

# TAMIL GUARDIAN

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## Rigged for War

### The PA-JVP pact seals the door to peace

The past week has been characterised by a plethora of contradictory statements from the two partners comprising Sri Lanka's new regime. The unveiling of the Memorandum of Understanding between the People's Alliance (PA) of President Chandrika Kumaratunga and the Marxist Janatha Vimukthi Peramuna (JVP) revealed the substantial concessions the latter has extracted in exchange for its Parliamentary support for the former. No sooner had the MoU been made public, the PA fell over itself trying to play down the staggering implications of the pact's clauses - while the JVP contradicted the PA on each matter. The PA said the new regime was not a "probationary" government. The JVP insisted it was nothing but. The PA said the IMF-stipulated state privatisation would not be constrained. The JVP - and clause 8b - said it was terminated. President Kumaratunga and Foreign Minister Lakshman Kadirgamar argued the pact did not block the peace process. The JVP said it most certainly did. Sri Lankans could have been forgiven for wondering if both parties were working off the same document.

A study of the MoU makes it clear that, despite the PA's protestations, the JVP's anti-West and anti-globalisation policies are enshrined in the new pact. Which makes the government's song and dance last week about a revived peace process a particularly hypocritical act of misdirection. Whilst much southern attention was focussed on the financial undertakings and reforms of governance, the Tamil community was mainly interested in the implications of the union between the Sinhala parties held for the island's prospects for peace. That talks had been rendered impossible was clear from clause 20. The PA has undertaken, for one year, "not to bring [forward]...proposals for devolution of power or any other proposals that may lead to a controversy." Controversy, as defined by the PA and JVP - and the rest of the Sinhala far right, means anything short of a unitary state. Power sharing with the Tamils has not only been ruled out, the notion itself is not to be entertained. In all reality, there had been little reason to believe matters could have been otherwise. The JVP has never wavered from its committed opposition to power-sharing and foreign involvement, and the PA still hopes for military victory over the Tamils.

While last week Kadirgamar

danced a tattoo for the benefit of the international community, insisting he was talking to the Norwegians about reviving their initiative and even piously claiming his government was contemplating a unilateral truce, most Sri Lankans were resolving themselves to the continuation of the war. The Norwegian initiative has problems of its own. Oslo's sidelining of its Special Envoy, Erik Solheim, at Sri Lanka's behest and without informing or discussion with the LTTE has thrown a spanner in the works. The LTTE insists Solheim, who has indefatigably striven for two years to bring about talks in Sri Lanka, be reinstated if Oslo's initiative is to stand a chance of resuming. Close observers of the Norwegian involvement are aware that Solheim's downgrading was sought simply because he once publicly corrected Kadirgamar on the (lack of) progress of the talks. The Sri Lankan Foreign Minister's vanity and vindictiveness derailed the Oslo initiative, even before the JVP's Clause 20 sealed the prospects for peace. The LTTE's continuing proscription in Sri Lanka is another obstacle.

The JVP's smug contention that they are not opposed to peace per se - talks are fine provided the LTTE gave up its fight for Eelam - merely underlined the absolute impossibility now of a negotiated settlement. So the Liberation Tigers' response this week was particularly telling. Anton Balasingham, the LTTE's chief negotiator and political advisor told us that clause 20 of the PA-JVP pact had to be annulled before negotiations can be possible. In particular, he stressed that the Tamil people's destiny lay in their own hands: if the Sinhala parties were not prepared to share power, the Tamils "will be left with no choice other than to seek their own path to liberation." As those seeking stability in Sri Lanka are well aware, resolving the island's conflict is the fundamental pre-requisite for that, not Kumaratunga's political longevity. Despite lofty statements of commitment to a negotiated settlement in Sri Lanka, the international community has failed to support Norway's initiative and Erik Solheim. Sri Lanka's recalcitrant efforts to avoid genuine negotiations have failed to invoke international censure. Funding and assistance has continued to be extended despite Kumaratunga's shedding of every democratic norm. The end result is a power structure in Colombo that has rigged the country for renewed war.

## Small Fry

### Indian poachers are not the main problem for Tamil fishermen

The World Bank's Sri Lanka director, Mariana Todorova, was out and about last week, briefing reporters on her recent visit to Jaffna. One of her main concerns was that fishing boats from Tamil Nadu were moving into the waters teeming with fish and prawns off the island's northern coast. Apparently, the sight of eight Indian trawlers had made a deep impression on the Director. Granted this is a problem. But the matter must be seen in context. In what is either a particularly striking case of not seeing the wood for the trees, or a deliberate obfuscation of the truth, Todorova seemed more concerned about the pilfering of a few fish by some opportunistic Indian fishermen than the devastation of the Tamil fishing community in the north and east, including Jaffna.

It is clear that the ban on fishing has, over the years, condemned an entire generation from the fishing families to soul-destroying poverty. Apart from the immediate loss of both food and revenue, the traditional skills of these families are not being effectively passed to the youth, threatening their economic future. Sri Lanka's ban on fishing and the ruthless persecution of

those who dare to put to sea to feed their starving families, is more deserving of Todorova's - and the World Bank's - concern. Sri Lanka's protestations that the ban is needed to curb the activities of the Liberation Tigers' naval wing is duplicitous. The Sea Tigers' steady and substantial growth - over the duration of the ban - is self-evident. Furthermore, if the northeast waters are anyway littered with Indian fishing boats, as Todorova says, then surely the Sri Lanka Navy's justification for the ban on locals is specious.

When, in the wake of her less than astute conclusions of the economic dynamics in Jaffna, Todorova says the World Bank is trying to activate social and economic programs in the region, cynicism amongst the Tamil community is inevitable. Even ignoring the super power politics which drive World Bank activities, its record in Sri Lanka leaves considerable room for suspicion of its motives. In particular, having largely ignored the plight of the Tamil community for some considerable time, Todorova's recent rush of activity in Jaffna stands out. To put it simply, the question to be asked is: why now, Ma'am?

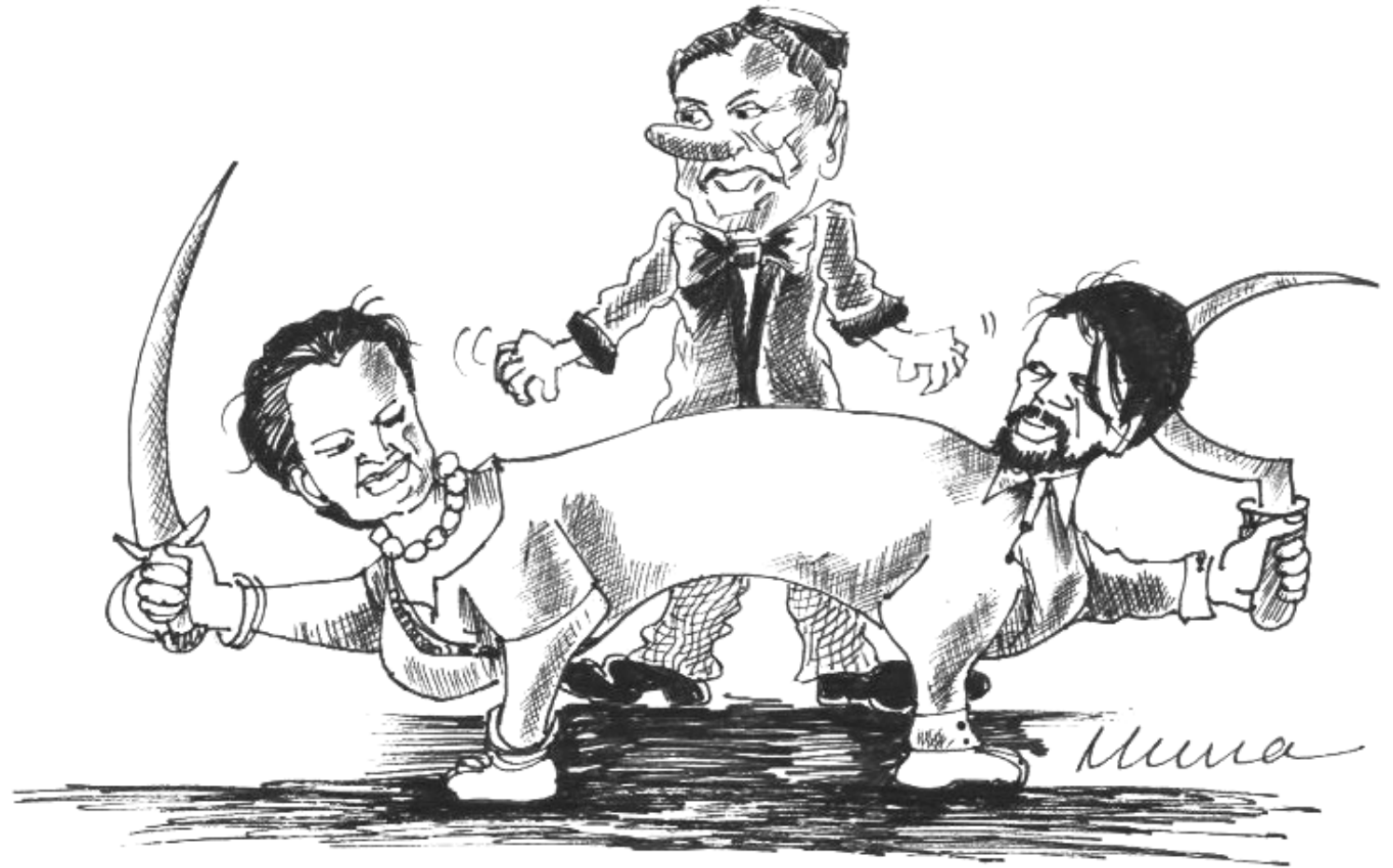
## Flow Chart

### Ethnic politics drives international aid for drought

The drought that has gripped Sri Lanka has caused widespread suffering, with people and livestock left desperately short of water. Those fortunate to live away from the directly affected areas are impacted by the electricity shortage. However, while the drought is indiscriminate, relief is decidedly not. As thousands of Tamil families in the northwestern Vanni endure the same agony as those in the south - or worse, given the government's blockade on water purification tablets and drugs waterborne diseases, their Sinhala counterparts are blessed with the support of the local press and of

course the government. As the Sinhala community demands action, we note the haste with which international aid is being extended as a result to the south, whilst those in the north are left to fend for themselves or perish.

The Tamil Rehabilitation Organisation (TRO) is throwing all its available resources into the western Vanni coast, but malnourished Tamil children dehydrate in the pitiless heat while the staff of leading aid agencies shuttle between air-conditioned office and vehicle. Ethnic bias in Sri Lanka does not originate from the Sinhala government alone.



What about Oslo?

## The plight of refugees can be alleviated through greater self determination

The shameful handling of the Tampa refugee crisis highlights the need for greater self determination, writes **Vidya Cumaraswamy**. What refugees want is not more sympathy or better treatment but a way to make their demands count in the world system of state power.

THE PLIGHT of the Afghan refugees rescued by the Tampa cargo vessel and then stranded in Australian territorial waters, highlights one of the most important facets of well being in the modern world: having a state that can be made accountable to you. As they waited aboard a cargo ship, three states, Australia, Norway and Indonesia bickered over their fate. All of the states, especially Australia, made it abundantly clear that they were not really interested in taking the views of the refugees into account.

Where they themselves wanted to build their lives was nobody's primary concern. Indeed Australia's Sydney Morning Herald was quite determined that the fate of 'these people' would not be determined 'simply by their own preference'. Refugees, it seems, are not allowed to make choices, they had made enough of a nuisance of themselves already.

The common rhetoric in the West is that the process of globalisation has made us all citizens of a global village, in which individual attributes matter more than place of origin. In these circumstances, it is claimed, calls for more effective self - government, based on the recognition of collective rights on a given piece of land, are anachronistic. Yet what the Tampa refugees needed more than anything was more effective

self government, within the international system of states, so that someone, somewhere, would have to take them into account.

There are two features of States that make them so important in securing the good life for individuals, one is their absolute sovereignty over distinct pieces of territory and the other is their control over persons, or more strictly speaking, bodies. The entire surface of the globe, and even the air above, is divided up between the existing states of the world. Wherever you happen to be right now, you are within the jurisdiction of a state. Your existence within a territorial space must also be validated by a state, through the possession of a passport or other appropriate papers, otherwise you are an alien presence. The presence of the Tampa refugees in Australian territorial waters, or indeed anywhere in the world, outside the borders of their country of origin, is therefore illegal. The only autonomous choice they made was in leaving, having done that they became alien bodies whose final resting place would be decided by the systems of laws and regulations states use to control the surface of the globe.

It is because states have instituted, for their own benefit, this system of land, air and water regulation that they movement of people across

boundaries is pathologised as 'people smuggling.' It is better understood as an ongoing multidirectional process of migration that has always been an entirely normal process of human history. People, throughout the ages, have made the often difficult decision to leave the place of their birth and build a life elsewhere, either to escape intolerable conditions of oppression or to seek better opportunities. The advent of modernity has brought these processes of migration within the control of states, who alone have the authority to manipulate the process to their own benefit. Countries such as Australia, Canada and the United States that were initially populated by migration now seek to control that process for their own benefit using, the language of illegality.

Although most the Australian Prime Minister claimed the refugees were a threat to 'national security', most people clearly understood that they were more of a threat to Mr. Howard's chances of re-election at the forthcoming election. This link between elections and immigration highlights another dimension in the relationship between having an accountable state and building a life through which to meet your goals and aspirations.

A country made up almost exclusively of immigrants and their descendants, except of course for the Australian aborigines, has decided that any further immigration would be detrimental to the interests of those who have already settled. Having acquired the

land and set up a government over it, they can now say that they would like to limit inflow into the country. The land now belongs to their government, exclusively, and it can decide who to allow onto it and who to exclude. The territory of Australia is therefore a sort of homeland for those who have already settled.

The settled immigrants can maximise their own well being, at the expense of others if need be, by using their exclusive control of a piece of territory to control the flow of people and goods both into and through that land. People who are denied this opportunity in the countries of their birth and who must therefore cross boundaries and seek better luck in other countries are called refugees. According to the logic of restrictive immigration policies, the interest of refugees might legitimately come second to the interests of those who are already settled. Refugees are therefore caught in a double bind, without effective citizenship they have no effective mechanism through which to demand that their rights be recognised, they are entirely dependent on the good will of the States to which they appeal for refuge.

Within the international arena too, states pursue policies that prioritise the interests of their own citizens. This often leads to policies that support regimes that are unaccountable to the majority or sections of their own populations. For example, an Australian University is helping the Sri Lankan government explore potential oil and gas fields off the Gulf of

Manmar. The rights of the Tamils in the Northeast to effective self - government is therefore not a foreign policy priority for the Australian government, as the expression of the collective interests of its already settled immigrants, also retains the right to refuse Tamil refugees entry into Australia even though its own policies of self interested collaboration with the Sri Lankan government, might have contributed to their plight.

For the refugee's point of view the rhetoric of globalisation appears empty and the world appears as one of states and citizens for states and citizens. Those individuals who have the opportunity to make a state responsive to their demands do well, and those who cannot must negotiate their way as best they can. If seen in this light the right to self determination seems entirely reasonable, especially if it is interpreted as the right to make the world system of state power accountable to you. The territorial element of this claim is also inevitable; the processes of life require land and the international system of states is based on control and power over land.

As the processes of modernisation deepen and the reach of the State extends towards an ever greater number of people, it is inevitable that there will be more and more demands for greater accountability from the world system of states. It is to be expected that people want to exercise control over the systems of power that shape their lives in such profound ways.

## A question of divided national loyalty?

The 'Tebbit test' raised the question of where minorities in Britain saw their loyalties. **Ravi Thurairajah** explores the issue of loyalties of immigrant cultures.

I RECENTLY had the fortune of watching a game of international football (soccer to those play football with their hands), in which England were playing Germany, with a Tamil family where all three generations were present. The game in question was England's historic five-one thumping of their age old adversaries Germany - on German soil.

Over the years English teams have been getting progressively better and their German counterparts have been steadily deteriorating. The fact is that an English victory had always been on the cards.

The game literally triggered celebrations on Britain's streets. Every newspaper was full of praise for the players, who had become heroes overnight with comparisons being made to the legendary team that won England's only world cup in 1966. The country was beside itself with joy.

However, I was of the opinion that England had won many other more worthy games, such as their resounding victory over an excellent Dutch side in the 1996 European Championships. A game far more worthy of praise due to the quality of the opposition.

The point that I and a number of my Tamil counterparts watching the game had

missed was this was not just any victory: it was against Germany. The English and the Germans have a historic love-hate relationship that is difficult to understand unless you are English.

From close royal ties up to the early twentieth century, to the two world wars and now their partnership in building the European Community, the two have always been in collusion or confrontation. Some extremes of English society still believe the European Union is a plot by the Germans to do economically what they failed to do in war.

Unfortunately for the Tamils that supported England, they would never fully grasp the magnitude of that victory. To us, the Anglo-German rivalry would be exactly the same as a foreigner commenting on the Tamil-Sinhala confrontation and saying 'you all look the same to me, why can't you just get along'.

And then there was the question of whether to support the English national side at all. For the youngest generation the obvious answer was yes, but then they didn't have the same concerns as some of the older generations.

For the older generations of Tamils the question at heart became one of acceptance. Was their support for

the English national side accepted and welcome. One particular gentleman commented on the 'yobs' (or 'skinheads' and other references to English persons that minorities associate with the less hospitable element of English society) outside the pub, who would be out getting drunk all night if England won - and then looking for foreigners to beat up.

Skinheads and yobs are stereotyped in minority communities as the lesser educated, sometimes violent persons who dislike minorities for various nationalistic reasons. Yobs are an easy group of people to blame and isolate as the sole point of racial friction. Unfortunately they are simply the most verbose in their opinion. Their views on minorities in Britain may be reflected by other segments of society who are less explicit about their views. This question of whether their support is welcome is largely what prevents the older generations of Tamils in Britain from being whole heartedly supportive.

About a decade ago an English politician called Norman Tebbit, coined an unusual way of ascertaining the loyalty of minority communities to Britain and that was the 'cricket test'. In short the team you support in sport defines you national loyalties, or so Tebbit argued. Although not politically correct, this is not an unreasonable way of understanding where peoples stand.

Perplexingly, some Tamils failed the Tebbit test

too, and in the absence of a Tamil national side one should find that particular test difficult to fail. They had failed it because in rebelling against what they perceived as anti-minority sentiment in Britain they fell back to supporting the Sri Lankan national side. This was an amusing state of affairs. The only reasonable conclusion that one could come to is that certain elements of Tamil society had completely lost the plot.

Having fled a country which has discriminated against one's race at a constitutional level and arriving in a relatively liberal country which generally treats you as an equal, one ends up supporting the foreign team of your former oppressor due to a few uncertainties with respect to the intentions of elements of your new hosts.

And there should be little mistake that supporting a country's sports team is supporting its policies. From the bans on apartheid South Africa's sports teams to boycotting sporting events as the U.S. did in the 1980 Olympics, national sports teams that bear the flag of a nation are no less than ambassadors of that nation.

I should point out that although I view Tebbit's test as accurate, I do differ with how its results are interpreted. I believe that it is possible for an individual to have divided loyalties. The Second World War was riddled with examples of spies of German origin who were loyal to Britain and vice versa.

Similarly, Irish Americans although loyal to the U.S. have a great deal of sympathy for their counterparts in their country of origin. Indians, Chinese and Hispanics in the U.S. have all demonstrated similar divided loyalties.

Many Britons abroad would also fail the Tebbit test quite miserably. However once again it varies by the country they reside in. A number of Britons have taken countries like India into their hearts as it accepts them just as easily, where as Britons resident in Japan are unsure of whether they could truly support Japan whose relatively xenophobic and unwelcoming culture is well known.

I came to the conclusion that one can support more than one nation as long as that nation does not conflict with your own interests. I am supportive of England's exploits on the football field and in other ventures. As far as I am aware, this nation has been welcoming (bar perhaps certain elements) and has provided me with the same opportunities it would bestow upon its own ethnic inhabitants and legally considers me an equal. Admittedly, I may never have as full an appreciation of England's history and its implications on the present day, but I have my own history and perspective in which I take pride.

Hence my support for English sport, like my support for the country can only be deterred by actions that conflict with my values as a Tamil.