad explains, "[d]espite continuous human rights problems after 1994...human rights became a low-profile issue and most donors preferred a constructive rather than a negative approach." This constructive approach meant that UNICEF concluded in its country programme recommendation for Sri Lanka that "[t]he major programme strategy should be to increase the Government's capac-

ity." Consequently far from challenging severe rights violations, organisations that claimed to be furthering the best interests of the child actively campaigned for greater support for the violators of children's right to life.

To understand further how UNICEF's own structures of knowledge informed its behaviour in this political context we must also understand the identity of UNICEF itself. UNICEF officers on the ground had to accept "a relatively narrow set of child health objectives established in far-away New York," where it was decreed that the organisation's "primary purpose was the delivery of services to children." This was interpreted as "running health campaigns – against diarrhoea and undernutrition, for immunization and

ties for 'days of tranquillity' in order to accomplish the mass immunisation of children within three days or so. This, UNICEF claimed, might "help to create the preconditions for an overall reduction in hostilities," and would at least "etch in the international consciousness an acceptance that children could – and should – be treated as a 'zone of peace'." While UNICEF presented this as evidence that it was upholding the protection of children, it could also be argued that this was, in effect, little more than another 'public relations extravaganza' that donors were wont to accuse the children's organisations of. For the remaining 362 days of the year children were still as vulnerable to being killed in the war, and all their other medical treatment, including complex surgery, had to be performed under war conditions. No doubt it would have made little difference to children if vaccinations were conducted in similar ways to other medical needs. For UNICEF, identifying children's rights with its own interests meant it could further its profile-building and funding needs.

But it was not that the prerogative to use children's rights to life for some purposes and not others did not entail complications. In fact UNICEF executives considered that "[t]he growing clamour surrounding the loss of children's lives in emergency situ-

cultural, political and economic structures within which children's rights agencies were embedded we can provide a better explanation for their activities. Roger Bottrahy, UNICEF Programme Officer, for example, hedged in his answer to a question on the targeting of civilians by the Sri Lankan armed forces. He was working in the field when the military attacked the defenceless town of Oddusuddan wiping it clear of all civilian life before turning it into a military complex. It was one attack that even the Sri Lankan media questioned the need for when there had been no LTTE presence in the town. Nevertheless Bottrahy inferred that the direct attack on civilians was nothing more than civilians being caught in the crossfire, despite visible and verbal evidence to the contrary:

The war is going on, you ask me if the war is targeting civilians. That is putting the, it's very difficult to answer that no? The shelling, both sides are shelling to each other, people happen to be in that area so they have to move, they cannot stay there. So, is that to be interpreted as the war is targeting civilians?

UNICEF's officers claimed then, and subsequently, that they could not publicly answer more probing questions because of political 'sensitivities'; and the testimonies of the people who were injured in the attack or who had witnessed the killings were deemed "unconfirmed" because no UNICEF officer was an eyewitness to the slaughter.

Thus, though children's rights advocates declare children's rights to mean that children will be listened to, in practice, as we saw in our analysis of the wording of the CRC, UNICEF was the powerful agent which could use its own judgement to decide when to listen and when not to. However, while the CRC references the capacity and maturity of the child as a basis for this judgement, in practice UNICEF officers saw their decisions through particular political, cultural, economic and social structures. In this decision children's best interests clearly did not predominate and real children were as invisible as ever in the policy decisions of the powerful.

While children's rights institutions did not advocate on behalf of children's entitlements to protection in the face of attacks on civilians by government forces, they did mobilise to enforce children's non-participation in the conflict. It was an

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breastfeeding ... because they were motivating and it was possible to mobilize around them...delivering some tangible and measurable results." Thus the priorities of children's needs were not conceived of in relation to children being 'enabled to stand with dignity' but rather according to tactical considerations about the organisation's capabilities, and its identity.

This was reflected in how UNICEF put into practice the proclamations that it derived from the children's rights agenda. In situations of conflict the notion that children were 'a zone of peace' meant UNICEF obtaining an agreement between warring par-

tions was becoming a distraction from the main task UNICEF had set itself for the decade: of helping countries develop and realize national programmes of action in the wake of the Children's Summit." Thus, UNICEF found itself in a position of having to resist children's rights while advocating for them. Thus the imperatives of rights did not have the moral power to override other concerns, even when it came to the right to life of children being the core human right of the most morally deserving. It was clear that UNICEF's position that the right to life was 'a distraction', prevailed in its choice of activities.

In understanding the social,

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Waiting Game: Another round brings the same promise

As the negotiating teams of the Liberation Tigers and the Sri Lankan government arrived this weekend in Bangkok for the fourth round of Norwegian facilitated direct talks, a confrontation certainly seemed in the offing. The main issue was, of course, the Sri Lanka Army's refusal to permit the resettlement of hundreds of thousands of people in their homes which are presently occupied by its troops. The expectation of acrimony was, however, in stark contrast to the euphoria which had followed the third round of talks held in Oslo, at which even a landmark agreement on a political framework to resolve Sri Lanka's protracted ethnic conflict had been reached.

The drastic change in mood was undoubtedly initially caused by the Sri Lanka Army's demand two weeks ago that the Liberation Tigers should disarm and decommission their heavy weapons as a precondition for Tamil refugees being allowed back into their homes and villages. Not unexpectedly, the LTTE rejected the demand out-

right. The head of the Sri Lanka Monitoring Mission (SLMM) unwisely intervened, backing the SLA's stance and delivering a body blow to the SLMM's hitherto scrupulous neutrality. Meanwhile, Sri Lanka's President Chandrika Kumaratunga waded into the controversy, hailing the 'courage' of Maj. Gen. Sarath Fonseka, the SLA commander for Jaffna, for being prepared to dispatch his crude ultimatum to the LTTE. The President also insisted that Fonseka's position be fully backed by Colombo. The SLA Commander, Lt. Gen. Lionel Balagalle, first seemed to play down Fonseka's demand, but then gave it a ringing endorsement. So far nothing new.

But, apart from the unpleasant surprise caused by the SLMM's endorsement of the SLA's humanitarian blackmail, it was the United National Front (UNF) government's sustained silence which contributed most to raising tensions. Clearly, it was felt, Prime Minister Ranil Wickremesinghe's administration, which had often spoken of the need to alleviate ordinary people's suffering, of the impor-

tance of creating a 'peace dividend', of following a step by step approach to resolving the conflict, was now showing the same colours as the Sinhala chauvinist governments which had taken Sri Lanka's helm before. The LTTE, meanwhile, made it clear that it was no longer prepared to ignore the stagnant ground situation whilst debating lofty ideals of power sharing and federalism. Decommissioning, the movement also said, was not negotiable. Little wonder that a crisis was felt to be brewing.

Yet the storm has not come to pass. After merely a day's discussion, the LTTE and the UNF have agreed that Fonseka's demand was untenable and that the resettlement of civilians had to be unconditional. Both also agreed that issue deserved their concentrated attention, perhaps at the expense of further discussions on political affairs. The Sri Lankan military's security concerns, however, had been taken into consideration in the discussion the government has enlisted international military advice on restructuring the HSZs. Meanwhile, all concerned with the pursuit of peace

in Sri Lanka sighed with relief even though it had been mutually agreed that the Sub Committee on De-escalation and Normalisation (SDN) was both utterly ineffective and, as a consequence, damaging the peace process. It was duly folded.

Despite the 'progress' of the past two days it should not be forgotten that this is essentially debate over an undertaking from Colombo that has been repeatedly given and not fulfilled. The ceasefire agreement signed by the LTTE and the UNF government in February had an explicit timetable for the SLA's withdrawal from Tamil homes and public spaces. The deadlines have either been completely ignored or been cynically side stepped troops setting up camp outside schools they've vacated for example. The issue of resettlement and SLA occupation was raised early in the direct negotiations in Thailand and resulted, after the second round, in the formation of the now ill fated SDN. Assurances at the third round of talks that matters would improve have proved meaningless.

We have often cautioned that failure to tangibly improve the lives of ordinary people whose expectations of a stable, comforting peace have recently been unrealistically raised would result in dangerous public disillusionment over the peace process. Maj. Gen. Fonseka's letter and the UNF's tacit endorsement of its contents have, from a Tamil perspective, deepened suspicions and raised anxieties. Now, in response, the UNF has made yet another pledge over resettlement. It remains very much to be seen if it can deliver. The oft quoted difficulties of a stubborn military and a hostile commander in chief are, as we have argued before, also untenable. What can't be delivered ought not to be promised. More importantly, under such circumstances, reciprocal undertakings should certainly not be expected or sought. The talks are continuing as this issue goes to print. And a million people are still waiting to return to their homes.

(editorial, Tamilguardian, January 8, 2003)

Double standards...

Cont. from page 10

opportunity to build the moral power of the CRC in its project to change societies in the creation of peace – it fitted the concept of 'a constructive approach' because it could be deployed to further the donors' desired outcome to the conflict, that of supporting the government's struggle with the LTTE. The Coalition to Stop the Use of Child Soldiers was conceived of to promote precisely these kinds of scenarios, as is evidenced in the Coalition's declaration that, the "emerging international consensus against the recruitment and use of any under-18s will be an important – and persuasive – tool in convincing armed opposition groups that the political cost of using children as soldiers is simply too high." The realisation that this would work to the advantage of the government had been seized upon by Sri Lanka's Foreign Minister, Lakshman Kadirgamar in mid-September 1997 when he launched his campaign in the UN against the use of child soldiers by the LTTE. In conceiving of children's non-participation as a means to discredit the LTTE he had opened up a new chapter in the government's war propaganda methods, bringing about a far more morally powerful collaboration with the international community, through the children's rights regime, than anything that had been done previously.

The historical evolution of children's images in government propaganda was telling. For some years previously the government had tried to depict the LTTE as made up merely of 'baby

brigades': "to bolster Sinhalese morale, to ridicule and thereby diminish the challenge posed by the LTTE...[t]he defence establishment trumpeted that the armed forces would make mincemeat of 'baby brigades'."

With the government trying to delude the Sinhalese public and the armed forces into thinking that they would win because they were fighting incapable children, the LTTE answered with evidence that their victories had been won by the military expertise of their soldiers, who, therefore, could not be children. However as the children's rights discourse began to focus on the issue of child soldiers, the government changed tack. It used its earlier propaganda to entice rights activists campaigning against the use of child soldiers in Africa to enlarge their focus to include the LTTE. For rights organisations this was an attractive proposal that had enormous potential for raising their profiles in powerful circles while directly campaigning for children's rights. This time UNICEF did not consider upholding this children's right to be too much of 'a distraction' from its other tasks because it took on the role of publicly challenging the LTTE and providing data, which we shall discuss later, of children's participation that would support evidence fabricated by the government's 'human rights' outlets. Thus there were various motivations constituted in the common action to uphold children's right not to be allowed to enrol into the LTTE forces. But because it was not children themselves who decided children's rights these actions did not protect children. It did show, however, that children's rights could be adopted by any actor that could unite their own in-

terests with powerful interests, regardless of their motivations

In considering how children's rights were implemented in terms of children's protection and children's participation, we shall now look more closely at two important human rights documents that were produced for the UN after unprecedented visits to Sri Lanka by the experts concerned in 1998. The first was by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Bacre Waly Ndiaye to the Commission on Human Rights. The second was by Olara Otunnu, the UN Secretary-General's Special Representative of Children in Armed Conflict to the General Assembly.

Ndiaye, in a rare and damning report, accused the government forces of committing widespread torture and rape with massacres "so numerous, frequent and serious over the years" as to have become "an almost ubiquitous feature of daily life." While Ndiaye dutifully reproduced the usual condemnation of the LTTE for perpetrating violence against Tamils he considered whatever the substance of these claims they did not warrant the behaviour of the government: Military operations leading to the death of civilians include indiscriminate bombing of civilian settlements and armed incursions into villages during which victims are said to be killed on the spot or abducted to extract information. Often, the civilians killed during such operations are later presented to the public as terrorists who died in combat with guns and grenades placed in their hands.²

Ndiaye's report, however, did not command any mobilising power in the rights regime. It failed to resonate with prevailing policy on Sri Lanka.

Thus it was a report, with no powerful structures backing it, that was quietly filed. However Otunnu's submission proved quite the opposite.

Just two months after Ndiaye's report, Otunnu visited Sri Lanka at the behest of Kadirgamar in May 1998. Though Otunnu's title suggested he was concerned with all of children's rights in situations of armed conflict he made no reference to the government's atrocities against children, but instead considered his trip as primarily important in the campaign to stop child soldiers. This was seen in the publicity surrounding his visit which appeared to reduce children's rights in wartime to the single issue of preventing children from bearing arms.

Otunnu obtained a series of verbal commitments separately from both the Government and the LTTE to uphold children's rights, which were heralded as a victory for children's rights. The LTTE had already undertaken not to allow children under 15 into its organisation when it signed the Geneva Conventions in 1989. In the commitments made to Otunnu the LTTE raised its age requirement for enrolling new members to 17, in advance of the enactment of the additional Optional Protocol to the CRC that would raise the age requirement on recruitment for all states. For Otunnu this meant that the UN would now have the moral authority to push for all states to sign up to the proposed new law. For youngsters this meant that the prohibition on participation would extend to even more of them.

The commitments, however, also meant to children that they were not to expect the international community to protect them

from the government. When Otunnu presented the commitments to the UN later that year there was evidence of the position the international community had chosen to take in its use of children's rights. Though it was generally assumed that both sides had made equal commitments, a closer reading revealed they were in fact quite unequal. In the submission to the UN General Assembly³ it was stated that the LTTE had made a commitment not to target civilians in its operations, but there was an absence of any similar commitment by the Sri Lankan government. It was not clear if it was the government that had refused to agree to this commitment, or if it was Otunnu who had not asked the government to commit itself to this. The fact that the commitments extracted by Otunnu from the government deliberately made no mention of the killing of Tamil children by the government's armed forces suggested that there was indeed collaboration between the children's rights regime and the government about the need for silence over the military's atrocities. Whatever the motivations for Otunnu's actions they conformed with the prevailing view that children's rights should be implemented in a way so as not to undermine the government. This implied that the government would be unlikely to be scrutinised or held accountable by the international community for killing children in its war.

(Excerpted from a study by the author, submitted to the University of London in September 2002.)

Massacre village revisited



The visitors worshipping at the long abandoned temple of Mylanthanai

**Pix and story by
S. Jeyanandamoorthy**

The people of Mylanthanai visited their village this week after many years. The remains of the hamlet lie immersed in the inexorable tide of the jungle. The visit, aided by local support groups, was a preliminary survey to determine the possibilities for resettlement. To the visitors, many overgrown sites in the village brought back memories of horror and tears for the innocents who were massacred by machete-wielding Sri Lanka army soldiers.

"Ten years long years have been spent in miserable refugee camps amid destitution and insecurity. We yearn for the day when we can live in our village without fear, without the nightmares of the massacre haunting us", said a man who lost his children and wife in the mass murder.

The refugees said they are still apprehensive about the Punanai Sri Lanka army camp, which is close to the village. It was from here that a group of soldiers belonging to the 7th Gajabha Regiment stormed Mylanthanai on August 9, 1992, and

massacred 35 men, women and children.

Mylanthanai is 18 kilometres west of Valaichenai, close to the main road to Polannaruwa.

"We were doing some work when around 1 p.m. the army came into the village and opened fire. They began assaulting everyone blindly. I saw my mother in law hacked to death by them. My wife and two other women who had gone to bathe in the tank were recovered as corpses later. The soldiers murdered three of my four children,"

Periyannan Karuppaiah, a survivor of the Mylanthanai massacre.

Thavarajah Rajmohan who died years ago had stated in his evidence in the lower court that on the day of incident he was under a mango tree with several others. At that time a group of army personnel had come to the spot and started attacking them with knives and axes. One of his hands was severed below the wrist by a soldier wielding a machete. He later found his two sisters - eight years old Radhika and

one year old Latha murdered by the soldiers. The witness was fourteen years old when he gave evidence in the lower court and had identified six army soldiers at the identification parade.

The villagers have been driven from pillar to post by the deliberate and customary delays of the law. Though the non-summary inquiry into the massacre was over in 1993, the Attorney General's department took time until 1997 to file indictments despite continuous pressure from human rights organisations to expedite the process.

However, an all Sinhala jury, appointed in deference to the wishes of the defence despite the witnesses being Tamil speakers, gave a unanimous verdict acquitting the 18 accused soldiers when the case came up for trial late last year, 10 years after the atrocity was committed.

The AG added injury to insult by deciding not to appeal against the verdict of the Sinhala jury, citing an obscure legal convention.

"Our experience shows quite clearly that we have to guarantee our own security if we are to re-



A site in the village where to little sister were hacked to death by soldiers

settle in peace in Mylanthanai. What happened to us has convinced us that we cannot expect justice neither from Sri Lanka's legal system nor the armed forces who are meant to uphold it", a refugee who visited the village said.

184 families from Punani which includes the village of Mylanthanai live in refugee camp and 49 live with friends and relatives.

The Ministry of Rehabilitation provides dry rations to the refugees through the district secretariat equivalent to an amount of Rs 366 for 1 member, Rs 616 for two, Rs 840 for three, Rs 1008 for four and Rs 1260 for a five member

family a month.

Most of the residents of Batticaloa-Polannaruwa border villages of Vadamunai, Punanai and Uthuchenai took refuge in Valaichenai following the breakout of war in 1990. After the Mylanthanai massacre in 1992 when the Sri Lankan Army (SLA) soldiers killed and seriously wounded more than 50 villagers, remaining residents in these villages joined the others in Valaichenai as refugees.

Initially the refugees were accommodated in temporary huts in Pethalai. Later they were transferred to larger huts built in vacant land in Kalmadu.