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The devolution divide

AFTER months of speculation, the Sri Lankan government's devolution package designed to solve the island's ethnic conflict was finally made public on 3 August, setting the scene for a new round of controversy.

Presenting the proposals, President Chandrika Kumaratunge spoke of Tamil aspirations that have remained unsatisfied for the last 50 years and proclaimed that the government was committed to building a new society based on equality. In achieving its objective the government would shun short-term political gain, she declared.

Government proposals envisage a union of eight regions, in place of the present unitary state, each governed by an elected regional council. A Regional List designates the subjects over which the regional council will have exclusive legislative and executive authority. The Reserved List for the central government, includes defence, foreign affairs and national planning.

The central government cannot dissolve the regional council. The north-east will form one region but exclude Sinhalese and Muslim-majority areas. Regional councils will have the power to negotiate foreign aid directly.

Analysts say the scheme may be shot down at any stage on its long journey before becoming law. An all-party Parliamentary Select Committee will first examine the proposals. Then a two-thirds majority is required in Parliament and a final verdict by the people in a national referendum.

Most Tamil parties agree that the devolution package is more substantial than any previous proposal but say it lacks detail and clarity. EPDP leader Douglas Devananda insists that Tamils have different problems and special provisions are needed for the north-east region. Tamil parties oppose the redrawing of regional boundaries believing that the government aims to excise the Sinhalese-colonised Veli Oya area from Mullaitivu District to divide the north-east which the Tamils claim as their traditional homeland.

"Tamil extremists say the proposals are not enough. Sinhalese extremists say they are too much. This has been and will always be our tragedy".

**People's Alliance MP Indika Gunawardena
in Parliament on 9 August 1995**

Controversial minister and CWC leader S Thondaman angered southern politicians by suggesting that the LTTE should administer the north-east for five years. Mr Thondaman demands a separate regional council for the Plantation Tamils.

The government is already backtracking. The architect of the proposals, Justice minister GL Peiris announced in late August that provisions to enable the government to dissolve regional councils will now be included.

Sinhalese opinion is equally inflexible. Reports say 25 People's Alliance MPs including ministers are up in arms and have pledged to derail the plan. Transport minister Srimani Athulathmudali's DUNF party rejects several of the provisions. Opponents say that the PA government has no mandate to introduce a federal structure which is a stepping stone to a separate state in the north-east.

They believe that if the proposals are implemented, one-third of Sri Lanka's land area and two-thirds of the sea coast will be controlled by the north-east council thus eroding land and fishing rights of the Sinhalese people. Others contend that regional police forces established will be infiltrated by the LTTE. There are also fears that foreign aid negotiated by regional councils will be manipulated by the Tigers to strengthen their drive for a separate state. Many people say the LTTE

must be eliminated before powers are devolved. Muslims in the east are apprehensive of a Tamil-dominated regional council and fear that the Muslim community will become a minority within a minority. Some favour a separate Muslim council in Amparai District but others say it would be a betrayal of Muslims in other areas.

The most formidable opposition comes from the Buddhist clergy who wield considerable influence over the population. The Mahanayake Theros or high priests of the island's two major Buddhist orders - Malwatte and Asgiriya - have urged President Chandrika to renounce the proposals to protect the Buddhist priesthood and the Sinhalese people.

The government needs the support of the opposition United National Party (UNP) to secure a two-thirds majority in Parliament. A group within the UNP feels that support to the People's Alliance (PA) in Parliament will only weaken the party. Other UNP MPs see it as a golden opportunity to regain popularity by opposing the proposals.

The LTTE has firmly rejected the proposals. LTTE ideologue Anton Balasingham speaking to reporters in Jaffna on 11 August described the peace package as a mask to conceal the government's military intentions. Mr Balasingham said that the government had in fact closed the doors to peace by declaring war on the LTTE. President Chandrika has ruled out any contact with the Tigers and says the LTTE must be militarily weakened to achieve peace. The government plans a massive military operation on Jaffna before monsoon rains in October.

The sense of political uncertainty is growing. How will the government implement the proposals without the approval of the LTTE? How will the government ensure the support of the UNP and the minority parties in Parliament? How will a referendum be held in Tiger-controlled areas? If the proposals are rejected by the people in a referendum what next? There are too many questions, but not enough answers.

The proposals.....

SRI LANKA, a unitary state, will become a union of regions, consisting of eight regions governed by regional councils elected for a period of five years. There will be one council for the Tamil-dominated North-East region which will be re-demarcated excluding the Sinhalese and Muslim areas. The Parliament will cease to be the supreme legislative authority and regional councils will have exclusive legislative executive power over subjects in the Regional List.

The President's powers will be reduced and the regional governor may be appointed only in consultation with the chief minister of the region. The President or the parliament will not have the power to dissolve the regional council or impose direct rule on the region. The chief minister of the region cannot be removed from office while enjoying the confidence of the regional council. A board of ministers appointed by the governor on the advice of the chief minister will be collectively responsible to the regional council.

Finance

A national finance commission will allocate grants to the region. Regional councils will have powers of taxation in certain specified areas and may borrow, but international borrowing above a prescribed limit will require central government concurrence. Regional councils may promote foreign direct investment and development aid, subject to conditions laid down by the central government.

Law and order

A regional police service headed by a regional police commissioner will be appointed by the chief minister, in consultation with the governor. The regional commissioner will be responsible to and function under the control of the chief minister. A national police service headed by a national police commissioner and responsible to the central government will investigate offences against the state, inter-regional and international crimes.

Land and land settlement

State lands within the region will be vested in the regional council. Land may be utilised by the central government in consultation with the regional council.

Education

Regional education will be under the control of the regional council. A national education commission composed of central and regional representatives will decide which schools and universities will be under central government control. Regional councils will be responsible for curriculum

development in regional schools under minimum standards set by the central government.

Administration of justice

A regional high court will exercise criminal, appellate and writ jurisdiction within the region. A regional judicial services commission will appoint the other judges in the region and consult transfer of judges with the national judicial services commission. The governor will appoint a regional attorney general.

Public service

A regional public services commission appointed in consultation with the chief minister will be responsible for the recruitment and disciplinary control of employees of the regional council. Transfers outside the region must be in consultation with the national public services commission.

Commission of devolution

A permanent commission on devolution with powers of mediation and adjudication will be appointed to resolve disputes between the central government and the regions and between regions.

Regional List

1. Health, indigenous medicine
2. Education
3. Agriculture
4. Irrigation
5. Animal husbandry
6. Fisheries
7. Forestry, environment
8. Industries
9. Energy
10. Transport
11. Minor ports, harbours
12. Roads, waterways
13. Housing, construction
14. Urban planning
15. Rural development
16. Local government
17. Cooperatives
18. Supply & distribution of food
19. Promotion of tourism
20. Cultural activity
21. Media
22. Relief, rehabilitation
23. Social security
24. State land
25. Regional police, law and order
26. Reformatory institutions
27. Regional public service
28. Sports
29. Unincorporated associations
30. Regional debt
31. Domestic and foreign borrowing
32. Foreign investment and aid
33. Regional finance
34. Excise duties
35. Turnover taxes on sales

36. Taxes on betting and competitions
37. Motor vehicle licence fees
38. Stamp duties, transfer of property
39. Fines imposed by courts
40. Court fees
41. Land revenue
42. Taxes on mineral rights
43. Planning at regional level.

Reserved List (for central government)

1. Defence, national security
2. Immigration, emigration, citizenship
3. Foreign affairs
4. National census and statistics
5. National planning
6. Monetary policy
7. Public debt of central government
8. Foreign loans of central government
9. Banking, other financial institutions
10. Insurance
11. Stock exchange
12. Audit of the government
13. Taxes on income, and wealth
14. Custom duties
15. Turnover taxes, stamp duties
16. Pensions payable by government
17. Atomic energy
18. National grid
19. Minerals, mines, petroleum
20. National rivers
21. Airports, harbours
22. Inter-regional transport, railways
23. Civil aviation
24. Inter-regional highways
25. Shipping, maritime zones
26. Elections
27. Post, telecommunication
28. National public service
29. National health administration
30. Drugs, poisons, narcotics
31. Administration of justice
32. National universities
33. Standards for professions
34. Standards for agricultural research
35. Inter-regional irrigation schemes
36. Fishing beyond territorial waters
37. Educational policy and research
38. Adoption of children
39. National industrial research
40. Quality standards
41. Foreign trade, inter-regional trade
42. Patents, copyright, trademarks
43. Monopolies, mergers
44. Inter-regional food distribution
45. National media
46. National archives, museums
47. Environment, tourism policy
48. National housing programmes
49. National poverty alleviation
50. Youth and women's affairs
51. Buddhism
52. National sports administration
53. National disasters and epidemics
54. Labour regulations and standards
55. Public utility infrastructure

■ Pressure mounts in Jaffna

Angry and hungry

THIRTEEN civilians were killed and 19 others seriously wounded in *Operation Dragonfire* launched by the Army in Jaffna on 21 August. Over 25,000 people fled the Sithankerni and Pandatharippu areas. The government says 17 Tigers were killed and Chankanai south-west of Palali was captured.

The Army advanced from Alaveddy to Mallakam on 4 August accompanied by heavy shelling. Four Tigers and four soldier died in clashes. Reports say Vadamaratchy area was shelled killing ten civilians and injuring 20 others.

Bombing and shelling of the peninsula from military camps continued throughout August. UNDP's humanitarian adviser Roland Hodson who visited Jaffna in

late August told the Colombo press that people are "angry and hungry" after the continuing Army operations and the tightening economic blockade. Thousands of people participated in a protest march in Jaffna on 9 August.

Three people were injured in shelling in areas north and north-west of Jaffna town on 11 August. A shell hit a nunnery in Pandatharippu injuring a 70 year-old nun and two others. In naval shelling near Polikandy on 17 August fisherman Rajasingham was killed. Vadamaratchy was bombed by the Airforce on 30 August killing student Nadarasa Nalini and damaging five houses.

The Army is facing heavy Tiger resistance in its drive to control the western

side of the peninsula as the launching pad for an attack on Jaffna town. Defence sources say five LTTE died in a limited military operation at Vasavilan on 27 August. Two Tigers were killed attempting to infiltrate Army defence lines at Kadduvan at dawn on 29 August. LTTE attacked an Army patrol at Alaveddy on the same day killing 10 soldiers and wounding four others.

The food situation in Jaffna became critical following ICRC's refusal to escort supply ships. In late August President Chandrika ordered that food must be stored in Army-controlled Kankesanthurai. The ICRC has now agreed to escort ships after talks with Government Agent (GA) K Ponnambalam.

According to the GA, Jaffna's 300,000 refugees have not received relief aid for six weeks. Jaffna hospital sources say 632 people died in the hospital in the first six months of this year mainly through lack of medicines.

At Veli Oya in Mullaitivu District an LTTE bomb killed an Army officer in early August. Further south in Vavuniya 11 Tamils were arrested after the bomb blast in Colombo on 7 August. Forty more Tamils were arrested on 22 August.

In a dawn attack on a police post in Talaimannar on Mannar island on 7 August the Tigers killed a policeman. Five days later, after LTTE ambushed a police patrol at Pesalai killing two, the police ran amok and burned seven shops and shot dead a civilian.

Colombo blast

TWENTY FOUR people were killed and another 50 wounded as an LTTE suicide bomber posing as a coconut vendor triggered a massive explosion outside the offices of the Western Provincial Council in central Colombo on 7 August. Police say the target was hard-line deputy Defence minister Anuruddha Ratwatte whose motorcade regularly used the adjacent road. The bomber was identified as Trincomalee Tamil, Sinniah Sivanathan. Following the blast, over 400 Tamils were arrested in Colombo and surrounding suburbs. Among those arrested is Sivagnanam, confidant of LTTE security chief Pottu Amman. It increases the pressure on Colombo's 300,000 Tamil population, 100,000 of them refugees from the north-east, increasingly subject to security searches and detention.

Over 35 officers of the feared police commando Special Task Force (STF) and the Army's Directorate of Military Intelligence were arrested in late August accused of murdering detainees and dumping the bodies into lakes. Seven civilian accomplices were also taken into custody. In the last three months 23 decomposed bodies have been recovered from lakes in Colombo, Panadura and Kurunegala. Five bodies were found in the Diyawanna Oya river in Kotte in early August. Three more bodies were found in the same river on 14 August. Another body turned up in the Polgoda lake. Thirteen of the corpses have been identified as Tamils.

Police say the victims had been strangled in a disused toilet in the Colombo STF headquarters using plastic handcuffs. The STF commander has been transferred. Lodge and hostel owners have reported at least 15 recent abductions. A gang attempted to force three Tamil students into a white van at Wellawatte in south Colombo in mid-August. They were saved when a woman raised the alarm.

Ferry hostage drama

THE passenger ferry *Iris Moana*, operating between Trincomalee and the Jaffna islands was hijacked by the LTTE on 28 August off the coast of Mullaitivu with 144 people on board. The following day, two Dvora naval gunboats, approaching *Iris Moana* off Chalai, 13 miles north of Mullaitivu were sunk by the Tigers killing 25 sailors. Defence sources claim ten *Sea Tiger* boats were destroyed and over 30 LTTE cadre killed.

The Army suspects that the Dvora boats were blasted with a T-55 battle tank captured by the LTTE in Pooneryn in November 1993 or by a surface-to-surface missile. Reports say two shipments of weapons, including Stinger missiles were unloaded by the Tigers in August near the *Sea Tiger* base at Chalai.

After negotiations between LTTE and the ICRC, most of the passengers were released in Jaffna in early September. The ICRC will facilitate their return to the Jaffna islands. But the Tigers want to trade the five crew, three cadre from pro-government Tamil group EPDP on the boat and Sri Lankan naval captain Ajith Boyagoda for two female *Black Tiger* suicide cadre captured in the LTTE assault on Kankesanthurai harbour in July. The military say the hijack and the hostage exchange offer is a Tiger ploy to stall the much-rumoured second major offensive on Jaffna before the October monsoon. The LTTE suspended the four-times-a-week Kilali boat crossing in late August and called on Jaffna people to dig bunkers.

Reprisal killings rule the east *the law of the gun*

FOLLOWING the killing of a Home Guard by the LTTE on 13 August at 4th Colony in Amparai District, local gangs went on the rampage setting fire to 75 Tamil houses. Two Tamils were shot dead and 17 others are missing. Three days earlier after the death of another Home Guard, four Tamil houses were burned and 20 other houses robbed at Senaikudyiruppu.

In a similar incident at Valaichenai in Batticaloa District, after a grenade attack in which two policemen and two civilians died, security forces dragged people out of their homes and brutally attacked them, injuring eight people. EPDP MP A Rajamanickam says in a letter to President Kumaratunge that soldiers fired into Batticaloa town throughout the night on 19 August and attacked people in the streets the following day. Sixteen year-old Selvam Meenavan was injured by gunfire.

The Army allows ICRC-escorted food vehicles only once a month into areas north of Batticaloa town. V Nagathevan

was killed in Airforce bombing raids in Vaharai on 9 August. A fisherman died in air attacks on Verugal.

Over 2,000 troops advanced on Vaharai on 16 August. Fisherman K Sathiyaseelan was killed and people fled into the jungles. The LTTE attacked an Army patrol on 14 August at Rangiritenne seven miles north-east of Polonnaruwa, killing five soldiers. Valaichenai police post came under Tiger assault on the same day. Nine civilians nearby were injured. In a LTTE attack on three police stations on 17 August, four Tigers including area leader *Atchuthan* were killed.

The LTTE seems determined to eliminate members of other Tamil groups. S Ganeshamurthy who assisted the Army in 1985 was shot dead in Chenkalady on 7 August. Four days later Manmatharasa of Kottaikallaru was killed. E Sabanayagam assisting the Army was shot and injured on 21 August. The bodies of TELO local council member S Maharasa abducted 40 days ago and

three others were found the following day. A bomb exploded at the Batticaloa market on 8 August killing four civilians and injuring 18 others. The LTTE has denied involvement.

In Trincomalee District, three soldiers were killed at Sooriyakulam in a clash with the LTTE on 7 August. The following day two more soldiers died in a landmine attack at Thiriyai. In another clash at dawn in Salipiyaru north of Nilaveli, a soldier and four Tigers were killed on 21 August. The LTTE launched a major assault on Nilaveli police station on 28 August, killing nine policemen and injuring six others. As the wounded were being transported to the naval hospital, another eight security personnel were killed and 26 others injured in a landmine ambush.

Trincomalee MP A Thangathurai has protested to President Chandrika that after a Tiger attack on an Army patrol at Muthur on 11 August civilians S Thavarajah, 43, and P Subramaniam, 55, were shot dead by soldiers.

The great escape

FORTY THREE LTTE suspects escaped from south India's maximum security Vellore prison in North Arcot Ambedkar District, Tamil Nadu on 14 August by digging a 163-foot tunnel.

Thirteen were later apprehended by the police, but two of them committed suicide by taking cyanide when cornered in a Madras suburb. The Tamil Nadu government has initiated an enquiry and 48 security officers have been suspended. A reward of Rs 10,000 has been announced for information.

The media has been denied permission to view the tunnel sparking accusations that the state government had masterminded the jail-break. Press reports say it is impossible to dispose of tons of soil dug up without help from prison officials. The prison is inside a 16th century fort where the deposed Kandy king Sri Vickrama Rajasinghe was held by the British in 1815.

According to some sources, the district police had been warned a month earlier by intelligence officers that an escape was being planned. The Tamil Nadu state government says the escapees were not prisoners, but supporters of the LTTE

held in a refugee "special camp" since the assassination of former Prime Minister Rajiv Gandhi in 1991. At a meeting with Indian Prime Minister Narasimha Rao on 21 August Tamil Nadu Chief Minister Jayalalitha demand-

ed more powers for the state to detain Sri Lankan nationals.

NGOs say 60,000 Sri Lankan refugees are being confined to camps and prevented from taking up jobs outside. The repatriation of refugees to Sri Lanka remains suspended. Eleven new refugees arrived in Rameswaram on 10 August, escaping the military offensive in Jaffna.

On 15 August, Indian Independence Day, Sri Lankan troops were rushed to Kachchaitivu, 12 miles north-east of Rameswaram, after the south Indian Tamil nationalist PMK party threatened to raise the Indian flag on the island. PMK party leader Dr S Ramadoss and 400 supporters were arrested. Kachchaitivu was declared Sri Lankan territory under an agreement between the two countries in 1974.

The PMK demonstration followed continued attacks by the Sri Lankan security forces on Indian fishermen. A Sri Lankan helicopter bombed a boat near Kodikkarai on 2 August killing five fishermen. Another fisherman was shot and injured by the Navy on 28 August. Tamil Nadu reports say the attacks took place within Indian territorial waters.

THE SRI LANKA MONITOR is part of an information processing service set up by the British Refugee Council to keep Sri Lankan refugees in Britain, Europe and elsewhere, informed about the current situation in their home areas.

If you have any information you wish to share, or any enquiries you wish to make regarding developments in Sri Lanka, contact

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