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## INTERNATIONAL COMMUNITY BACKS PEACE INITIATIVES - CAUTIONS LTTE!

**I**t is clear that the International Community while reposing confidence on the PA Government and President Chandrika, on matters pertaining to the Ethnic Question and Human Rights, is far from pleased about the conduct of the LTTE.

The European Union, in a resolution on the prevailing situation in Sri Lanka, following the massive mandate for President Chandrika's peace initiatives, expressed hope that this would be an "incentive for the newly established Sri Lankan government to proceed with its constructive efforts to undertake confidence-building measures in order to resolve peacefully the problem of the north and east of Sri Lanka".

The Resolution, while condemning the assassination of Gamini Dissanayake, also urged the LTTE "to take positive steps to respond to moves made by the Sri Lankan government for restoring peace in the country and to cease its campaign of violence."

In a follow-up Declaration, the European Union, welcomed the January 8 Agreement on Cessation of Hostilities and hoped that, "this important step forward will be followed by the speedy opening of negotiations to find a political solution to the present conflict". There is a consensus amongst political analysts that this is aimed at the LTTE which has, till now, stubbornly refused to bring negotiations on a "political package" into the "peace agenda".

In the wake of the collective stand taken by the European Union, the U.S. State Department in its annual review of human rights in Sri Lanka, placed

before the Congress on January 31, noted that "political and extrajudicial killings and disappearances virtually ended in government - controlled areas" after the PA government assumed power.

On the other hand, the Report of the State Department came down hard on the LTTE. It pointed out that "the LTTE continued to commit extrajudicial killings, ranging from politicians to suspected government informants and from fishermen to members of anti-LTTE Tamil groups. In the past, the LTTE had killed university professors, members of non-violent Tamil opposition

parties and human rights monitors." The report also maintained that the LTTE was the "primary suspect" in the suicide bombing which killed Gamini Dissanayake.

The report further went on to castigate the LTTE for being responsible for "an undetermined number of civilian disappearances in the north-east part of the country" as well as violence which cut across geographical boundaries.

The ball is now very clearly in LTTE's court and it remains to be seen as to how it will respond to the "peace offensive" of the PA Government. (See Editorial)

**Stop Press: It has been officially announced that four foreign Chairmen of the Peace Committees had a brief meeting with the LTTE leader, V.Prabhakaran.**

### Peace Postcards!

The People's Peace Movement has issued peace postcards endorsing the People's Peace Appeal directed at, both, President Chandrika and LTTE leader, V.Prabhakaran. The postcard contains the following message: "I endorse the People's Peace Appeal proclaimed on Human Rights Day '94 and appeal to you to take all measures to create a democratic peace by implementing the proposals of the appeal." The Peace Appeal, which was carried in our previous issue, is also being given the widest circulation along with the postcards.

In the meantime, following the Peace rally in Colombo on 9th December and successful mass contact campaigns in the South, the People's Peace Movement has taken the decision to take the peace movement to the north-east. In this regard, a massive peace rally has been scheduled to be held in Vavuniya on February 16. The date coincides with the 8th anniversary of the peace mission to Jaffna, which was undertaken by the late Vijaya Kumaratunga and his wife, President Chandrika Kumaratunga, in February 1987.



## REFLECTIONS



**T**he New Year began with heightened expectations as regards the peace talks between the Government and the LTTE. Following the conclusion of Round 2 of the Peace Talks, it was announced that "cessation of hostilities" would come into force with effect from January 8, for a trial period of 2 weeks. The fact that it coincided with the birth anniversary of the former Prime Minister and the late father of President Chandrika, S.W.R.D Bandaranaike, symbolised the personal interest taken by President Chandrika in advancing the peace process.

At the same time, the text of the Agreement makes it clear that the PA Government is not averse to the legitimate concerns of those who argue that there can be no peace, without democracy and that peace cannot co-exist with political terror. This is evident from the fact that the agreement covers not only "offensive operations" but also "acts such as sabotage, bomb explosion, abductions, assassinations and intimidations directed at any political group, party or individual." The implications are obvious, although it is a moot point as to whether the LTTE would take it seriously.

Further, the composition of the proposed Peace Committees, which include foreign observers with considerable experience with military affairs as well as peace-keeping, is another indicator that Colombo does not see the agreement on cessation of hostilities to be merely cosmetic. Hereagain, the LTTE has been somewhat cool towards the proposed Peace Committees since the foreign monitors in the committees are neither "babes" nor "human rights romantics" who could be easily taken for a ride.

Barring minor violations, it is clear that the cessation of hostilities is holding - although, no one at this stage will be prepared to bet that a full-fledged ceasefire is on the card. On the contrary, all reports indicate that, both, the LTTE and the Security Forces are beefing-up their defenses. In addition, LTTE's main demand that the Pooneryn army camp be dismantled has been rejected by Colombo, while the PA Government's proposal, that a dialogue on the political package be brought into the agenda at the earliest, has not been taken too seriously by the LTTE.

Unfortunately and not surprisingly, the LTTE leadership appears to be merely concerned with the logistics of expanding its perimeter of administrative and military control, under the guise of seeking remedies to the "day to day problems of the Tamil People". Similarly, the PA Government must ensure that any "political package" that it may forward is neither cosmetic nor tactical. Its proposals must truly and concretely manifest the legitimate aspirations of the Tamil-speaking People, embodied within a system of regional autonomy.

It is also self-evident that a "political package" should be for the People - and not for the LTTE. This is particularly so since the claims by the LTTE of being the "sole representative" of the Tamil People is mere fiction. Military might has got nothing to do with democratic forms of representation.

Hence, it is vital that the PA Government, while advancing the peace talks with the LTTE, should enter into a dialogue, with other components comprising the Tamil polity and civil society, on evolving a "political package" that is durable and equitable.

The following sentiments expressed by President Chandrika, in her Message to the Nation on National Day on 4th February, is most reassuring and timely: "Our commitment to Peace and a negotiated political solution to the Ethnic Question and the North-Eastern war shall remain unshakeable in the face of all obstacles."

Field  
Report



# Trincomalee - Burning Issues

**T**rincomalee District, today, constitutes an area which has the potentials, as well as the problems, associated with a multi-ethnic populace that is evenly balanced. The problem, however, is that the changes in the demographic composition was largely brought about as a result of state-sponsored colonization schemes and anti-Tamil pogroms. Under these circumstances, any attempt at projecting Trincomalee as a "show case" of ethnic harmony, as envisaged by some, is possible only if the basic contentious issues are resolved in a manner that is equitable and just.

Some of these contentious issues which need to be resolved without any delay are:

(i) **Illegal State-sponsored Sinhalese Settlements:** While state-sponsored colonization schemes which commenced prior to Independence, and intensified after Independence, are matters for negotiations, it is imperative that atleast those settlements which were overtly or covertly established as an appendage of a military solution to the ethnic conflict be brought to a halt - and dismantled.

One instance of this are the illegal Sinhalese settlements in Muthur which emerged in the vicinity of the Muthur Police station. The residents of these settlements were directly involved in the anti-Tamil pogroms which were unleashed in areas falling within the jurisdiction of the Muthur Pradeshiya Sabha, following the renewal of armed hostilities between the LTTE and the Security Forces in June 1990. These mobs, from this particular illegal settlement, went on the rampage, attacking, looting and engaging in widespread arson. That they had the "blessings" of the local police was evident.

As possibly an act of redressing the problem or as a cover-up, these Sinhalese settlers were moved to Kantalai and settled in the colonization scheme. They were given agricultural lands and assistance to build homes. Despite these facilities, the settlers found their way back to Muthur, since they found it more lucrative to engage in liquor business, legal as well as illicit, and other forms of "money spinners" in the informal sector - particularly activities which were not exactly legal!

In addition, these settlers enjoy the patronage of the Security Forces as well as other state institutions. They are now settled in and around state lands and institutions falling within the jurisdiction of the Muthur Pradeshiya Sabha. They include lands adjoining the Post Office, People's Bank and state rest houses.

In view of the past bitter experience with these settlers, the Tamils of Muthur are living in fear. Numerous representations have been made appealing to the Government to resettle these settlers in Kantalai.

**The following account of the prevailing situation in Trincomalee District is based on a Memorandum submitted by Mr. R. Thilakaraja, EPRLF's Trincomalee District Secretary, to the Minister for Irrigation and Power and the Deputy Minister for Reconstruction and Rehabilitation.**

(ii) **Deteriorating Situation in Refugee Camps:** The refugee camps in Muthur and Pachchaloor recently were affected as a result of floods and monsoonal rains. Since the inmates of these camps are from areas which not "cleared" (eg: Iralkuli, Navaladdy), they are not in a position to be resettled in their original places of domicile. In view of this, it is essential that the living conditions in these camps be improved.

As far as the inmates at Clappenberg refugee camp are concerned, the immediate task before the Government is to resettle them in their original places of domicile. These areas include Kanniya, Aathimoddai, Sambalthivu. In addition, in order to ensure that persons resettled do not live on dole in perpetuity, it is imperative that an integrated developmental and reconstruction activities be stepped-up. The same applies to the inmates at the Nilaveli refugee camp, who can now be resettled. Hereagain, they must be assured of security, employment and self-sustenance.

It is encouraging that the PA Government has decided to take a fresh look into the task of resettlement and rehabilitation in a manner that is aimed at reducing the dependence on dole and increasing employment prospects and earning capacity of the refugee-returnees.

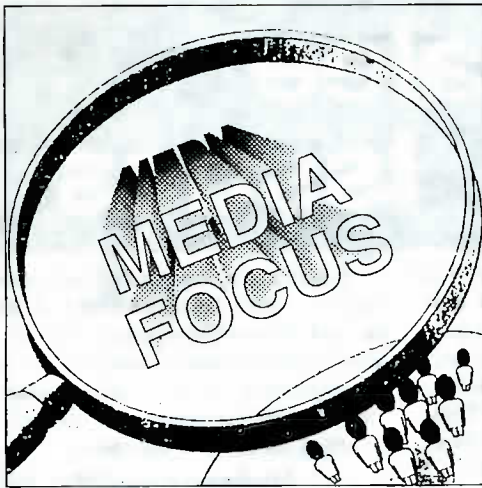
(iii) **Muthur-Trincomalee Boat Service:** Till recently, only two mechanized boats were plying this route. At present, one boat is in need of repairs - and, as a result, the People have been subject to untold hardships. It is, therefore, essential that a modernized ferry service is introduced and, failing which, to allow the private sector to provide this vital service.

(Editor's Note: This problem has been somewhat rectified by the recent inauguration of a ferry service by the Minister for Rehabilitation, M.H.M. Ashraff)

(iv) **Road Transport:** Since the Muthur-Trincomalee mechanized boat service is hardly adequate to accommodate the traffic and since this service is not available during monsoon seasons, it is evident that bus transport connecting Muthur and Trincomalee via Allai-Kantalai be made more regular. As a first step, the road linking Allai to Kantalai needs to be repaired.

(v) **Irrigation Facilities:** The PA Government has been taking an active interest in improving the state of agriculture in the District. However, the specific problem of the Seruwilla constituency in the Echilampathi area, which is clearly the most neglected and the most backward in the entire district, must be tackled without any delay.

The long outstanding need of this area is irrigation facilities. The "THARAICHENAI" project which was in the pipeline in 1977 was never implemented by the UNP regime. The ost affected were the farmers of Seruvilla. If the "THARAICHENAI" irrigation facility is implemented, over 3000 acres of paddy land will have irrigation facilities. The water for this scheme could be obtained from Verugal Aru. The areas that would benefit as a result are the agricultural lands at Verugal, Mavadichenai, Muddichenai, Echilampathi, Vaddavan, Poomarathady Chenai. This irrigation project, if implemented, would also minimise the effects of flooding and soil erosion.



## Decommunalising Public Institutions

*The author Dr. N. Shanmugaratnam, who is presently based in Norway as a reputed scientist, is no stranger to the Sri Lankan academic, political and literary scene. This article, which was written during his recent trip to Sri Lanka, was published in numerous mainstream newspapers. We carry it here in view of its relevance in the context of the on-going public debate on constitutional and institutional reforms.*

**O** f historic significance is the fact that today, after many decades of communalist politics, we find ourselves at the threshold of a new era facing the great challenge of reconstructing Lanka as a multiethnic democracy. There are many aspects to this challenge.

**The peace process initiated by the new government needs to be interpreted in a much broader sense than talks with the LTTE and the lifting of the economic embargo on the people of the North.**

No doubt, these are very important steps and they have indeed convinced the Tamil-speaking people of the willingness of the government to find a political solution to the national question. An important aspect of the peace process and democratisation that does not seem to have caught the serious attention of the PA government is decommunalisation of public institutions.

While the current popular political trend in our society is against communalism, the state and public institutions remain communalised due to the policies and practices of the past four decades. Putting an end to institutional communalism is a necessary condition for the building of a multiethnic Lankan society.

### 1956 Language Act and Impact

Communalisation of public institutions began in 1956 with the implementation of the Official Language Act. Subsequently, this was extended to recruitment of personnel to government departments and appointments to high offices. The armed forces and police are extreme cases in point. They do not reflect the multiethnic character of Lankan society.

Our universities have progressively lost their multiethnic character. Even

**though Tamil is now an official language, more often than not Tamil speaking persons are unable to exercise their right to transact business in their own language in government institutions in multiethnic areas like Colombo and Kandy.**

These institutions seem to be practicing a 'Sinhala Only' policy. Many of them do not have officials proficient in Tamil, and very often they do not even have the forms and other basic documents in Tamil. It is not uncommon to find an official in a public institution in Colombo, replying to you in Sinhala when you are talking to him or her in Tamil.

In such a situation, a citizen who cannot understand Sinhala feels helpless and, perhaps, intimidated by the bureaucracy as personified by the unhelpful official. Perhaps, the heads and other officials of these institutions could afford to be so negligent because such failure on their part to facilitate a citizen to exercise his or her language right goes unquestioned by higher authorities.

I am here referring to government institutions like post offices, police stations, education department, kachcheries, offices of registrar of births and deaths, pension offices, immigration and emigration, municipal offices etc. Even letters sent by government institutions to Tamils and Muslims living in the North and East and the up-country are often in Sinhala only.

It was reported in the Tamil daily **Veerakesari** of November 19 that

Tamil correspondents appointed to the Sri Lanka Broadcasting Corporation received their letters of appointment in Sinhala. They were also sent a letter asking them to attend a training programme and a questionnaire to be filled, all in Sinhala only again. There are numerous such instances of violation of a fundamental right by the very system which is supposed to enforce it.

These are manifestations of institutionalised communalism which has so consistently weakened the credibility and legitimacy of the Lankan state among the Tamil and Muslim Peoples. **Restoring popular legitimacy to the Lankan state among the minorities is a precondition for building a multiethnic democracy in this country.**

### Some Remedies Against Institutionalised Racism

This is no easy task as it demands a genuine and systemic multi-pronged programme of decommunalisation at all levels of government and the state. It is not just a matter of enforcing some new administrative rules. **It is a challenge of creating a new consciousness and ethic among public officials and the citizenry at large, an undertaking that cannot succeed without fundamental changes in the contents and forms of our formal education.**

Furthermore, the mass media and political and social movements in Lanka have a major role to play in support of this process.

Decommunalisation of public in-

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stitutions involves the following as a minimum:

- \* Dismantling of the communalist ideological structures of the state
- \* Elimination of all forms of overt and covert discrimination on ethnic grounds
- \* Development of a work ethic based on values of pluralism, efficiency and accountability among public officials
- \* Building awareness among the people of their language rights, and the confidence to assert these rights where they are stifled by public officials; and
- \* Active promotion of a Lankan consciousness and a corporate national identity overarching the ethno-communal identities.

### Case for Secularism

**For a multi-ethnic democracy to flourish, the state while guaranteeing religious freedoms and protection against communalist violence to all citizens, should remain truly secular. Only a secular state can really be ethnically neutral and stand above communal divides as the legitimate arbiter of conflicts.**

Thus it is in the interest of all groups (whatever beliefs they subscribe to) to join forces in creating the secular state. A secular state in Lanka may sound like a distant dream to many, but it is the most realistic institutional device to ensure the formation and development of a harmonious multi-ethnic society and sustain it indefinitely.

Secularisation of the state should enter our public debates on peace, democracy, and the development of a pluralist political culture. While we debate the immediate and long term prospects of establishing a secular state, the present government may take some immediate concrete steps towards decommunalising public institutions.

A task force with a clearly defined mandate to decommunalise the most essential public institutions within a time-frame of six months, and to evolve a longer term strategy to extend the exercise to all public institutions, would seem to be a feasible approach. The mandate should include the following:

- \* Prioritisation of public institutions according to the magnitude of public demand for services in Sinhala, Tamil and English;
- \* Assessment of the current capacities of particular institutions in terms

## “Karavai” Kandasamy - Latest Victim of Culture of Violence

**W**e outrightly condemn the brutal and cowardly assassination of the Deputy Leader of PLOT, Mr. “Karavai” Kandasamy at his residence in Dehiwela. This is yet another in a series of political assassinations and political terror, in the heart of the capital city, where the victims were either leaders, members or associated in one way or another with Tamil political parties and groups.

Amirthalingam and Yogeswaran of TULF were gunned down in cold blood at their party office in Colombo. Uma Maheswaran, the founder-leader of PLOT, was the next to be killed while taking a stroll along the beach in Colpetty. Then Sam Thambimuthu of EPRLF and his wife Kala Thambimuthu, were shot and killed at the entrance of a foreign Mission. Last year, Uma Prakash, the leader of a splinter group was assassinated.

After the change of Government, an ex-member and bodyguard of the leader of a Tamil group brutally murdered and dumped by the sea-rocks off Wellawatte. And now we have the brutal assassination of Mr. Kandasamy.

Although, most of these killings took place under the previous UNP Government, it is, indeed, regrettable that political terror continues unchecked under the present Government. Most of the instances cited above remain in the category of “mysterious” killings. If prompt actions had been taken in the past, following speedy, impartial and efficient investigations, many of these senseless killings could have been averted.

It is, therefore, imperative that the present PA Government, which has pledged to eradicate all forms of political terror from this country's polity and civil society, does not repeat the mistakes of the previous government. We strongly urge the Government and the relevant authorities to take prompt actions aimed at preventing all forms of political terror and assassinations.

The late Mr. “Karavai” Kandasamy was a veteran leftist leader and a member of the Communist Party. He later joined PLOT and performed his political tasks in relation to the Ethnic question. For the past few years, he took a keen interest in the task of resettlement, rehabilitation and the reconstruction of the North-East. Although, he was not in the best of health, he did not allow this to deter him from carrying out his social and political commitments.

We take this opportunity to extend our heartfelt condolences to his family and loved ones.

of personnel and other logistical requirements to meet the demand;

- \* Identification of feasible alternatives in terms of cost effectiveness, time efficiency and healthy public relations (ie client satisfaction), to raise institutions' capacities to meet the demand;
- \* Assisting each of the institutions in choosing the most suitable alternative for reform and capacity building and in scheduling implementa-

tion;

- \* Monitoring progress of implementation and taking appropriate action to assist institutions lagging behind schedule; and
- \* Informing the public and mobilise public opinion in support of the decommunalisation programme with the aid of mass media and by setting up mechanisms to receive feedback on implementation from members of the public. ●

# Sri Lanka's Contribution To The Development Of Tamil Language And Literature.

(Excerpts from Justice Sharvananda's Paper prepared for submission before the 8th International Tamil Conference.)

**T**he early lithic records of Sri Lanka, the Brahmi inscriptions, bear testimony to the prevalence and use of Tamil language in Sri Lanka from about the 3rd century B.C.

A high standard of literacy was reached by the Tamils of Sri Lanka during the Sangam period, so much so, that a poet from Sri Lanka Eelathu Poothan Tevanar was able to get his poems accepted by the assembly of Tamil scholars in Madurai during the Sangam period - that is about the 1st century B.C or 1st century A.D.

Sri Lankan literacy in Tamil was so high that we get descriptions in Tamil verse from Anuradhapura (9th century A.D), Vavuniya (12th century A.D), Kurunegala (13th century A.D) and Kegalle (14th century A.D). During the period of the Kingdom of Jaffna, Tamil learning was well patronised by the Kings. There was a Tamil Academy (sangam) and a library called **Saraswathy Mahal**.

When the Jaffna Kingdom was captured by the Portuguese, the Library was destroyed and several rare manuscripts were lost.... Two notable works produced during the period of the Kingdom of Jaffna are Raguvamsam authored by Arasakesari, a member of the Royal family, and the different local versions of Cilappatikaram. Raguvamsam of Arasakesari is considered to be a better treatise than Kalidasa's Raguvamsam. Vaiyapadal, Kailaya Malai and Yalpana Vaipava Malai - all works of a historical nature - were also produced during the same period. Various literary forms have been used during this period.

As the Portuguese were very harsh, we do not see any literary activity... There was nothing that can be called remarkable during this period. But the literary productions were not inferior to what was produced in Tamil Nadu, in the 18th century.

Sri Lanka made landmark contributions towards the development of Tamil language and literature, during the 19th century. English education played an important role. The vaddukodai Seminary did extremely well and was likened to European Universities by Emmerson Tenant. Two students of the Seminary, C.W. Thamo-tharampillai and Carool Viswanatha Pillai, passed the first B.A. examination concluded by the Madras university in 1857.

Arumuga Navalar stands out singularly as the hero of the 19th century. He revolutionised Tamil literacy by bringing out in print the ancient texts - both classical literature and religious literature, including Puranas. He was followed by C.W. Thamo-tharampillai. It was only later that U.V. Swaminatha Aiyar of Tamil Nadu followed their footsteps....

In 1868, another Tamil Academy was formed by T. Kailasapillai, a nephew of Arumuga Navalar, assisted by a galaxy of scholars. In 1901, the Madurai Tamil Sangam was established by the Zamorin of Ramnad District, Pandithurai Rhevar. He obtained the prospectus of the Jaffna Tamil Academy to formulate the prospectus of the Madurai Tamil Sangam. N. Kathiravetpillai of Puloly was an examiner for Pandit and Vidwan Examinations since its inception.

In 1921, the Jaffna Oriental Studies Society was started to popularise the study of Tamil and Sanskrit. In 1930 Kalai Pulavar K. Navaratnam established the Kala Nilayam for the propagation of studies in Tamil literature and culture.

The first-ever major two-day conference on Tamil Studies was organized by T.A. Thuraiappah Pillai in 1922 in Jaffna. Dr. S. Krishnaswamy Aiyangar, K. Subramania Pillai, P.V. Manicka Naicker and A. Madaviah from Tamil Nadu participated. The

Youth Congress of Jaffna held its fourth Convention in 1924 at Keerimalai. At the literary Conference, two great freedom fighters and scholars V. Kalyanasundara Mudaliyar and S. Sathiyamoorthy participated. **Sri Lanka was in the vanguard of major conferences for development of Tamil studies.**

Sri Lankan contributions in the fields of Tamil literary history, history of the Tamils rendering of Tamil literary works into English, Tamil lexicography, teaching of science and western medicine in Tamil, coining of technical terms in Tamil, comparative Tamil etymology, comparative literary criticism, Tamil encyclopedias, and women's literature are unique and indelible landmarks. That is why Tamil literary historians have acclaimed that the 19th century Tamil literary history is essentially Sri Lankan in character.

Sri Lankan contribution in the 20th century is no less either. Swami Vipulananda introduced comparative literary criticism. He spearheaded the task of coining technical terms in Tamil. His Yarl Nool is a landmark contribution in the study of classical Tamil Music. It was he who popularised Bharathi, the great poet of the century...

The new forms of literature, short story and Novel produced in Sri Lanka had the distinctive imprint of humanism, and dalit literature appeared over a quarter century ago. **Kailasapathy** excelled as a literary critic... A new chapter on internationalising Tamil studies was opened by Sri Lanka from the middle of this century. The singular services of the late Rev. Fr. Thani Nayagam in this field is part of history.

**No history of Tamil language and literature, can be complete without the reference to the enormous qualitative contributions of Sri Lanka from the Sangam period to date.**

## 8th International Tamil Conference

# Tamil scholars from Sri Lanka denied access!

**T**he International Association of Tamil Research (IATR), which was founded in 1964 and held its 1st International Conference in April 1966 in Kuala Lumpur, conducted its 8th International Conference in Thanjavur in January this year in the Indian State of Tamil Nadu.

President Chandrika Kumartunga in a lengthy message of felicitations to the Conference referred to the contribution made by Rev. Xavier S.Thani Nayagam, "one of the intellectual vanguards of the movement", in founding the IATR. The message further noted that "the most important contribution by Sri Lankan scholars in the 19th century was towards the modernisation and popularisation of Tamil prose". In this context, special mention was made regarding the role played by Arumuga Navalar and C.M.Thamotharampillai.

President Chandrika's message also referred to the modern period and the "distinct contribution to the evolution of Tamil literature, literary criticisms, the study of folk plays, music and poetry" by Sri Lankan scholars. In particular, reference was made to the role played by Swami Vipulananda, Prof.K.Kanapathipillai, S.Selvanayagam, S.Vithyanandan, Prof. K.Kailasapathy and M.M.Uvais.

The message concluded by declaring that, "the Government hopes that the delegates from Sri Lanka will continue to enrich the work of the International association of Tamil research through their research and scholarly studies".

Ironically, however, the Conference was marred by the actions of the Tamil Nadu Government, which prevailed on the IATR to ignore the numerous scholarly contributions sent by Sri Lankan scholars and to exclude them from the proceedings. While security considerations remain valid, following the assassination of Rajiv Gandhi and in view of the activities of the LTTE and

their sympathisers in Tamil Nadu, the high handed conduct of the concerned authorities in relegating the Tamil scholars in Sri Lanka to the status of "pariahs" is in no way justifiable.

In the meantime, reports from Jaffna indicate that Jaffna-based scholars, while condemning the Tamil Nadu Government for preventing Sri Lankan scholars from participating, have also taken a critical stance against those who were deported.

At a public meeting organised by the All Ceylon Kamban Kalagam, Vidwan K.Sokkalingam, lashed out at the deportees by saying, "We now learn that some of our Tamil scholars went to the Conference on tourist

visas. What a shameful act this is. They are prepared to do anything to gain publicity". Dr.K.Gunarajah also taking a side-swipe remarked, "Our Tamil scholars shouldn't have attended the conference without invitation. Why did they demean themselves by going there? Did they go there as tourists or to publicise their ingenuity?"

The above sentiments, which obviously had the endorsement of the LTTE, has activated the rumour mill in Colombo that the "portly" Professor from Jaffna University, who was one of the deportees and widely known to be a sychophant of the LTTE, is somewhat ill at ease about the reception he might receive on his return to Jaffna!

## Pope appeals for "Social Justice, Liberty and Peace"

Pope John Paul, during his historic visit to Sri Lanka, in the midst of a controversy with the Buddhist clergy, made an impassioned plea for peace and harmony in Sri Lanka. In three different speeches, the Pope touched on topics ranging from resolution of internal conflicts, co-existence between different religions and spiritualism. He struck the right cord by appealing for a spirit of reconciliation and forgiveness.

The high point of his visit, however, was the congregation of all ethnic communities at the Galle Face Green to witness the open-air mass. This was easily the largest gathering that cut across the ethnic divide. Further, the influx of thousands of Catholics from Jaffna and the hospitality extended to them by the PA Government constituted the most tangible manifestation of the on-going peace initiatives.

Another point of interest was his rejection of proselytism and the claims of unethical means to gain conversions. His reference to the positive values of Buddhism was clearly aimed at soothing the hurt feelings of sections of the Buddhists, following the wide publicity given to a Vatican publication authored by the Pope which contained sections allegedly constituting misrepresentation of Buddhist philosophy.

# “Letter Rogatory”

## sends jitters within

## the Tiger lobby!

**I**t is clear that there is a persistent and an obsessive concern in the midst of the LTTE leadership and its lobby that India would seek the extradition of LTTE leader, Velupillai Prabhakaran. As though to allay these fears, particularly at a crucial stage of the on-going talks between Colombo and LTTE, the Sri Lankan Foreign Ministry thought it appropriate to clarify this issue.

While denying that the extradition of the LTTE supremo did not figure in the recent talks that Foreign Minister, Lakshman Kadirgamar, had with Indian leaders, the communique states categorically that “no Lankan citizen was arrested, extradited or handed over to the Indian authorities in connection with the Rajiv Gandhi assassination case.”

The background to this denial was the wide publicity that was given to one P.Sivagnanam, retired Registrar of Marriages of Batticaloa, who gave evidence in the on-going Rajiv Gandhi murder trial.

While not denying this fact, the Foreign Ministry conceded that a “**Letter of Rogatory**” was received from the Presiding Judge of the Designated Court in Madras, established under the Indian Terrorist and Disruptive Activities Act, addressed to the Competent Judicial Court in Colombo.

A Letter of Rogatory (ie Letter of Request) is a mechanism, under international norms and practice, where the judicial authority of one country requests assistance from the judicial authority of another to record evidence and obtain productions.

According to the Foreign Ministry, it was in this context that the summons of the Designated Court, channeled through diplomatic channels, were served on Mr.P.Sivagnanam through the District Court. The release further adds, “**In accordance with the law and practice in such matters, it was left entirely to the persons concerned whether to comply or not with the summons issued by the Indian Court.**”

### “The situation in Jaffna is extraordinary” - Group of International Observers

The Group of International Observers, which observed the conduct of the Presidential Polls, released their report to the public on December 28. The group was chaired by Eric Gonsalves of India.

While the Report declared the Presidential Election of November 1994, “free and fair”, its comments on the Jaffna electoral scene was no different to the observations made by an earlier International Team which monitored the General Elections of August 1994.

While declaring the situation in Jaffna to be “**extraordinary**”, the Report noted that “**Only 82 out of the 445 polling stations were actually set up in Jaffna - the same number as for the Parliamentary General Election in August 1994... Out of the total of 596,366 registered voters only 17,716(2.97%) were able to vote.**”

In referring to the situation in the “cleared areas”, the Report observed that, “**the voters appeared to be subject to intimidation by the EPDP and others at least in some of the booths. Among the other irregularities that probably occurred were impersonations and repeated voting by the same voter.**”



Amnesty International in a recent “Urgent Action” circular, dated 6 January 1995, has taken up the case of **Velayutham Varnakulasingham**, a member of EPRLF, who was abducted by six members of the LTTE while attending the funeral of a relative in Pallikudiruppu, Mutur, Trincomalee.

The “Urgent Action” has appealed to all its branches to send out appeals to the LTTE International Secretariat in London and Lawrence Thilagar in Paris expressing concern for the safety of Velayutham Varnakulasingham, requesting the LTTE to reveal his whereabouts and to allow immediate access to relatives, a doctor and members of ICRC.

In providing background information, the AI circular notes that “**abuses of human rights committed by the LTTE include the deliberate killings of hundreds of non-combatant Muslim and Sinhalese civilians, the arbitrary killing of civilians in attacks on buses and trains, the torture and killing of prisoners, and abductions for ransom.**”

### Readers and Well-wishers of Tamil Guardian!

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# Democracy and Nationalism - A Complicated Relationship

The main problematic raised by the speaker is how and why struggles for national minority rights degenerate into something very different, bordering on the denial of the fundamental democratic and human rights of the very People on whose behalf the struggle is being waged. This problem is particularly relevant to Sri Lanka, given the nature of the ethnic conflict as well as the character of the Liberation Tigers of Tamil Eelam (LTTE) which the Ram Mannikalingam characterised as an "ultra-nationalist" organization.

At the conceptual level, the speaker differentiated the struggle of a national minority for self-rule by using the "democratic" criterion and the "nationalist" criterion. In so doing, the speaker also highlighted some deficiencies in both.

The former stressed on the right of **Individual Equality**, with the proviso that majority rule does not always lead to equality and fair play (ie the tyranny of "majoritarianism"). Further, "**democratic theory**" usually finds itself hardpressed to explain as to why one entity should be distinct from another.

As regards the nationalist argument, which proclaims that every nation is equal, Ram Mannikalingam maintained that while in **theory**, equality is stressed by a nationalist movement, in **practice**, a nationalist movement inherits the tendency that denies democracy and equality.

In the Sri Lankan context, the rise of the LTTE as the "vanguard" of the Tamil national movement was made possible only by annihilating any semblance of an alternative to itself. In short, the emphasis on democratic norms itself became an impediment.

The speaker then proceeded to place the above problematic in the context of the on-going peace talks between Colombo and LTTE. Ram Mannikalingam posited that the **democratic argument** for self-rule is more consistent with a negotiated settlement than the nationalist argument. In this also lies, the major obstacle to peace - namely, the Tigers' desire for absolute power.

The Alumni Association of the **Bandaranaike Centre for International Studies** recently conducted a seminar on the theme **Democracy and Nationalism**. The chief speaker was Mr. Ram Mannikalingam - a scientist, journalist and human rights activist based at the Massachusetts Institute of Technology. During his present stay in Sri Lanka, he has been actively involved in the peace movement and in several mass contact campaigns in the Sinhalese areas.

We give below a resume of Ram Mannikalingam's presentation:

It was therefore imperative that all steps be taken to ensure that the Tigers adhere to basic democratic and human norms, simultaneously with the evolu-

tion of a "political package" by Colombo that is aimed at redressing the legitimate grievances and apprehensions of the Tamil-speaking People.

## — QUIZ — WHO IS THE BBC "LAD Y"

The BBC interviewed leaders of Tamil speaking political groups after the recent Elections. Its motive seemed to be to ultimately and instinctively to legitimise the LTTE. Mr. Ashraff who is the leader of the SLMC is also acknowledged and supported by a substantial section of the Muslims. He was asked by the BBC lady if he was ready to (tree) jump ('thavu') alliances. Ashraff replied "(tree) jumping is done by monkeys. We are not monkeys, we are men".

The non-LTTE militant groups were evidently questioned with a view to cornering them and bringing out their lack of legitimacy. For example the PLOTE was pinned on its lack of an electoral base in the East and its support for the PA which it was believed would offer at best a Tamil-speaking autonomous area in a truncated, rather than the whole of the North-East.

By comparison, the interview the lady had with the LTTE leader was, as many listeners felt, deferential and almost too perfect to be impromptu. Nothing really awkward in it. Nothing about what legitimacy the LTTE had in the East after its tactics and massacres of Muslims and Sinhalese led to the debacle of mass slaughter of Tamils. Have not its politics and tactics led to what is in effect a truncated region of the North-East sans the East?

The lady had also in a previous broadcast observed regretfully that Tamil representation in Parliament was low because the Tamil parties were divided. It would have been too much to expect her to discuss division among Tamils with the LTTE! The lady had earlier asked other groups if they had the moral right to represent the Tamil people. She had no such moral qualms about the LTTE, nor about its presumed rights over the Tamils.

According to sources close to LTTE lower ranks from beyond Thandikulam, the BBC lady's address and conduct caused deep misgivings among them. Her bearing was insulting and arrogant. She refused to go through the routine checking of her baggage and in effect threatened them with her alleged closeness to the Supremo. The baggage she claimed contained things meant only for personal delivery to the Supremo.

The so-called interview could hardly have been less obliging."

(Courtesy: Counterpoint)

## Sunil Bastian(ed) "Devolution and Development in Sri Lanka", International Centre for Ethnic Studies, Colombo in association with Konark Publishers, 1994.

**A** lot has been said and written about "devolution" in Sri Lanka, particularly since the advent of the Indo-Sri Lanka Accord and the 13th Amendment to the Constitution. This is not an accident or an unrelated coincidence. It must be clearly understood that the Provincial Council System in Sri Lanka, as embodied in the 13th Amendment to the Constitution and the Provincial Councils Act, did not drop from the skies - although the food parcels certainly did!

The Indo-Sri Lanka Accord, in turn, was the culmination of a protracted armed conflict between the Sri Lankan State and the Tamil Resistance which was interspersed with episodic rounds of negotiations and "proximity talks". Negotiations, of course, centred on evolving a "devolution package" that would satisfy the legitimate aspirations of the Tamil-speaking People whilst ensuring the unity and integrity of Sri Lanka.

Today, it is an indisputable fact that "devolution" is not only linked to the festering Tamil National Question, but is also seen as a necessary prerequisite for its resolution. The recent publication of the International Centre for Ethnic Studies (ICES), Colombo "**Devolution and Development in Sri Lanka**" (Konark Publishers), comprising of a collection of articles by eminent intellectuals and academics and edited by Sunil Bastian, is a clear manifestation of this stark reality.

"**Devolution and Development in Sri Lanka**" consists of 6 Chapters, including the Introductory Chapter by Sunil Bastian. The publication carries themes ranging from the nature of the post-colonial Sri Lankan State, centre-periphery relations, the politico-economy and the judicial components of devolution and the functioning of the provincial councils system in Sri Lanka.

A common theme that literally "binds" the book together is that the process of devolution in Sri Lanka is inevitably and inextricably linked to the Ethnic Question. For instance, Jayadeva Uyangoda notes in his article, "**The State and the Process of Devolution in Sri Lanka**", "Thus, the context in which devolutionary reforms were introduced in 1987 was characterized by an unresolved political debate concerning the ethnic distribution of state power and the definition of 'sovereignty'".

Radhika Coomaraswamy in her Chapter entitled, "**Devolution, the Law, and Judicial Construction**" opines that, "In fact, if it were not for the ethnic factor, much of the decision of the Supreme Court may have been unanimous". And Sunil Bastian in his "**Liberalized Policies and regional Autonomy**" observes that, "The devolution scheme was the result of a growing political crisis due to the ethnic conflict".

On the subject of devolution, it is also pertinent to look into the tendency to view, as synonymous and coterminous, the processes and terminology of "devolution" and "decentralization". Here again, the preeminence of the "ethnic factor" invariably comes into play. As Sunil Bastian has argued, "In analysing the present exercise of devolution in Sri Lanka, it is very important at the very outset to differentiate this from earlier attempts at decentralization. The principal difference arises from the fact that the present exercise is a result of the emergence of ethnic considerations."

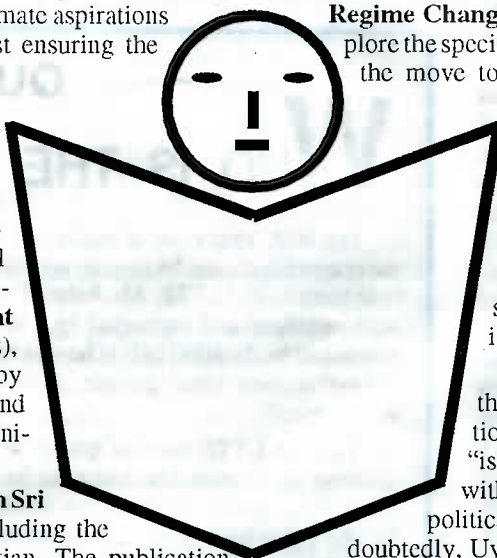
In addition to the above commonality, each Chapter, in turn, also has its own specificity and speciality. While Jani de Silva in her Chapter entitled "**Centripetal Pressures and Regime Change in Sri Lankan State**" seeks to explore the specifics of the centralization processes and the move towards authoritarianism in post-Independent Sri Lanka, Jayadeva Uyangoda dwells into the political and ideological constitution of the centralized state. While Jani de Silva's main concern appears to be the incapacity of the authoritarian and centralized State to accommodate and resolve various forms of dissent, including the ethnic one,

Uyangoda seeks to present before the readers the problematic of devolution in Sri Lanka which in his own words "is a political and historical necessity, yet with no firm grounding in the mainstream political and constitutional discourse." Undoubtedly, Uyangoda was referring to the environment that prevailed at the time of the Indo-Sri Lanka Accord. He would also agree that the prevailing climate is more conducive for an "internalized" political and constitutional discourse on devolution.

The thrust towards regional autonomy and federalism also figures prominently in Uyangoda's article. He provides the broad contours of the processes leading to the "Federalist Project" and "Tamil Nationhood". Uyangoda hits the nail squarely on the head when he seeks to explain as to why the Tamil political leadership, during the deliberations before the Soulbury Commission, could not think beyond legislative representation and constitutional safeguards.

This tendency continues to figure in the negotiation process even today - although, it is generally accepted that when one speaks about devolution or regional autonomy, the primary concern is not mere proximity to the centre or representation in the central parliament, but a political system with coordinate or a hierarchy of sovereignties.

Sunil Bastian, who has been studying and writing about the politico-economy of the "liberalized" economic policies of the UNP regime since its inception, has in his Chapter attempted at drawing the nature of relations between "liber-



alized policies" and regional autonomy. He highlights the point that "liberalized" economic policies, does in fact require a not so liberal political system. And that the implementation of the "liberalized package" requires a high degree of central control over major economic decisions. These two tendencies together, needless to say, impede any processes aimed at devolution.

The Chapter on "**Devolution, the Law and Judicial Construction**" by Radhika Coomaraswamy seeks to analyse the "legal package contained in the Thirteenth Amendment, **not from a positivist point of law but as a measure of its reflection of political will.**" This article is of immense value to those interested in the politico-juridical issues that were discussed and deliberated when the 13th amendment came before the Supreme Court for a ruling on its constitutionality.

It is interesting that while the Judges who ruled in favour should make laborious legal and constitutional arguments to demonstrate that the 13th amendment was consistent with the unitary Constitution, the Judges who ruled otherwise should advance arguments that went beyond the pale of legalism and entered the sphere of "ethnic parlance".

The age-old fears about federalism, being a stepping stone for secession, and the recognition of the North-East Province as the Tamil "traditional homeland", being the "death-knell" of the Sinhala interests, were all articulated at the Supreme Court by these learned judges. It is, therefore, understandable that Radhika Coomaraswamy should posit the argument that if not for the ethnic factor the ruling of the Supreme Court would have been unanimous and in favour of the constitutionality of the 13th amendment.

However, she may have over-extended herself when she posits the question, rather hopefully, that "if at this point of our history, the call for devolution had been led by a Gandhian or a Tamil "gentleman", schooled in judicial ways which had some resonance with the judges, would the response have been less hostile?". Would it have been? I wonder.

The Chapter entitled "**The Provincial Council System in Sri Lanka**" by Amita Shastri is of particular relevance to the problematic pertaining to centre-periphery relations and the chasm between the theory and practice of the 13th amendment. The author has painstakingly gathered concrete instances of, both, the deficiencies of the 13th Amendment, as well as the absence of a political will on the part of Colombo to fully implement the devolution package.

In particular, the Chapter reveals almost a first hand knowledge of the political environment in which the North-East Provincial Council (NEPC) functioned. Otherwise, the author would not have made the following astute observation: "Through the period of its brief existence till June 1990, the EPRLF-dominated NEPC constantly attempted to establish its own legitimacy as well as the credibility of the PC scheme in which it was participating at its own risk. It sought to do so by asserting an expanded authority as rapidly as it could for the PCs.

**While much maligned by popular opinion and the domestic media, Sri Lankans sympathetic to and knowledgeable about its functioning were impressed by the determination, aggressiveness, and innovativeness with which its leadership attempted to assert its authority over the devolved subjects....In attempting to wrest powers from the centre, the NEPC sought to force a clear and**

expanded definition of the extent of provincial powers promised by the constitutional provisions."

**Devolution and Development in Sri Lanka** is a book that is highly recommended to scholars and policy-makers alike. It is a serious study that stands above the bulk of literature that has recently proliferated on the process and problematic of devolution in Sri Lanka.

It is, indeed, unfortunate that some obvious factual errors should figure in the Introduction. For instance, the Provincial Police Commission was never established, as mentioned, and the dissolution of the NEPC was not in March of 1990, but June of 1990.

The relevance of March 1990 was the conditional Unilateral Declaration of Independence (UDI), which provided a justification to the centre to dissolve the NEPC and introduce the Governor's Rule, through the passage of a legislation in Parliament. As to what prompted the NEPC to make the conditional UDI and the virtual **state of seige** under which it functioned is another matter altogether and, hopefully, would surface in a supplementary Volume on Devolution and the NEPC which I understand is in the pipeline of the ICES publication series.

K.L.

### Excerpts from Narayan Swamy's "TIGERS OF LANKA"

**Editor's Note: In view of the wealth of hard facts contained in this recent publication, we propose to carry selected excerpts in this and the future issues of Tamil Guardian.**

"The EPRLF, more than any other group, launched a serious campaign in the post-accord period to retrieve lost ground in Sri Lanka, mainly in the eastern province where it had wielded considerable influence until the LTTE blitzkrieg in December 1986. It held massive public meetings after the deployment of the IPKF. At some places the crowd turnout was so much as to leave even the EPRLF leadership surprised.

In sharp contrast, the LTTE's meetings outside Jaffna area were quite poorly attended. LTTE's Yogi was so incensed over the poor turnout that at one meeting in Killinochchi he called the Tamil population "**nanri kettavargal**" (thankless people) - who had disregarded the Tigers' record of fighting the Sri Lankan security forces.

One possible reason why the EPRLF generated such popular response was the growing public weariness with the war of attrition and internecine rivalries which was ascribed principally to the LTTE. But the EPRLF also made it clear that the accord was not the last word on the Tamil question - to that extent its position was no different from that of the LTTE. "**We don't think the accord is the final solution to the ethnic conflict**", Pathmanabha told a rally at Batticaloa. "**But the Indian government has given us assurances that the Tamil demands will be met. We will continue our campaign for those just rights.**"

# REHABILITATION AND CORRUPTION - GO HAND IN HAND?!

**N**ow that a new Government has been installed, with an open commitment towards transparency and the weeding out of corruption in the sphere of public governance, more evidence is beginning to surface as regards corruption relating to the funds allocated for the rehabilitation of the North-Eastern Province during the previous UNP regime.

The **Emergency Rehabilitation and Reconstruction Programme (ERRP)** was activated by the Ministry of Rehabilitation, Reconstruction & Social Welfare in December 1987. The foreign aid component amounting to approximately US\$490 is second only to the Mahaweli project.

It is, therefore, not surprising that the donors have expressed deep concern as regards the manner in which the funds have been utilized or not utilized. A recent evaluation by the UNDP of the **ERRP** has noted that **“servicing an established bureaucracy”** was one of the primary driving force!

In addition, investigative journalism and indepth studies by independent NGOs have revealed gross anomalies in the manner in which funds allocated for compensations were disbursed amongst the applicants during the UNP regime.

**One mainstream weekly (Sunday Times, December 20) alleged that many politicians and government officials had received amounts ranging from Rs 150,000 to Rs 500,000.** The list of beneficiaries include Members of Parliament, Members of the Provincial Councils and senior Civil Servants. The report also claims that the majority of the beneficiaries were resident outside the areas of conflict.

Another area where funds had been siphoned away from the intended beneficiaries; or the “target groups”, relates to infrastructural development and reconstruction. The **University Teacher’s for Human Rights**, in its recent

report, observed that **“the main beneficiaries were those with capital, political patronage and favoured contractors.”**

It is clear, then, that availability of funds is the least of the problem. Now that the PA Government has decided to pump in an estimated Rs 39 million into infrastructural development of the North-East, it is imperative that the authorities take a fresh look into the task of resettlement, rehabilitation and reconstruction. Let us hope that the PA Government will be able to enthrone public confidence, participation and vigilance by ensuring that the **intended** and the **actual** beneficiaries of resettlement and rehabilitation programmes coincide.

It is encouraging that the Minister for Rehabilitation, Mr.M.H.M.Ashraff, has taken this task to heart by recently appointing Co-ordinators at the District level to monitor this process.

## EP Polls - skeletons in the cupboard!

We had in our earlier issues focused on the farcical nature of the local government polls which were held in the Eastern Province on March 1, 1994. Let us now hear what happened from the horses own mouth!

In a recent interview given to the **Island (18 January)**, the then OIC of Eravur, Kudahetti, who was interdicted along with Chief Inspector N.A.Jayashantha and the OIC of kattankudi Police, Inspector Wasantha Kumara from January 6, had this to say: **“The UNP Government wanted to hold elections to show that there was a peaceful atmosphere in the East. But we strongly said that the prevailing conditions were not conducive to hold the elections. As the government wanted to hold elections at any cost we took steps to create an atmosphere suitable to hold elections”.**

Then came the bombshell! In the interview, the then OIC for Eravur revealed that **“except for a few, others declined to contest as UNP candidates. The responsibility of finding candidates fell on the police.”**

So much for democracy!

## Chandrika on J.R: “He was trying to manipulate human beings”

In a lengthy interview given by President Chandrika to Malini Parthasarathy of **The Hindu (January 24)**, she highlighted what she perceived to be the main differences, in emphasis and approach to the peace process, between her government and the previous UNP regime.

To quote: **“The last Government thought that they could use violence to solve the problem which did not succeed at all...The second attitude was that you could just manipulate. J.R.Jayawardena was a master at manipulating human beings and situations...This has all kinds of very unpleasant and unsavoury consequences because it was not politics that he was doing....The difference between theirs and ours is that, basically we are utterly and sincerely committed to peace. And we are willing to go very far for peace. But it is not peace without any morality. We have very clear principles on which our discussions and negotiations are based.**

One is that the unity of Sri Lanka is not negotiable. But unity does not mean unitary. The second thing that is not negotiable is that we believe in democratic movement. And we want an end to all terroristic, violent political activity...**And we do not think that the minorities are commodities that can be dispensed with here and there, to suit our political advantage.”**