

**MONITORING FACTORS AFFECTING THE
SRI LANKAN PEACE PROCESS**

CLUSTER REPORT

**FOURTH QUARTERLY
AUGUST 2008 – OCTOBER 2008**

CENTRE FOR POLICY ALTERNATIVES

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METHODOLOGY

The Centre for Policy Alternatives (CPA) has conducted the project “Monitoring the Factors Affecting the Peace Process” to provide an understanding of the current status of the peace process. The output of this project is a series of Quarterly Reports. This is the eighth of such reports.

It should be noted that this Quarterly Report covers the months of August - October 2008.

Having identified a number of key **factors** that impact the peace process, they have been monitored observing change or stasis through a range of **indicators**. These indicators suggest **trends** for each factor. The factors have been grouped into a series of **clusters** which reflect critical dimensions of the peace process. The trends will suggest the level of change in each cluster and in sum will indicate how the peace process and its environment have been strengthened or weakened.

I Peace Talks and Negotiations

1.1 Context

During the course of 2008, military operations have intensified and the possibility of a ceasefire between the two warring parties, the government of Sri Lanka and the Liberation Tigers of Tamil Eelam, continues to be remote. Both parties have rhetorically, at least, expressed an interest in peace talks and the LTTE in particular would have a strategic advantage in calling for a ceasefire. However, both sides have laid down pre-conditions and have continued to pursue a military solution. Thus, there has been little space for reviving peace talks or even a ceasefire.

1.2 Continuing focus on a military solution

The possibility of peace talks seemed highly unlikely during this quarter as intense military operations continued in the North. Government statements were contradictory, on one hand making it clear that the war could not be suspended as the LTTE is being defeated, and on the other that it is open to negotiations, provided that the LTTE disarms. President Mahinda Rajapakse addressing a rally in August said, “there is no turning back under any circumstances or influence now, until every inch of land is recaptured and each and every terrorist is killed or captured. Our Armed Forces are fighting the terrorists to protect our Motherland at the risk of their lives.”¹ Speaking to a group of foreign correspondents, however, he seemed to be willing to consider the option of negotiations under certain conditions: “there will be no negotiations or any form of ceasefire until the LTTE lay down their arms.”² Since their last offer of a unilateral ceasefire during the SAARC conference, the LTTE has not issued a public statement calling for a ceasefire³

A significant development during this quarter was the call by Indian political actors for an end to the military operations. Political parties in Tamil Nadu and the State Government made a series of statements calling on the Sri Lankan government to stop the ongoing offensive. With the military advances and the population of the Wannu getting cornered into a small area around Mullaitivu, the anti Sri Lankan protests mounted from Tamil Nadu actors (See International Cluster for more details).⁴ Key in their demands was calls for a ceasefire and the quick pursuit of a political settlement.⁵ These desires are demonstrated most effectively by a resolution calling the Central Government “to immediately halt all military aid to Sri Lanka and ensure an immediate ceasefire in the civil war on the island”, made by the representatives at the Tamil Nadu all party meeting held on October 14.⁶ As evidenced by the demarche issued by the Indian Government, the Central Government proved more circumspect regarding the suspension of military operations, and instead called for the Sri Lankan military to avoid civilian targets and for the Government to pursue a political solution.⁷

This call for civilian protection was echoed by a number of international actors, including the Co-Chairs to the Sri Lankan Peace Process. A mechanism that had been created to support the peace process had gone into virtual hibernation since the resumption of war. The last statement made by the Co-Chairs was on January 12. The Co-Chairs met on September 24 and issued a statement to the Government and the LTTE: “we’re placing a lot of emphasis right now on the protection of human rights for civilians who are caught in the fighting and the democratic government’s responsibility for respecting and extending human rights protection to the people in the areas they take over.”⁸ Meanwhile, on 22 September, President Rajapakse had a meeting with Norwegian Minister of Environment and International Development, Erik Solheim, and Jon Hansen Bauer, Special Envoy to the peace process on the sidelines of the UNGA.⁹ While this might have been an effort at rapprochement between the Government and the Norwegians, it is difficult to suggest that this was a genuine effort at renewing negotiations or the facilitator’s role.

1.3 Projection

The war has moved into a decisive stage with the advance of the Sri Lankan Army towards the rebel

capital Killinochchi. Opting for a cease-fire could result in the military losing momentum, whereas a ceasefire for the LTTE will prove strategic for either peace talks or military operations. Also, there does not appear to be much international pressure to force the Government to suspend military operations, Therefore, resumption of a ceasefire or peace talks are unlikely to take place.

II Military Balance

2.1 Context¹⁰

The war between the Government of Sri Lanka and the Liberation Tamil Tigers of Eelam (LTTE) has reached a decisive stage with the Sri Lanka Army entering the rebel heartland Kilinochchi district.¹¹ This quarter has seen the military continue to make advances and withdrawals, strategic or otherwise, by the LTTE, resulting in rapid shifts in the front lines in the North. It was expected that the military operations would slow down as a result of the monsoon, the presence of civilians, Indian pressure and a more aggressive defence by the LTTE. While the military was unable to capture Killinochchi within this quarter, despite capturing areas in close proximity to it, they have made advances in the North West during this period. As indicated by the defence of Killinochchi the LTTE continues to offer a stiff resistance even while it has strategically withdrawn from other areas in the face of an overwhelming fire power. Hence, the question remains when will the LTTE engage its main fighting units in an offensive operation. The LTTE has attempted to use a number of strategies including an aerial attack in the South, the use of 'chemical warfare,' and infiltration of the East in order to stem the military advance but the military continues to advance. The humanitarian situation in the Wannu continues to be a critical issue both in terms of civilian protection and civilian access to essential goods and services. The overall position is that the military forces are in a position of advantage and despite a strong resistance the LTTE has been forced to fall back from previously held positions.¹²

2.2 Military balance continuing to be in favour of Security Forces

The military has continued with its strategy of military attrition of simultaneously trying to eliminate as many LTTE cadres and leaders as possible while seizing territory controlled by the LTTE. Despite heavy resistance from the LTTE, the Sri Lankan forces have managed to advance and to keep the military balance in its favour despite setbacks. Other factors such as the presence of a large civilian population in the Wannu has constrained the military with the Government expressing concerns for avoiding civilian casualties and determined to avoid providing a reason for international involvement, particularly India, on the grounds of civilian casualties.

The most dramatic advances by the military have been in the Mannar District, with significant advances into Vavuniya and Killinochchi Districts. During the CFA period the Government controlled less than half the land area of the Mannar District, including Mannar Island and areas adjoining the A14 and A30 highways. Since September 2007 the military has secured control of the contested area of Silavathurai, and over the first two quarters of 2008 the military secured control of key strategic and symbolic positions including Madhu, including the Catholic Shrine and Vedithalthivu, an LTTE sea base. During this quarter the military made significant advances capturing a number of critical positions including administrative centres such as Mulankavil and Mallavi, military bases such as Vellankulam, in Mannar and Sea Tiger bases like Iranaitivu and Nachchakuda¹³. The military also captured key LTTE positions in Vavuniya, including Jeevan base, Pasarai Sea tiger base and the strategic Palamodai town.¹⁴ Effectively the security forces have advanced parallel to the A9 and by the end of October had advanced a few kilometres away from Killinochchi. The North East monsoon which generally hits the Wannu area during this quarter seems to be delayed which has proved advantageous to the military advance. The military has avoided using or attempting to focus on capturing the "highway of death" and looks set to occupy the Western Sea Board, including an alternative road to the North, the A32, and the strategic point Pooneryn which faces the Jaffna Peninsula. The military is in a position to move East to surround Killinochchi and to capture Elephant Pass. The Army Chief Lieutenant General Sarath Fonseka said "Our forces are around four kilometers (2.5 miles) from Kilinochchi town. In fact we can see some of the buildings."¹⁵

Instead of focussing on one or two fronts the security forces have attempted to sustain multiple offensives in order to stretch the LTTE's forces. At present the army is engaging 7 divisions: the 53rd division in Nagarkovil FDL, 55th division on Muhamalai FDL, 56th division on Omanthai, 57th and 58th divisions on Akkarayankulam 59th division on Mulaitivu east, Task force two on Vavuniya.¹⁶ The Sri Lankan military has been able to maintain its military superiority through its more advanced aerial and naval capabilities. The Sri Lanka Air force continued its onslaught on identified LTTE targets including radar points, training camps, military bases, naval bases and boat yards, and LTTE administrative hubs. Some key targets included the Sea Tiger base in Nyaru, Mullaitivu on August 6¹⁷ a suspected hide out for LTTE leader Prabakaran in the Vadakachchi area on September 17¹⁸ and a suspected Black Tiger training base in Iranamadu, Mulativu on September 27.¹⁹ The air force also attempted to weaken the LTTE's aerial capacity. On September 9 the SLAF launched air strikes against a suspected LTTE air base. The military claimed that it had destroyed one LTTE air craft, a claim which the LTTE vehemently rejected.²⁰ The LTTE confirmed the aerial attacks on administrative centres in a statement released by the LTTE peace secretariat stated, "Starting from Wednesday, October 1, for three consecutive days, there were concerted aerial attacks on the civil administrative structures of the de-facto Tamileelam government. A parallel artillery firing into the heart of the Kilinochchi town was also carried out at the same time."²¹ The bombed targets included the Tamileelam administrative centre for coordinating all civil services, head office of the political wing, the Peace Secretariat, the head office of the Tamileelam police, the TRO, the district office of a leading women's organization, CWDR.²² The statement added that they were not military establishments.²³ The Sea Tigers suffered some serious set backs with aerial and naval attacks resulting in the loss of at least 7 LTTE crafts and the death of more than 30 Sea Tigers according to the military sources.²⁴

While the military has been to steadily advance on particular fronts it has met with fierce LTTE resistance. While the LTTE has not deployed its more elite units, including the Black Tigers, or used anti-air craft guns which it is reportedly holding back for the next stage of the war, it has made it increasingly difficult for the security forces to advance. The LTTE has constructed an extensive network of deep trenches and large bunds. Government troops have reported of the existence of such bunds between Vannerikulam and Akkarayankulam, on the Akkarayankulam/Terumurikandi road, between Anandankulam and Tannimiruppu tank, west of the Nayary lagoon.²⁵ The LTTE reportedly used forced labour to construct them. Apart from trenches and earth bund the LTTE are using land mines and booby traps.²⁶ On October 18-9 the 57 division attempted to break through the bund and bunkers west and east of Akkarayankulam tank. According to Government sources the LTTE launched a chemical attack.²⁷ While the nature of the gas is unknown, it is speculated that this is a form of CS gas (2-chlorobenzalmalononitrile). According to the MCNS, the LTTE has used it at least on 2 separate occasions.²⁸ The battle for Nachchikuda on September 2-3 clearly demonstrated the LTTE's fighting capacity. Reportedly both parties used their maximum fire power.²⁹ The battle went to and fro with military units breaking through the 20 kilometre-long defence line from Nachchikuda to Akkarayankulam and then forced to withdraw.³⁰ The defence ministry put the death toll at 12 soldiers, and also reported 7 missing and 31 others injured.³¹ While, the pro-LTTE Tamilnet website said that at least 75 soldiers were killed, a large number had been injured and seven soldiers had been captured.³² Similarly, on October 16 the LTTE claimed that it thwarted an attempt by the Sri Lanka Army (SLA) to advance into their territory across Mukamaalai Forward Defence Line which the LTTE claimed the lives of 15 SLA soldiers and two of its carders.³³

The LTTE tacitly admitted they were losing ground in the face of major military offensives. In their first public acknowledgement that Government forces were moving deeper into areas previously held by them, the LTTE said civilians have had to move several times because of the military onslaught.³⁴ There are reports that the LTTE is using a variety of measures to strengthen its defences. The LTTE was reported to have started constructing a new trenchline from Thannimiruppu (Tank) north to Nayaru. The LTTE has also extended its trenchline spanning Nachchikuda through Vannerikulam

towards Kilinochchi by adding another 7km of trenches.³⁵ The trenchline has been divided among commanders Theepan, Bhanu and Lakshman from Mannar.³⁶ The LTTE is facing a serious shortage in terms of manpower. There are unconfirmed reports that the LTTE is now turning to mass recruitment (forced or otherwise) as its one person per family policy has not yielded enough cadres. The LTTE is also using forced civilian labour to strengthen defences including building trenches and bunds, even on the front lines.

The LTTE has also been able to launch offensives to ensure that there are multiple fronts so that the armed forces are stretched and cannot throw their entire weight behind the Northern campaign. The LTTE's nascent Air Force carried out three raids during this quarter. On the night of August 26 two light air crafts belonging to the air wing of the LTTE raided the Trincomalee naval base and returned to its destination undamaged despite the presence of anti-aircraft guns.³⁷ In all four bombs were dropped, killing four sailors and damaging a building.³⁸ On September 9 the Air Tigers launched another raid as a part of simultaneous pre-dawn ground and artillery assault on the sprawling Security Forces Headquarters - Wannu (SFHQ - W) complex in Vavuniya. A group of cadres, reportedly Black Tigers infiltrated the area near the Air Force radar unit to launch a ground battle within the complex. Artillery and mortar shells were fired into the complex and two LTTE aircrafts dropped bombs.³⁹ The ground unit engaged in combat with Special Forces within the camp, in an attempt to destroy the air radar defence system. They succeeded in damaging the Indira II radar. While the LTTE claimed that 20 soldiers were killed the military stated that they had suffered 12 casualties.⁴⁰ Two Indian maintenance technicians - A.K. Thakur and Chinthamani Rant - sustained injuries.⁴¹ The military claimed 11 LTTE cadres either committed suicide or were shot dead⁴² while the LTTE released the names of ten Black Tiger fatalities.⁴³ The SLAF claimed that it has been able to shoot down one of the LTTE's crafts which the LTTE denied.⁴⁴ The Air Tigers launched another raid on October 29 when it dropped two improvised bombs at the Kelanitissa power station in the outskirts of Colombo, seriously damaging a gas turbine power generator and killing a CEB worker. Prior to this attack the Air Tigers also dropped three bombs at the Talladi army camp. The military reported minor damages and an injury of soldier from this attack.⁴⁵ As both aerial attacks show the Air Tigers have not developed a capability of causing maximum damage using aerial bombardment, but it does demonstrate the inability of the security forces to destroy the small and slow Air Tiger unit. On October 22, the LTTE naval wing carried out a suicide attack targeting merchant ships carrying supplies to Jaffna. The hull of the vessel Nimalawa was damaged in an attack by 3 LTTE suicide vessels all which were destroyed according to the Navy.⁴⁶ The LTTE also continued to carry out suicide attacks. On October 6 a suicide attack resulted in the death of the opposition leader of the North Central provincial council retired Maj. Gen. Janaka Perera and 30 others in Anuradhapura.⁴⁷ On October 09 a female suicide bomber blew up targeting the Minister of Agriculture Maithreepala Sirisena at Pirivena junction, Boralesgamuwa. The minister escaped unhurt but another civilian was killed.⁴⁸

The East has become increasingly unstable over this quarter, posing a risk to the Government. There was a wave of violence in the East with at least one incident per day making the province highly unstable and vulnerable to more violence. At least 23 security force personnel and police personnel have been killed in this quarter. The LTTE is blamed for carrying out a number of attacks in the East and there are claims that there are small pockets of LTTE cadres from Kutchchaveli in Trincomalee down to Panama in Ampara. On September 02, the LTTE claimed responsibility for the killing of four Sri Lankan Special Task Force (STF) soldiers at Sannasi malaiyadi near Ukanthai, bordering Amparai and Hambantota districts.⁴⁹ The LTTE claims that the elite Jeyanthan brigade is operating in Batticaloa.⁵⁰ On October 25 the LTTE claimed that, a commando unit of the elite Jayanthan Brigade raided a TMVP mini-camp in Vavunathivu killing two and causing injuries to several others.⁵¹ More than 10 suspected LTTE cadres have been killed in the same period. It is unclear if the TMVP is also involved in some of the attacks, at least those against civilians.

In addition to the capture of territory the Government has focussed on the decimation of the LTTE's fighting force. The Sri Lanka Army chief Sarath Fonseka reportedly told his senior officers that about 11,000 LTTE cadres have been killed since the military launched its campaign to secure the Mavil Aru anicut in July 2006.⁵² The Defence Ministry reported the LTTE have lost some 6,898 fighters since January. The LTTE heroes department in its latest report claim to have lost 742 LTTE carders from July – November 2008. According to the release, the LTTE has lost 2239 cadres, 1578 males and 661 females for 2008.⁵³ The Military authorities said that 673 soldiers have also died from January to September.⁵⁴ In parliament the Prime minister announced that 155 troops were killed and 983 wounded in August and 200 troops were killed and 997 injured in September. Minister John Seneviratne in his speech at the extension of the emergency bill reported that 171 troops killed and 1122 injured in October.⁵⁵ The Government announced would suspend releasing casualty figures from October 24.⁵⁶ Army spokesmen Maj. Gen. Udaya Nanayakkara announced that the army recruited 10,136 in the third recruitment drive for the year which ended on September 30th. He further stated that they are expecting to recruit 14,000 personnel from the 4th recruitment drive which will be starting from October 1st.⁵⁷ The Government also announced that 4,004 deserters had re-enlisted following an amnesty.⁵⁸ It appears that the military does not have a manpower problem, unlike the LTTE which is reportedly forcibly recruiting from the civilian population in the Wannai and also has a forced labour policy. The Government continues to strengthen its military ties as evidenced by the recent trip of the Defence Secretary Gotabaya Rajapakse on October 20 to Russia making clear that unlike the LTTE, the Government has a relatively competitive market to buy arms.⁵⁹

Civilian protection has been a critical issue during this period. The presence of civilian populations, particularly around Killinochchi and on the road to Mullaitivu has hampered the military operations. The Government does not want to risk the international outrage, particularly from India that could follow large civilian casualties and has made repeated statements that it is fighting in a manner that has resulted in no civilian casualties and that it will make every effort to continue to do so.⁶⁰ The LTTE has continued to point out various aerial bombardments that have resulted in civilian casualties. On September 10 the SLAF claimed that it had bombed the LTTE intelligence head quarters in Kilinochchi. The LTTE claimed that Sri Lanka Air Force (SLAF) Kfir bombers attacked Kilinochchi town wounding 3 civilians.⁶¹ Against a context of mounting Indian pressure it was speculated that the SLAF had suspended its aerial attacks in and around Killinochchi. This claim was denied by SLAF spokesman Wing Commander Janaka Nanayakkara "Even if we are informed of a certain target by our intelligence we will not take the target if we realize that there is a danger to civilians."⁶² The Government instead announced that it had set up "no fire zones" in Oddusudan and Vishvamadu⁶³ and a 'corridor' for civilians to flee from Vishvamadu to Oddusudan and to the A9 which it assured that it would not subject to bombing.⁶⁴ There were other reports that the shift was due to the LTTE deploying the Radha anti aircraft unit in Kilinochchi and environs, resulting in other areas like Paranthan, Viswamadhu and Puthukudiyiruppu being targeted instead.⁶⁵ Civilians also faced other forms of violence such as artillery attacks and claymores. On August 07, 18 month old baby was killed and 22 civilians including the GA of Mullaitivu were injured from a severe shell attack took place in Mullaitivu.⁶⁶ On September 18, 03 civilians were killed and 04 others were injured when a passenger bus came under a claymore attack in Puliyankulam Vanni.⁶⁷ Civilians were also killed in suspected LTTE attacks such as the suicide explosion near the Vavuniya bus stand on September 28 which killed a civilian⁶⁸ and in the suicide attack that killed Retired Maj. Gen. Janaka Perera in Anuradhapura on October 06 there were more than 30 civilian fatalities.⁶⁹

The Government is attempting to replicate the strategy it used in the East and Mannar where it effectively forced the civilians to vacate the area. The strategy relies on a bombardment of the area and severe restrictions of essential items. In the Wannai there were a number of factors which thwarted this strategy including the LTTE's severe restrictions on civilian movement out of the Wannai, fear on the part of Tamil civilians of their fate if they come over to Government controlled

areas, support for the LTTE etc. The LTTE is resistant to allowing the civilians out of the Wannu as it would be easier for the security forces to target the cadres and bases, thus the civilians are being used as human shields. The Government's announcement calling on all international agencies to vacate the Wannu could also assist the military operations but make humanitarian assistance for the civilians increasingly difficult.

The Government appears to be working on a very tight deadline from which it will not be easily swayed. While Killinochchi does not have much strategic value, it has tremendous symbolic value as it served as the de facto capital of LTTE-controlled Wannu. According to Government statements the capture of Killinochchi has been imminent: on August 18 Prime Minister Ratnasiri Wickremanayake has predicted that the LTTE's stronghold might be captured by the military before the elections for the two provincial councils held on August 23.⁷⁰ On September 15, President Mahinda Rajapakse said troops were on track to capture the Killinochchi by the end of the year.⁷¹ A significant factor in the Government's military campaign has been its confidence. Underlying this confidence is a determination that the war will be brought to an end. The President in his speeches effectively ruled a future cease-fire with the LTTE and has vowed to "finish the war as soon as possible."⁷² The Secretary of Defence Gotabaya Rajapakse stated, "Looking at the successes I'd rate the present period as the best we have ever had."⁷³ Despite the severe setbacks the LTTE has not indicated that it will sue for unconditional peace, but that it will fight on.

2.3 Projection

Over the next quarter it is very likely that the military operations will intensify. The Defence Secretary Gotabaya Rajapakse on August 12 said the Army is on target to capture Killinochchi town in the next four months. He said, "It's possible by the end of this year," to the Times newspaper London.⁷⁴ It is unclear whether the military forces will focus on seizing the town first or opt for 'liberating' the Western Sea Board and move Eastwards, thereby cutting through LTTE lines. Given that the LTTE has not thrown in its elite units and appears to have saved some of its fire power a LTTE counter offensive is expected. While the LTTE appears to be confident that it could stage a large counter offensive, it is unclear whether the outcome could prove as decisive. The Government meanwhile appears to be ultra-confident that the LTTE will be cornered and contained into a smaller territory. Either way the next few months will see more heavy battles with more casualties.

III. POLITICAL

3.1 Context

Over this quarter the Government continued to consolidate its political control, despite its reliance on a loosely held alliance of political parties and cross-over M.Ps. Emboldened by its victory in the Eastern Provincial Council elections the Government went onto contest and win the North Central Province and Sabaragamuwa Provincial Council Elections. The elections had ripple effects on all parties. The defeat led to some senior UNP members calling for reforms to the party structure. A significant development in this quarter was the entry of TMVP leader, Vinayagamoorthy Muralitharan alias Karuna into Parliament on the UPFA national list. The TMVP leadership has been attempting to strengthen its political position, particularly through the Provincial Council yet continues to face significant challenges. This quarter also saw a power struggle between the Karuna and Pillayan factions. The violence associated with Sri Lankan politics continued with the killings, attempted murders, election related violence and other acts of violence against leading political figures and political activities across the political spectrum.

3.2 Government consolidating control

Provincial Council Elections: The Government won a sweeping victory in the provincial council elections held in the North Central and Sabaragamuwa provinces held on August 23 in the districts of Anuradhapura, Polonnaruwa, Kegalle and Ratnapura. The UPFA emerged victorious and secured control over both councils.⁷⁵ The UPFA secured a total of 780,246 votes or 55.73 of the valid

	NCP		Sabaragamuwa	
	Voters	Seats		
Total Votes Cast	573,522	(67%)	901,673	(68.4%)
UPFA	307,457	20 (24)	472,789	25 (30)
UNP	205,284	12 (10)	346,321	17 (15)

votes while the UNP secured only 551,605 votes or 39.41 per cent.⁷⁶ The JVP and the SLMC won one seat each in the NCP, while the JVP won the two remaining seats. The UPFA demonstrated its dominance winning in all 27 electorates in the four districts and securing more than 50% of the total valid votes in every one of them. Both incumbent UPFA chief minister candidates were re-elected Mahipala Herath for Sabaragamuwa and Bertie Premalal Dissanayake for North Central Province.⁷⁷ The results made clear that the Government had a popular mandate in the two provinces, which also were an indication of its national standing. Hence, after the poll the President declared that the "public opinion represented in the North Central and Sabaragamuwa provinces is the opinion of the entire country."⁷⁸

While there were a number of provincial issues raised on election platforms, the national issues predominated the campaign, in particular the war. Addressing an election rally in Medirigiriya, Prime Minister Ratnasiri Wickremanayake stated that "Whatever we do, we should always be with them. Even when we vote, we should give a message that we are with them."⁷⁹ Other issues and concerns have been overshadowed by the war, hence the majority population appear willing to tolerate the high cost of living, lack of infrastructure facilities, corruption, or even anti-incumbency against local politicians in order to support the military campaign.⁸⁰ It is noteworthy that the UNP too did not rely on a wholly provincial approach. Instead the party chose as its two main candidates individuals who were not from the respective provinces: former Army General Janaka Perera who canvassed on his military background and Ranjan Ramanayake, film star and social activist. The JVP was one of the few parties to develop a manifesto that talked directly to the problems in the provinces.⁸¹ Yet, the JVP too was unable to generate much support and secured only 3 seats down from 18 in both provinces.⁸² In the previous provincial council election the JVP candidates competed on the UPFA

list. Other smaller parties also suffered losses in the provincial council elections: neither the Ceylon Workers Congress (CWC) nor the Up Country Peoples Front (UPF) won a single seat, while in 2004 the CWC had won one seat in Sabaragamuwa. The Sri Lanka Muslim Congress (SLMC) contested both provinces on the UNP ticket, the SLMC retained one seat.⁸³ The TMVP which contested under the UPFA ticket in the Polonnaruwa district failed to return its candidate Mangalam Master even though there is a sizeable Tamil population in the district.⁸⁴

Like the Eastern elections held in June, the legitimacy of the PC elections in August was challenged by the major opposition political parties. The UNP General Secretary Tissa Attanayake accused the Government of having “blatantly abused state resources in the election campaign”⁸⁵ and added that “the outcome of the violence ridden provincial polls, aided by the abuse of state resources and the incapacitation of the police, did not reflect the will of the majority of Sri Lankans.”⁸⁶ Similar sentiments were expressed by JVP leader Somawansa Amerasinghe who stated that “the Government chose the Provincial Councils they were sure of winning ... the government unleashed violence in the provinces and used the state machinery to its fullest.”⁸⁷ Election monitoring groups such as CaFFEE, PAFFREL and CMEV noted a significant level of election related violence particularly on days prior to the election, while election day itself was recorded a low rate of violence. PAFFREL observed that “The events during the time of voting on Election Day were in contrast to the period of the election campaign in which the intensity of the contest between the rival political parties took on the character of a mini war. In the final three days there was a sudden spike in the number of violations reported, which took the figure from 128 to 191.”⁸⁸ One of the most serious incidents was the arson incident in Anuradhapura during which the house and dispensary belonging to Dr. Rajah Johnpulle, the district organizer of the United National Party was set on fire by a mob on August 20 while police reportedly stood by.⁸⁹ Of particular concern were the reports that a number of voters both in the Sabaragamuwa and North Central Provinces were disenfranchised because of the lack of appropriate identity documents. The National Organiser of the CWC, Mr. Yogarajan who stated that out of approximate 95,000 Upcountry Tamils who are registered voters in the Sabaragamuwa Province 10% were unable to cast their vote because of this.⁹⁰ This issue was raised by a cross section of political parties including the UPFA and the opposition parties.⁹¹

The election results in fact show that despite the Government winning outright, the support for the main opposition party, UNP, has retained its voter base even after a large number of M.Ps left to join the Government. Looking at the number of seats and the percentage of the vote the UNP base has remained more or less unchanged since July 2004 despite the popularity of the war and the President.⁹² The UNP’s chief ministerial candidates secured significantly higher personal votes than their rivals: Perera received 116,430 preferential votes while Dissanayake received 105,588 votes, Ramanayake received 130,258 preferential votes while Herath received 98,120 votes in Sabaragamuwa.⁹³ Both politicians were appointed to the UNP working committee. The main loser in the election appears to be the JVP. As one newspaper editorial claimed one of the major “reasons for the UPFA’s runaway victory in the NCP and Sabaragamuwa Provinces was the abysmal performance of the JVP.”⁹⁴

The Government success in the battlefield and its astute public campaign of generating political support continued to yield high dividends, including victory in the Provincial Council elections. On the heels of the UPFA election victory a Presidential Information Unit (PriU) statement said that the “President assured that he would set up the ninth Provincial Council soon in the North.”⁹⁵ There is a strong possibility that the Government would hold a series of elections including provincial and general elections within the coming year.⁹⁶ If Killinochchi were to fall it would further boost the Government’s electoral chances, hence a general election would be very likely.

Internal divisions and political violence: The threat to Ranil Wickremasinghe’s leadership of the UNP intensified as a result of the electoral loss with renewed efforts to re-structure the party and to

take power away from the leader. A proposal put forward by a group of 'rebel' UNP politicians⁹⁷ resulted in the party announcing a set of party reforms which had been long delayed, including the creation of a number of posts such as deputy leader, an assistant leader and a shadow cabinet.⁹⁸ No changes took place in this quarter and it is too early to determine whether the reforms will prove successful in divesting power from the party leader but the reforms proved useful for Wickremasinghe's survival at least in the short term. The JVP also continued to suffer further setbacks when Kegalle District JVP MP Anurudha Polgampola was questioned by the CID on the alleged trafficking of a person to Japan in the guise of his assistant and was forced to tender his resignation on 3 September.⁹⁹

Political violence continued into this quarter. The NCP opposition leader Major General Janaka Perera (retd), his wife and 27 others were killed when a suicide bomber blew himself up at the opening ceremony of the new UNP office in Anuradhapura on October 6. The Government blamed the LTTE for the suicide attack,¹⁰⁰ while the UNP accused the Government of failing to provide adequate security to Perera despite repeated requests and complaints.¹⁰¹ The UNP also indirectly accused the TMVP, which the latter denied.¹⁰² In addition to being an astute military commander, by the time of his death Perera had been to demonstrate his popularity as a politician. He was to serve as the National Security spokesman for the UNP and would have proved crucial in connecting with the Sinhala populous.¹⁰³ Given the LTTE's track record, the LTTE was seen to be the most likely culprit.¹⁰⁴ On October 9 a suicide bomber blew herself up at the Pirivena Junction, Boralasgamuwa targeting Agriculture and Agrarian Services Minister Maithripala Sirisena's convoy. He escaped unhurt but two persons including the female suicide bomber were killed.¹⁰⁵

TMVP's efforts at consolidation: Over this quarter, the TMVP attempted to strengthen its position but faced a variety of challenges. Following his nomination as chief minister, Pillayan has attempted to consolidate the powers of the council and his own position. The chief minister met foreign dignitaries including reportedly some top level Indian experts at the Indian High Commission in Colombo.¹⁰⁶ Pillaiyan (in his capacity as Minister of Tourism of the eastern province) also visited Tokyo,¹⁰⁷ along with Deputy Minister of Tourism, Faiszer Mustapha to participate at JATA and World Travel Fair.¹⁰⁸ The party leader V. Muralitharan announced that the party planned to expand its political work in Colombo and to the Wannu and to develop closer links with other parties.¹⁰⁹

The TMVP's overall political standing was also strengthened by the nomination of TMVP leader Muralitharan as a national list member of parliament on October 7. Karuna in his maiden speech told Parliament that "this will be the beginning of the new era of the local political arena as well as of the Tamil speaking people." He added that "Tamils never endorsed the war." and that "We all have to travel in the same track as we all are Sri Lankans."¹¹⁰ Various political actors applauded his appointment as a positive step in the democratization of the TMVP and integration of Eastern Tamils into the Sri Lankan political system. Others political and human rights groups however were very critical of his appointment. The TNA, UNP and JVP were absent during the swearing in ceremony and raised issue with his appointment.¹¹¹ The issue of Karuna being a war criminal who was not being "investigated and punished" but being "rewarded" for his appointment was raised by Amnesty International¹¹² The JVP contested his appointment as the vacancy was created by the resignation of a JVP national list MP but their case before the Supreme Court proved unsuccessful.¹¹³

The TMVP was confronted by demands to disarm and to end its involvement in human rights abuses from opposition groups and diplomats. US Ambassador Robert Blake at an inauguration ceremony of the Kaluwanchikudi Vocational Training Centre said "The central government and the elected Chief Minister must assert responsibility for security, end the abductions and extra-judicial killings and other security challenges that continue, and demobilise paramilitaries, including all child soldiers."¹¹⁴ Countering this argument, Karuna stated that "I have given arms to only a few cadres - 200 or 300 - for our own protection... LTTE infiltrators in the eastern province are waging a

campaign to wipe out TMVP cadres. We need to protect ourselves."¹¹⁵ The Government has accepted this position that the TMVP would carry arms until the total destruction of the LTTE.¹¹⁶ It is noteworthy that Karuna himself called for the TMVP to cease its involvement in human rights abuses. He further went on to request Eastern Provincial chief Minister Pillayan to discipline his carders loyal to him.¹¹⁷ The Government announced a plan to provide employment opportunities in Korea for 500 TMVP cadres.¹¹⁸ A Korean language training institute has been set up in Batticaloa to train TMVP cadres before being sent to Korea for employment.¹¹⁹ It seemed that the remainder of the cadres would either be absorbed into the security forces or the civil defense force.¹²⁰

Internal divisions within the TMVP became more acrimonious with TMVP leaders and cadres having to opt for one side or the other. The Central Committee of the TMVP became a critical focus of the power struggle. There were newspaper reports that while Pillayan was resisting any changes to the party structure, while Karuna was attempting to use his loyalists within the party to boost his position.¹²¹ It is alleged that Karuna loyalists have "accused Chief Minister Pillaiyan of making statements which embarrassed the government."¹²² In addition, the Chief Minister has been criticized for having a Coordinating Secretary who allegedly has links to the LTTE and that this individual and an advisor are responsible for the tensions between the two TMVP leaders.¹²³ In another development, two senior TMVP members-eastern Provincial Councilor Edwin Silva alias Pradeep Master and Jeyam publicly announced their decision to work with Karuna.¹²⁴ It is alleged that in September key figures within the Government attempted to mediate talks between the two sides.¹²⁵ On 21 October Karuna made a statement that "the eastern provincial council did not need police powers."¹²⁶ The statement went against Pillayan's position thus causing further problems for the TMVP. Following the statement, the TMVP spokesperson Azad Maulana declared "MP Karuna Amman is no more in charge of the TMVP political party but continues as its military unit head."¹²⁷ This intensified the acrimony within the party.¹²⁸ The TMVP on 26 October organised a rally calling upon India to make sure the support for the Tamils does not benefit the Tigers.¹²⁹ Even though the rally had been organized by Karuna, both leaders attended the meeting.¹³⁰ To fill the Webber Stadium the TMVP also used intimidation to bring in civilians from areas in the East.¹³¹

On the ground there were attacks on the TMVP, with some incidents clearly a part of the internal tensions while others could be the result of other actors. On September 24 a TMVP office in Batticaloa set up by Karuna loyalists came under a grenade attack. The Karuna faction complained to the Batticaloa police saying that the attack had been carried out by members of the Pillaiyan faction and deployed some 40 cadres to guard the new office.¹³² In an apparent sign of LTTE infiltration into Batticaloa the Tigers said that the Jayanthan Brigade of its Commando unit had carried out an attack on TMVP mini camp in Vavunathivu on 25 October killing two of the TMVP members.¹³³ In another incident in 4 TMVP cadres were killed in a camp in Chenkaladi on October 28 and six others were reported missing.¹³⁴ While the LTTE claimed that the raid on the Karuna camp was carried out by its Batticaloa Commando unit,¹³⁵ there was speculation that it had been an inside job by the six infiltrators who had killed the 4 cadres and escaped. TMVP spokesperson Azath Moulana warned in August that the "Tiger intelligence operations in the east have shown a marked increase in recent weeks."¹³⁶ It is likely that the power struggle between the various Tamil groups in the East will continue into the next quarter and prove more to be more violent.

Political solution: The Government continued with its strategy of pursuing a military solution and consolidating its political support through the military gains. The popular support for the war continued to be a key feature in the Southern politics. The Manel Mal Movement implemented a campaign "Jayodaya Ranagosha" on August 30, to motivate the people to assist the security forces in the battlefield. This campaign collected items for the security forces and the displaced Tamil civilians in Wannai.¹³⁷ The Government did appoint a new Governor for the Northern Province, the former Governor of Sabaragamuwa Province Dixon Dela Bandara on 10 October.¹³⁸ The

Government also sought to demonstrate its commitment to a political solution. There was some symbolic movement with regards to the All Party Conference but no substantive progress on arriving at a political solution. On October 11 President Rajapakse summoned all parties to Temple Trees for an APC meeting. At the meeting, President Rajapaksa emphasized that it was the duty of the Sri Lankan state "to ensure to the Tamil people of the North the same democratic rights as enjoyed by the people in all parts of the country."¹³⁹ He stressed that "military operations have become necessary to eradicate terrorism from the country and enthrone democracy throughout the land."¹⁴⁰ It was symbolic as this was the first APC to be held this year. Chairman of the APC Prof. Tissa Vitharana said "that the significance of the APC was to review the developments so far on the efforts to devolve a political solution to the North East issue."¹⁴¹ The meeting was also notable in that some key parties decided not to attend including the UNP, MEP and JVP.¹⁴² Significantly the TMVP is now participating in the APC. Addressing the APC Karuna stressed "that it was necessary to defeat the LTTE militarily in the interests of the people of the North."¹⁴³ The Tamil National Alliance has yet to be formally invited to be a participant at the APC.

There was significant speculation as to the timing of the APC meeting. The official version was that it was in response to "a request by the JHU to convene the APC."¹⁴⁴ There were conflicting reports that the meeting was called in response to international pressure, in particular India. India's National Security Adviser M K Narayanan summoned Sri Lanka's Deputy High Commissioner Palitha Ganegoda for a meeting in New Delhi on October 6.¹⁴⁵ President Rajapakse may have sought to use the conference as a tool to reassure India that he did not believe in a military solution to a political question.¹⁴⁶ The National Freedom Front (NFF) leader Wimal Weerawansa defended the Government's decision to convene the APC and said it "could be used to show the international community that the government has the desire to find a political solution to the national issue."¹⁴⁷ The future of the APC and the fate of the Tissa Vitharan report remains in question.

The controversial statement by Army Commander Lt. Gen. Sarath Fonseka regarding minorities created a political furour and raised questions as to the Government's position with regards to ethnic minorities. In an interview published in the National Post Newspaper in Canada the Army Commander stated that: "I strongly believe that this country belongs to the Sinhalese but there are minority communities and we treat them like our people... They can live in this country with us. But they must not try to, under the pretext of being a minority, demand undue things."¹⁴⁸ The statement made by the army commander was criticised by the main opposition political parties.¹⁴⁹ The Sri Lanka Muslim Congress leader Rauff Hakeem condemned the statement stating "The nature of the attack on the minorities in the interview borders on racism."¹⁵⁰ The Jathika Hela Urumaya (JHU) defended his statement. JHU General Secretary Ven. Omalpe Sobitha Thera said that "nobody should be angry about this statement by the Army Commander" and stressed that "Sri Lanka belonged to the Sinhalese, is nothing but a fact proven by intellectuals and researchers."¹⁵¹ Civil society groups such as the Centre for Policy Alternatives raised the appropriateness of a military commander making such political statements and the failure of the Government to condemn this action.¹⁵²

Projection

Coming in the wake of successful elections and military victories it is very likely that the Government will go ahead with other provincial elections or even parliamentary elections. The Government is likely to survive the budget vote in November/December. The political instability among political parties will continue especially in the lead up to elections. The factional struggle within the TMVP in particular is likely to intensify over the next quarter. It is unclear that the Government will unveil a political solution but it could unveil proposals for the North especially if key areas are 'liberated.'

IV. INTERNATIONAL COMMUNITY CLUSTER

4.1 Context

The Government faced a significant challenge on the international front as Tamil Nadu politicians took up the humanitarian cause of the Tamil Community in the North, raising the spectre of Indian intervention in the Sri Lankan conflict. Against a backdrop of a military advance towards Killinochchi, the Tamil Nadu agitations intensified with members of the ruling DMK, threatening to resign from ruling UPA Government alliance if the war in Sri Lanka was not brought to an end, put significant pressure on the UPA coalition. A flurry of diplomatic activity followed between Sri Lanka and India. The Sri Lankan Government was once more able to demonstrate its ability of off-setting foreign pressure, at least in the short term. Given the various actions by the Sri Lankan Government with regards to the war in the North, especially the demand that all international agencies withdraw from the Wanni, it has faced additional and renewed international pressure. The issues of humanitarian access and civilian protection have been at the forefront, but the Government has sought to provide assurances that it will take actions to address these issues. Its aggressive foreign policy proved less successful with the renewal of the GSP plus concessions, as it applied to the EU but refused to accede to an EU resolution which sought to investigate Sri Lanka's human rights record before an extension could be granted.

4.2 Increased international pressure against the Government's military campaign

Indian Stand-off: One of the most dramatic international developments relating to the Sri Lankan context was the response in Tamil Nadu and by the Indian Central Government to the situation in Sri Lanka, which hit a crisis point in October. While Tamil Nadu political groups have organized protests over the past year, it was in September that these efforts intensified and became concerted, thereby pressurizing the Central Government. The Central Government has repeatedly assured Tamil Nadu politicians that they were not providing offensive military equipment. Following the LTTE air raid on the Vavuniya Army Camp on September 9, the news broke that two Indian engineers A K Tagoor and Chinthamani Raut of Bharath Technology, working on the 2D radar at the Vavuniya SLAF base provided by India, had been injured.¹⁵³ There was an immediate response from a cross section of political parties, accusing the Central Government of duplicity. General Secretary Vaiko of the Marumalarchchi Dravida Munetra Kazhalagam (MDMK), once a constituent party of the UPA Government, accused the UPA Government of "supplying arms and ammunition and logistical support to the Sri Lankan government to wage a war against Tamils."¹⁵⁴ A wide cross section of Tamil Nadu and national political groups, including the Communist Party of India(CPI), Bharathiya Janatha Party(BJP) DMK, MDMK, Pattali Makkal Kadchi(PMK), joined the protests against the military assistance. While many of them urged the Indian Government to immediately recall its personnel, some of them also accused it of duplicity.¹⁵⁵ It is striking that in addition to the Tamil Nadu parties, national parties have come out strong, including the CPI(M).¹⁵⁶ Anti-Sri Lankan protests in Tamil Nadu included demonstrations by a number of political parties, the stoning of the office of the Sri Lankan High Commission in Chennai, trains blocked by protesters, the suspension of film shooting for three days and a human chain organized in Chennai on 24 October.¹⁵⁷

One of the most significant moves was the convening of an all party meeting by Tamil Nadu Chief Minister M Karunanidhi on 14 October, where 6 resolutions concerning the Sri Lankan situation was passed.¹⁵⁸ In particular, the resolutions called the Central Government to stop military assistance and to effect a ceasefire or risk a mass resignation.¹⁵⁹ In an attempt to put pressure on the Indian Central Government over the Lankan issue, DMK MP Kanimozhi on 15 October, submitted a symbolic resignation to the party chief (her father) dated 29 October 2008, following which all 16 Lok Sabha members of the DMK and four of the Rajya Sabha members handed in their resignations.¹⁶⁰ The pressure in Tamil Nadu intensified with the arrest of Vaiko Gopalaswamy on 23 October for making inflammatory speeches in support of the LTTE at a public meeting in Chennai on 22 October.¹⁶¹

Over this period, the Indian Central Government undertook a number of initiatives to indicate its concern regarding the situation in Sri Lanka. At the surface it seemed like there was a diplomatic crisis between India and Sri Lanka. On 6 October, Indian National Security Adviser, M K Narayanan summoned Sri Lanka's Deputy High Commissioner Palitha Ganegoda and expressed New Delhi's "grave concern and unhappiness about growing casualties due to the ongoing military offensive."¹⁶² On October 15 PM Manmohan Singh stated that the situation in Sri Lanka was a "cause of serious concern for India" and also that "we always believe that situation in Sri Lanka does not call for military victory."¹⁶³ In addition, the Central Government took a number of steps which included Foreign Secretary Shivshankar Menon summoning Sri Lankan Ambassador Romesh Jayasinghe, and telling him that "India was gravely worried over the situation arising out of the conflict in Sri Lanka"¹⁶⁴ and urged "Colombo to address these concerns."¹⁶⁵ Even though the two leaders engaged in a number of telephone conversations, President Rajapakse sent his brother Basil Rajapakse as a special envoy on a solo mission to New Delhi on October 26 to address the growing crisis.¹⁶⁶

The Central Government was placed in a dilemma as it has multiple, and some competing, interests in Sri Lanka. India finds itself in a complex position with regards to Sri Lanka – on one hand it has a stated principled position that it is for negotiations between the Government and the LTTE that would lead a political solution to the ethnic conflict, on the other it is fiercely anti-LTTE following the assassination of Indian Prime Minister Rajiv Gandhi, and its anti-terrorism policy both within India and globally. India's regional interests in preventing Pakistan and China from strengthening their position with Sri Lanka make it more difficult for India to stay neutral in the conflict. The Indian Central Government has made no official statement regarding military assistance after the Vavuniya Attack and there is no indication that they will suspend its military assistance, even though Tamil Nadu protests were directed at the Central Government's support.¹⁶⁷ Instead, the Indian Government did not seek to alter its position of support for the war against terrorism. While stating a preference for a negotiated solution, it is striking that the Indian Government did not call on the Sri Lankan Government to suspend military action. During this quarter there were symbolic visits by key figures in the Sri Lankan military establishment, indicating a strengthening of military ties with other states. Defense Secretary, Gotabaya Rajapakse, visited Russia in October for bi-lateral discussions.¹⁶⁸ There was also media speculation that Russia had agreed to a request by Gotabaya Rajapakse to repair military hardware bought from former soviet states.¹⁶⁹ Army Commander, Lt General Sarath Fonseka, visited Bangladesh in August and met his counterpart.¹⁷⁰

Instead, the Government and the Congress party seemed to adopt an approach where it voiced concerns regarding the humanitarian situation, and the failure of the Rajapakse administration to put forward a political solution. It also acted as a messenger of Tamil Nadu concerns, so following the Tamil Nadu All Party Conference (APC) of October 14, the Congress Party conveyed the concerns of the Tamil Nadu political parties to the Sri Lankan Government.¹⁷¹ The Central Government also deftly demonstrated its disdain for the LTTE and groups within Tamil Nadu seeking to align themselves with the LTTE. In a further move to make clear that it would not be intervening in the war in Sri Lanka, Congress Spokesman ,Abishek Singhvi, stressed that "issues of and conduct of foreign relations should be left to the center,"¹⁷² and that "those who make demands about other sovereign countries should know that India's sovereignty runs through the boundaries of India."¹⁷³ Thus, the Centre seemed to clearly indicate that it would only be pressured by Tamil Nadu to a certain limit. It is possible that the Central Government's expressed interest regarding the Sri Lankan conflict was not merely a response to Tamil Nadu. Some commentators noted that the Indian Premier expressed "serious concern" even before the mass political protests in Tamil Nadu intensified.¹⁷⁴ According to one Indian commentator, the Central Government took up the issue due to "the Sri Lankan Government's inability to follow its dual track approach [military operations against the LTTE and formulating a political solution] in keeping with repeated assurances given to India."¹⁷⁵ It should be noted that within this quarterly period, key initiatives which were expected to take place during this quarter did not materialize for varying reasons. The long-awaited

Comprehensive Economic Partnership Agreement (CEPA) between India and Sri Lanka, which was supposed to be signed on the sidelines of the SAARC summit in Colombo in August, was delayed reportedly due to domestic political pressure on the Sri Lankan Government.¹⁷⁶ Another project involving both India and Sri Lanka, the Sethsamudram project, aimed at creating a ship channel between the Palk Straits, is expected to overshoot its deadline as petitions against it are still pending in the Madras High Courts and the Supreme Court.¹⁷⁷ An additional issue was the conflict over Kachchativu Island and attacks on Indian fishermen. The Chief Minister M Karunanidhi called for the Centre to take up the issue and ensure that a solution was found.¹⁷⁸

The Sri Lankan Government also took a number of steps to signal its commitment. The Sri Lankan Government has repeatedly assured the former that, as Foreign Secretary Palitha Kohona put it, “every effort is being made to see that the ongoing military operations do not result in the killing of ordinary civilians.”¹⁷⁹ The Government has continued to reiterate this position and even announced that it would provide “no fire zones” in the Wannai.¹⁸⁰ The Government made clear that it would continue to operate and allow convoys into the Wannai. It can be assumed that the Indian interest also added more international pressure on the Government to send up food stocks and other essential items. An emergency meeting of the APC was called on 11 October, as if to demonstrate the Government’s commitment to the mechanism and a political solution in general. In an interview with the Hindu Newspaper, on October 26, he even claimed that “there is and can be no military solution to political questions”, which seemed to be contrary to the domestic line he was taking. He also stated that “his Government is firmly committed to a negotiated political solution based on devolution of power and ensuring the democratic, political linguistic rights of all our Tamil brethren within an undivided Sri Lanka.”¹⁸¹ As a further demonstration of the Government’s flexibility, the President invited Chief Minister Karunanidhi to visit Sri Lanka to forward his ideas for a proposal to address the Sri Lankan conflict.¹⁸²

It became increasingly clear, however, that the Sri Lankan Government had to take concerted action to prevent the Indian Government exerting excessive pressure. President Rajapakse dispatched Senior Presidential Adviser Basil Rajapakse to New Delhi as his special envoy, where he met External Affairs Minister Pranab Muckherjee, and Foreign Secretary Shivshankar Menon.¹⁸³ A joint statement issued at the end of that meeting on 26 October said, “that the safety and well being of the Tamil community in Sri Lanka is being taken care of and that as a gesture of goodwill India promised to send around 800 tonnes of relief material to Sri Lanka for the affected civilians in the North.”¹⁸⁴ In taking up the humanitarian issues, the Central Government attempted to off-set the pressure from Tamil Nadu. The 800 tonnes of relief material will be the biggest Indian humanitarian intervention in Sri Lanka after the 2004 tsunami.¹⁸⁵ Indian Government’s decision to dispatch relief material has the additional advantage of signaling to the Sri Lankan Government that even though India would not get militarily involved, like it did in 1987, it remains concerned with the humanitarian situation in the Wannai. There were mixed messages as to how this relief would be distributed, with some reports indicating that it would be “government-to-government”, and others indicating that it would be “distributed via the UN agencies and the Red Cross.”¹⁸⁶ Reportedly during the meeting, the envoy reiterated that the President and his Government were firmly committed to a political solution, while the Indian side called for the implementation of the 13 amendment to the constitution and greater devolution of powers to the provinces.¹⁸⁷

It is interesting that following the visit of the Special Envoy the crisis appears to have temporarily resolved itself. Clearly, the Sri Lankan Government secured significant relief from the visit, as the statement indicated that some understanding had been reached and that India would not exert overt pressure. The very fact that there were high level meetings and an understanding was reached, also indicated that Government had been able to win over the Indian Government. During the UN GA in September, President Rajapakse had been unable to secure a meeting with PM Manmohan Singh. It was rumored that PM Singh was not keen on meeting President Rajapakse due to delays in putting

forward a political settlement.¹⁸⁸ To its domestic audience, the Sri Lanka Government could demonstrate that as a result of the envoy's visit, it had been able to avert Indian intervention through diplomatic means and that the war had tacit Indian support. It was also a strategic victory over the LTTE, as Indian pressure to suspend or at least complicate the military operations would provide it some breathing space.¹⁸⁹ It is important to note, that at no point did the Indian Government demand the Sri Lankan Government to halt ongoing military operations nor did it call for a ceasefire.¹⁹⁰

It seemed that by mid-October, Tamil Nadu political pressure had a direct impact on the central government taking up the issue and leaning heavily on the Sri Lankan Government. Basil Rajapakse's visit seemed to turn this around, with the Centre now tasked with managing Tamil Nadu demands. For the Central Government the visit did provide some success, as it was able to once more pressure the Sri Lankan Government into a political solution, even though efforts over the last months have not yielded substantive results. Given that general elections are imminent, and that the political pressure on Tamil Nadu political groups to out-do each other on the Sri Lankan Tamil issue are high, the Central Government was able to avoid the collapse of the Government and snap polls.¹⁹¹ Key figures at the centre sought to provide assurances to the DMK. Congress leader, Sonia Gandhi and External Affairs Minister, Pranaba Muckerjee both gave assurances to Karunanidhi.¹⁹² The Central Government was also able to present to Tamil Nadu that it had secured assurances from Sri Lanka. Following the envoy's visit, Pranab Muckerjee met Karunanidhi in Chennai on 26 October. He assured him that the "Sri Lankan government is taking steps to ensure the safety of Tamil civilians in Sri Lanka."¹⁹³ and that India had urged the Sri Lankan Government to "vigorously seek a political package and immediately address humanitarian concerns."¹⁹⁴ In turn, Karunanidhi provided assurances to Pranab Muckerjee that the DMK "will not precipitate a political crisis" for the Congress-led Government.¹⁹⁵ Subsequently, Karunanidhi was also briefed and provided assurances by UPA Chairperson, Sonia Gandhi.¹⁹⁶ The DMK withdrew its resignation letters and was thus able to avoid having to face political instability by pointing to the assurances it had been provided. Even though the DMK did come in for criticism, it was able to save face. It is unclear for how long Tamil Nadu will remain calm, especially if the military advance continues. The Sri Lankan Government could once more find itself under pressure from India.

Withdrawal of international agencies from the Wann: The Sri Lankan Government demanded that all UN agencies and INGOs should withdraw their operations from the Wann in this quarter. On 9 September, the Chair of the Consultative Committee on Humanitarian Assistance (CCHA) and Disaster Management and Human Rights Minister, Mahinda Samarasinghe, informed the CCHA that the Defense Secretary had communicated a decision by the Government of Sri Lanka (GOSL). The Government's justification was that it had an obligation to ensure the safety and security of all those working there.¹⁹⁷ While the Government stated that it would ensure that assistance would be provided to IDPs in the Wann, it assured international agencies that the 'relocation' was a temporary measure.¹⁹⁸ The United Nations Office of the Resident/Humanitarian Coordinator in Sri Lanka acknowledged the announcement by the Sri Lankan Government that "it could no longer ensure the safety of aid workers in the Wann and NGO staff should relocate to Government-controlled territory"¹⁹⁹ but said that it remained fully committed to addressing the humanitarian needs of the civilian population in the affected areas, and will continuously monitor the situation to assess how this can be done under the circumstances.²⁰⁰ By September 16, most agencies had withdrawn their non-Wann personnel and equipment from the Wann.

There were significant concerns as to the implications of the withdrawal for the people of the Wann. In addition to providing humanitarian assistance including food, shelter and WATSAN facilities to the affected, humanitarian agencies played a crucial protection role. There were fears that with their withdrawal, communities would become more vulnerable to acts of violence by both the LTTE and the military, and that the Government would use a siege strategy. While there was a clear

disagreement of the need to withdraw and there was some effort to re-negotiate the withdrawal, the 11 international agencies swiftly moved to discussing the operational issues of relocation, including postponing the date and even refused to sign up to a collective statement expressing their disagreement. Only the ICRC was able to negotiate an arrangement with both sides to ensure their continuing presence in the Wannu.²⁰¹ The intensification of military operations and the withdrawal of international agencies resulted in some diplomatic efforts to negotiate with the Government on a number of issues, including convoys of essential supplies, access to conduct assessment missions, 'humanitarian corridors,' and 'safe spaces.' The LTTE which had placed severe restrictions on civilian movement also refused personnel, whom it claimed were from the Wannu, to leave. Given the LTTE's status as an internationally recognized terrorist group, the Sri Lankan Government's sensitivity to any engagement with the LTTE and the increasing wariness of the LTTE leadership to be contactable, has made it increasingly difficult for the international community to engage in any advocacy with the LTTE.

Sri Lanka has continued to be an issue on the UN agenda. UN Secretary, General Ban Ki Moon, "expressed his deep concern over the increased hostilities in northern Sri Lanka, and the grave humanitarian consequences for civilians."²⁰² The statement was criticized by the Secretary General of the Peace Secretariat (SCOPP), Rajiva Wijesinghe, who claimed that Ki Moon had been "misled" by reports from "other theatres of war."²⁰³ Wijesinghe's statement came a few days before President Rajapakse departed to address the UN General Assembly. Reportedly, Sri Lanka's Ambassador to the UN, H M G S Palihakkara, was directed to convey to Secretary General Ban Ki Moon that Wijesinghe's comments did not reflect Rajapakse's views or that of his government.²⁰⁴ The envoy for France (which occupied the EU Presidency) Philip Delacroix, spoke at the UN General Assembly on 30 October and stated that "the human rights situation in Sri Lanka was deteriorating and all parties in the conflict should take concrete measures to guarantee the safety and freedom of movement of civilians and to enable humanitarian organizations to safely carry out their work."²⁰⁵ President Rajapakse addressed the 63 UNGA on 24 September. In his speech he made it clear that the Government would be ready for talks with the LTTE when it disarmed, but that it would not permit a division of the country or for the Tamil people to be held "hostage."²⁰⁶ The President delivered most of his speech in Sinhala. In a highly symbolic move he also spoke in Tamil for a few minutes, becoming the first Sri Lankan leader to do so.²⁰⁷ President Rajapakse also met UN Secretary General Ban Ki Moon and a host of international leaders²⁰⁸ to update them on the situation in Sri Lanka, including the Government's policy of "zero tolerance of civilian casualties."²⁰⁹ Minister of Disaster Management and Human Rights Mahinda Samarasinghe visited New York and met UN Secretary General Ban Ki Moon on 23 October where he briefed him of the measures taken by the Government to address the human rights and humanitarian situation in the North.²¹⁰

Sri Lanka also figured in the general debate of the Human Rights Council in Geneva in September with the EU, Switzerland, the Netherlands and Ireland, expressing serious concern regarding the plight of civilians in the north.²¹¹ Several NGOs, including Amnesty International also spoke on the Sri Lankan situation.²¹² Government spokesman, Rajiva Wijesinghe, denied allegations that civilians were affected by the fighting and asserted that "Sri Lanka will look after its own, to the best of its ability and with the assistance of its friends who care about its people."²¹³ During this quarter, there were unsubstantiated rumors that the US Embassy in Colombo refused to grant a visa to EPDP leader and Social Services Minister, Douglas Devananda, who wanted to go to the General Assembly of the United Nations in New York, on account of human rights violations.²¹⁴ International involvement in the Sri Lankan situation was a key domestic issue with both the JVP and UNP questioning India's involvement and the lack of government transparency in its dealing with India. The US Ambassador Robert Blake was criticized by the JVP and JHU for statements he had made as 'interference in internal matters.'²¹⁵

GSP plus issue: The polemics on the extension of the GSP plus scheme during the last quarter continued into this quarter as well. The Government sent in its application for the extension of the GSP plus scheme on October 11, despite speculation that it was considering not doing so. It was made clear there was a strong possibility that the EU would not extend the GSP Plus facility to Sri Lanka, due to the deteriorating human rights situation and good governance standards in the country. Over this quarter the Government reportedly canvassed for the extension with the European Union to canvass and on the sidelines of the UNGA.²¹⁶ The Government has also opposed an EU resolution to launch an investigation to determine whether the country qualifies to have its GSP plus scheme extended.²¹⁷ The Foreign Minister told Benita Ferrero Waldner that “the Government of Sri Lanka finds the procedure of instituting an investigation unnecessary and inappropriate, given the extensive cooperation Sri Lanka has extended to UN/ILO convention supervisory bodies relevant to the GSP plus process.”²¹⁸ The cabinet decided against allowing such an investigation to take place, and the Foreign Ministry informed the EU accordingly.²¹⁹

The global economic down turn coupled with the economic issues within Sri Lanka itself, are key driving forces for the Government to work on securing GSP plus. A recent study by economists at the University of Sussex concluded that losing GSP Plus would lead to a 4% cut in Sri Lanka’s garment exports, and overall, it would cost 2% of the island’s GDP.²²⁰ To cushion the possible withdrawal of GSP plus, the Sri Lanka Government announced a Rs. 21 billion (\$200 million) bailout package to garment and other export industries. While the package is expected to bring temporary relief, it is unclear how far and for how long it could support the industry.²²¹ It now seems that the Government’s efforts to convince the EU to extend the GSP plus facility for sympathetic reasons have failed. The EU finds itself caught between not wanting to punish the affected economic sectors and the labour force for the shortcomings of the Government of Sri Lanka on the one hand, and not wanting to be seen to reward a Government which has failed to meet basic standards set by the EU on good governance and human rights on the other. Regardless, the EU could lose significant leverage with the Sri Lankan Government either way.²²²

During this quarter a number of high profile foreign visits and visitors. Palestinian President Mahmoud Abbas paid a state visits to Sri Lanka from 9-11 October.²²³ President Rajapakse’s visit to China in August to attend the Olympic Games when he also met Chinese President Hu Jintao and the Chinese Minister of Commerce for bilateral trade discussions.²²⁴

4.3 Projection

International pressure on the Sri Lankan Government may continue to mount with regards to the humanitarian situation in the North if the military operations intensify. Issues such as civilian protection and access for essential goods and humanitarian agencies could be key issues which international actors will raise with the Sri Lankan Government. Indian pressure in particular could prove problematic for the Sri Lankan Government, especially in the lead up to Indian general elections, and if the protests in Tamil Nadu mount. The Government has shown itself more than able to wage an aggressive diplomatic campaign so it is unlikely that there would any serious international pressure to off set the Government’s military strategy. The international isolation of the LTTE is unlikely to thaw hence this an added advantage for the Government.

V. LEGAL & CONSTITUTIONAL

5.1 Context

This quarter witnessed a significant phase of judicial activity where the Supreme Court delivered several land mark judgments relating to governance. The Supreme Court in a novel and positive approach to constitutional interpretation redefined and/or reinforced concepts such as presidential immunity, the public trust doctrine and the rule of law. In what is widely known as the Waters Edge Judgement, the Supreme Court interpreted the constitutional powers over to the President in broadest possible terms to date. The ruling in effect set limits on the powers of the executive presidency. The Supreme Court in another land mark verdict on the Lanka Marine Services defined the role of public servants as guardians of the State's fiscal policy and property, when it held that, then PERK Chairman and Treasury Secretary acted arbitrarily and in a biased manner, in favour of John Keels Holdings, in the sale of the Petroleum Corporation owned subsidiary. The Court also lent a favourable hearing to several other challenges to efforts at increasing the Government's power including giving leave to proceed in a rights application against the gazette notification which has given power to Defense Secretary to detain persons for prolonged periods also further accommodating a challenge to the gazette giving authority to the President to extend the retirement age of any public servant he considered necessary.

5.2 Increasing judicial activity amidst continuing constitutional crisis

In sum, the major judgments during this quarter reinforced the importance of good governance. The Waters Edge judgment handed down by the Supreme Court (SC) pinpoints a gross abuse of executive power. Taken together with the earlier judgment relating to the Lanka Marine Services Limited transaction there is a clear signal emanating from the SC that the executive presidency is not above the law. Further it reinforced the accountability of elected and public servants governance and the importance of the doctrine of public trust.

Privatization and Liberalization of fuel bunkering facilities at the Colombo Port: On 21st July 2007, the Supreme Court delivered order on the privatization and liberalization of the fuel supply (bunkering) facilities of the port of Colombo, which may have far reaching effects on public law and both political and corporate governance in Sri Lanka. The case was initiated as a fundamental rights petition in the public interest by political activist Vasudeva Nanayakkara, who argued that the manner in which the privatization of the bunkering facilities was done infringed his fundamental rights to equality and equal protection of the law. The case relates to the sale of Lanka Marine Services Ltd (LMSL) a wholly owned company of the Ceylon Petroleum Corporation (CPC), which was profit making, debt-free, tax-paying company. Although there were 31 respondents the challenge was primarily against the Chairman of the Public Enterprise Reform Commission (PERC), Dr. P.B. Jayasundara, John Keels Holdings (JHK) and one of its Directors at that time Susantha Rathnayake presently Chairman of JHK. The petitioner alleged inter alia that Jayasundara in his capacity as PERC Chairman caused the sale of 90% of shares of LMSL to JKH, without prior approval of the Cabinet, in a process that was not transparent and was biased in favour of JKH. According to the judgment the petitioner "alleged that the impugned privatization was lopsided and moved in the reverse direction of public enterprise reform by converting a tax paying public enterprise to a tax-free private enterprise which claimed monopoly in the relevant business" (p.3)

In lengthy analysis of the facts and circumstances of the case the SC judgment delivered by Chief Justice, Sarath Silva with judges Nimal Garmini Amaratunga J. and Jagath Balapatabendhi J. agreeing found Dr. P.B. Jayasundara to have acted illegally and to the detriment of national and public

interest. A key issue that the ruling highlighted was that though due process have been observed, such as cabinet approval being obtained, these safeguards have proved insufficient to prevent abuse thus compelling the Supreme Court to call on the morality and conscience of office holders, be they elected or public servants, by calling on the public trust doctrine. This state of affairs was pointed out by Supreme Court in the above decision as well in the latter decision on waters edge what becomes. The immediate fall out of the decision was the payment of half a million rupees as compensation and resignation tendered by Jayasundara.

In the **Waters Edge Judgment** the Supreme Court pointed out the gross abuse of executive power. The Supreme Court on October 8th upheld a fundamental rights petition filed by two retired public servants, Sugathapala Mendis and Raja Senanayake that former President Chandrika Bandaranaike Kumaratunga, was instrumental in illegally transferring state lands meant for a 'public purpose' to a private golf course known as Waters Edge. In a landmark judgment Justice Shiranee Thilakawardane said that Kumaratunga "has failed to act with the requisite level of responsibility warranted by her position, abused her power and has acted in a manner that reveals a desire to accommodate an interest or interests other than that of the people of Sri Lanka"²²⁵ Kumaratunga was fined Rs. 3 million while the fifth respondent Ronnie Peiris, who as the Counsel for the petitioner submitted to court is said to have obtained a sum of approximately 60 Million in profit from this transaction, was ordered to pay Rs.2 million rupees. The court also ordered that the flood retention area at the controversial site be restored and recommended that the Waters Edge complex be utilized to house government offices.²²⁶

This judgment has serious implications on the powers of the executive presidency and was not just a ruling against the previous president. As one analyst, Rohan Edirisinha noted "it would hopefully make an over-mighty Executive as provided for in the Constitution of 1978, less over mighty" and would hopefully act as a deterrent to the abuse of all power,²²⁷ This Judgment is unprecedented in that for the first time the President was made party to legal action thus modifying, to an extent, the legal immunity granted to the President by the Constitution. This judgment brings in a new and wider interpretation of the public trust doctrine insofar as hopefully making any president act more circumspectly however analysis's view that this may not be enough given the enormous powers vested in the office of the President. This Judgment builds on previous judgements and strengthened the issue of immunity by linking it with the public trust doctrine and the Rule of Law . Here again commendable as it is according to Rohan Edrisinha²²⁸ this judgment could have gone further and expanded the concept of immunity. that is if 'the immunity provision is a shield and not a sword, as the Supreme Court has held, it cannot be used to prevent legal action against blatantly unconstitutional acts of the President, even while the President holds office. Thus it can be pointed out that the immunity provision cannot be used to prevent a legal challenge to the double violation of the constitution by the President, with respect to the 17th Amendment, this would prove to be the test of the Supreme Court in upholding the Supremacy of the Constitution.²²⁹

Gazette Regulating age of retirement of public officers: The Supreme Court on September 22nd granted leave to proceed with the fundamental rights violation application²³⁰ filed by the Centre for Policy Alternatives and Rohan Edrisinha, challenging the validity of the Gazette dated August 21, 2008, which vested power in the President to extend the services of public and judicial officers appointed by him beyond the compulsory retirement age.

President Mahinda Rajapaksa, in a Gazette extraordinaire issued in August 2008²³¹ extended the compulsory retirement age of public officers appointed by the President and by recourse to this rule proceeded to extend the retirement age of Attorney General C.R. de Silva. Responding to the Fundamental Rights Petition, the Supreme Court issued an Interim Order staying the operation and/or giving effect to the Gazette and emphasized that an individual including the president did not have the authority to amend such an act and only parliament enjoyed the privilege to engage in such

law making.²³² The Chief Justice informing court that and order on the validity of the Gazette would be given on 6th October unless it is withdrawn. However the Attorney General tended his resignation without coming in to conflict with the Judiciary. While it was speculated that the President would repeal the Gazette,²³³ however there has been no move on the part of the Executive to repeal the Gazette and the case is to be argued on the 15th of December. According to analysts the intention to repeal Gazette No. 1562/1 and introduce a new Gazette would be to save at least 125 indictments, which were filed after the Gazette came in to effect, including the case against journalist J.S. Thissanayagam. However on 6th October, granting the interim order the Court has indicated that should the Gazette be held invalid this would not affect the indictments made during the period under consideration,

Prolonged Detention: A fundamental rights application²³⁴ was filed in the Supreme Court against the gazette notification which has given power to Defence Secretary to detain persons for prolonged periods. According to the petition²³⁵ the Gazette notification 1561/1 issued on August 5th, alters the scope of the law relating to detention under emergency law gravely, granting extraordinary discretion to the executive to decide place, manner and period of detention, severely affecting personal liberties and placing the subjects at great peril by allowing a person to be under police custody for 1 ½ years. The law under the Code of Criminal Procedure embodies distinct provisions as to the procedure to be followed immediately after an arrest is made by a police officer. Persons arrested and detained as above will necessarily be only ‘suspects’ and such a prolonged detention of a suspect would deprive a person of his liberty and expose the detainee to various forms of torture, and other cruel and inhuman or degrading treatment. Thus a power in the nature of the above amendment introduced by Gazette 1561/1, would according to the petition leave opportunity for abuse of such discretion otherwise allowed under the exceptional circumstances affecting national security. The Supreme Court granted leave to proceed and the hearing has been fixed for 15th December.

17th Amendment to the Constitution and related issues – The Constitutional Council (CC) has not been reconstituted since March 2005 – when the term of the first CC expired despite repeated calls to do so by concerned members of the public and civil society organizations. Although there had been a protracted dispute over the minority party representative to the CC, all nominations of members have now been made, and now it is the duty of the President to make these appointments in order to reconstitute the CC.

During this quarter judiciary has again showed signs of a more positive approach and inquired of the possibility for opposition leader to agree to re-nominate CC members jointly with the president, leader of the opposition and prime minister and further issued instructions that the president and the prime minister together with the leader of the opposition to try and reach a consensus on agreeing on this mechanism. This maneuver by the Chief Justice according to constitutional analysis is probably giving the president a face saving way out of the real reason for not implementing the 17th amendment, ...that the “ President want his appointees and loyalist in the key positions covered by the 17th amendment”. This sentiment had been previously voiced thought in more diplomatic parlance by the Chief Justice him self had previously noted at the hearing of the CC case that “President Rajapaksa might not be appointing the CC because he had misgivings about some of the people proposed as members”.²³⁶

In a new development in the 17th amendment related issues, a group of 29 MP’s from virtually all parties represented in Parliament handed over a petition to the Parliamentary Committee on Public Petitions, containing several new clauses to be added to the Constitution. They have called for an amendment to enable standing committees of Parliament to review orders made by the Public Services Commission, the Judicial Services Commission and the National Police Commission appointed by the Constitutional Council under the 17th amendment. However this move in the opinion of analysts would “defeat the purpose of the 17th Amendment” and it would be a “step

backwards” as it would undermine the powers of the Commissions established under the Amendment. The fact that the MP’s have taken this stand shows that they fail to understand the fundamental principle of the 17th amendment, and the deep politicization of public institutions. Commissions are meant to be devoid of political affiliations and so far no decisions that have been taken by any such bodies have been changed by Parliament” Even though the Government makes out that this step was taken to ‘ensure transparency’ and would “function as a “checking process” it is more likely that such a committee simply be a mechanism to divulge the decisions of the commissions to Parliament,

The issues related to the non constitution of the 17th amendment get carried forward to this quarter albeight with the heartening prospect of positive moves by the Supreme Court make a sustained effort to get the CC appointed by the President. The Court took up for argument on the 2nd week September the fundamental rights petition filed by Sumanasiri Liyanage, senior lecturer in economics at the University of Peradeniya, and Ravi Jayawardene, the executive director of the South Asia Peace Institute.

While these judgments are seen to be critical steps in safeguarding the balance of power and preventing an excessive abuse of power by the Executive Presidency, this new approach of the Supreme Court has also given rise to fear that the Court may have in some cases overreached itself. and further give rise to considerable debate whether the judiciary is exercising the necessary caution about the procedure it adopts, the way in which the case is heard, its reasoning and justification.

5.3 Projection

Over the next few months it is likely that the Supreme Court could continue to make judgements which call for increased accountability and adherence to key national standards relating to good governance and constitutionality. There has been considerable speculation regarding a rift between the executive and the judiciary mainly fed by the Court’s decisions which could further politicize the judicial system, jeopardizing its important and distinctive role in a constitutional democracy.

VI. ECONOMIC

6.1 Context

Basking on the relentless successes in the battlefields of the North and electoral successes in three Provinces for which elections were held during this year (2008), politically astute Chief Executive Officer (President) cum Chief Financial Officer (Minister of Finance) of the Government unveiled a populist budget aimed at further wooing the masses.

6.2 Economic growth continuing despite signs of slowing down

The Government of Sri Lanka's Budget for 2009²³⁷ presented to the Parliament on 06th November 2008. The budget was presented amidst growing gap between the government revenue and expenditure in the domestic sector of the economy, and huge increase in trade deficit and declining total foreign exchange reserves (i.e. deteriorating balance-of-payments) in the external sector of the economy. Thus, the budget deficit increased by 22.5% to LKR 249.3 billion in the first nine months of 2008 from LKR 203.5 billion in the same period last year. Similarly, trade deficit increased by 88% from USD (-) 2,453 million in the first nine months of 2007 to USD (-) 4,613 million in the corresponding period this year. Total foreign exchange reserves stood at USD 4,543.5 million at the end of September 2008, marginally higher (0.7%) than at the end of 2007 (USD 4,511 million), but have been declining since the end of July 2008. Moreover, annual economic growth, in terms of the Gross Domestic Product (GDP), has been declining to 6.8% in 2007 and 6.5% in 2008 (anticipated) after peaking to 7.7% in 2006.

The global financial crisis is taking a toll on the balance-of-payments of Sri Lanka due to the withdrawal of some foreign portfolio investment in the Colombo Stock Exchange (CSE). However, rapidly declining fuel prices in the world market (crude oil price dipped to less than USD 50 a barrel during November 2008) is expected to cushion the partial withdrawal of foreign portfolio investment by way of reducing the trade deficit during the last quarter of this year. Besides, inflation dropped dramatically to 16.3 in November after peaking to 28.2% in June 2008. The figure put out in November has been questioned.

Despite the tight fiscal and external economic environment, the Finance Minister announced pay hikes to public servants and pensioners (by way of cost of living allowances) and reduction in public and private transport fares (bus and rail) due to declining fuel prices aimed at appeasing the masses reeling under sustained rise in cost of living until the middle of this year, which has been declining since July but still remaining high. There is a call for import substitution in the budget that has resulted in imposing import duties on additional products and hiking the existing rates of import duties of many goods in order to contain the huge rise in trade deficit. Although this strategy could be economically problematic and even imprudent, politically it could be rewarding for the government.

The overall public expenditure would increase by 15.6% to LKR 1,719 billion earmarked for 2009 from LKR 1,487 billion earmarked for 2008, which is expected to be more or less the same as the rise in inflation during 2009 but more than double the expected rate of economic growth. However, the budgetary allocations for the top twelve high spending ministries (see Table 1) are expected to decline in real terms, i.e. the rates of increase in budgetary allocation are lower than the anticipated rate of increase in inflation. For example, expenditure on defence is expected to rise by only 6.4% in 2009²³⁸, which would be lower than the anticipated rise in inflation during 2009 (that could still remain in double digit). Besides, the earmarked rate of increase in defence expenditure for 2009 is expected to be almost the same as the anticipated growth in GDP in 2009 (6-6.5%).

Table 1 catalogues the highest spending Ministries in terms of absolute amounts of expenditure (both recurrent and capital expenditures) .

Table 1: Public Expenditures by Selected Ministries 2005 – 2009

	Public Expenditure (LKR billion)				
	2005	2006	2007	2008	2009
1. Ministry of Defence, Public Security, Law and Order	86	111	150	166.5	177
2. Ministry of Education & Higher Education	20	32	43	46	48
3. Ministry of Samurdhi & Nation Building	15	20.5	34	54	56
4. Ministry of Healthcare & Nutrition	35	37.5	43	58	59
5. Ministry of Public Administration & Home Affairs	48	59	77.5	94	89
6. Ministry of Power and Energy	8	6	32	32	38
7. Ministry of Transport & Railways	15	20	21	38	29
8. Ministry of Highways & Road Development	15	24	39.5	52	77
9. Ministry of Finance and Planning	383	533	533	665	543
10. Ministry of Agriculture, Livestock, Lands & Irrigation	14	6	28.5	40	60.5
11. Ministry of Provincial Councils & Local Government	73	83	87.5	115	110.5
12. Ministry of Urban Development & Water Supply	16	20	22	37	39
Total (LKR billion)	805	1073	1192	1487	1719

Source: Central Bank of Sri Lanka, Annual Report, 2005, 2006, 2007 & Appropriation Bill, September 2009.

Note: (a) While 2005, 2006 & 2007 data are actual expenditures, 2008 & 2009 data are earmarked expenditures.

(b) All the figures are rounded to nearest billion rupees and full number.

(c) Total public expenditure (last row) and Ministry of Finance (row 9) figures for 2009 do not include public debt repayments.

However, during the past 20 years or so, the actual defence expenditure has surpassed the earmarked allocation in every single year (see Table below for past three year figures). In contrast, the actual expenditures of other Ministries have been lower than the earmarked expenditures, including for education, health and poverty alleviation. Further, defence expenditure does not include pensions for the retired armed forces personnel (which is covered by the Department of Pensions under the Ministry of Public Administration) and disability benefits for the injured soldiers (which is covered by the Ministry of Social Services and Social Welfare). Therefore, the actual expenditure on the armed forces would be much greater than that is reflected in the budgetary allocation for the Ministry of Defence.

Table 2: Defence Expenditure 2006-2008

	Voted Expenditure	Actual Expenditure
2006	LKR 96 billion	LKR 111 billion
2007	LKR 139 billion	LKR 150 billion
2008	LKR 166.5 billion	Not known until April 2009 but has already overshoot the voted expenditure by November 2008

The next table catalogues their respective shares in total public expenditure. Almost one-third of the total public expenditure in 2009 would go for repayments of public debt (both amortisation and interest) as reflected in the allocation for the Ministry of Finance and Planning. Second highest share of total expenditure is for Defence, which is little over 10%. Ministry of Provincial Councils and Local Government (6.4%), Ministry of Public Administration and Home Affairs (5.2%) and Ministry of Highways and Road Development (4.5%) account for the third, fourth and fifth highest shares of public expenditure (see Table 3).

Table 3: Spending by Selected Ministries as a proportion of the Total Public Expenditure 2005 – 2009

	As a % of Total Public Expenditure				
	2005	2006	2007	2008	2009
1. Ministry of Defence	11	10	13	11	10.3
2. Ministry of Education & Higher Education	2	3	3.5	3	2.8
3. Ministry of Samurdhi & Nation Building	2	2	3	3.5	3.3
4. Ministry of Healthcare & Nutrition	4	3.5	3.5	4	3.4
5. Ministry of Public Administration & Home Affairs	6	5.5	6.5	6	5.2
6. Ministry of Power and Energy	1	0.5	3	2	2.2
7. Ministry of Transport & Railways	2	2	2	2.5	1.7
8. Ministry of Highways & Road Development	2	2	3.5	3.5	4.5
9. Ministry of Finance and Planning	48	50	45	45	31.6
10. Ministry of Agriculture, Livestock, Lands & Irrigation	2	0.4	2.5	3	3.5
11. Ministry of Provincial Councils & Local Government	9	8	7	8	6.4
12. Ministry of Urban Development & Water Supply	2	2	2	2.5	2.3
Total (LKR billion)	100	100	100	100	100

Source: Central Bank of Sri Lanka, Annual Report, 2005, 2006, 2007 & Appropriation Bill, September 2009.

Note: (a) While 2005, 2006 & 2007 data are actual expenditures, 2008 & 2009 data are earmarked expenditures.

(b) All the figures are rounded to nearest billion rupees and full number.

(c) Total public expenditure (last row) and Ministry of Finance (row 9) figures for 2009 do not include public debt repayments.

The top four highest spending Ministries (Finance, Defence, Provincial & Local Government and Public Administration) have remained the same for a very long time. The bulk of the budgetary allocation for the Ministry of Finance and Planning goes for public debt repayment. It needs to be noted that the bulk of the defence expenditure goes for the payment of salaries and allowances for the personnel of the armed forces and the police and not for capital expenditure. Likewise, the bulk of the budgetary allocation for the Ministry of Provincial Councils and Local Government is spent on salaries and overtime payments to public servants at the provincial and local tiers of government. Similarly, the bulk of the budgetary allocation for the Ministry of Public Administration and Home Affairs goes for the payment of pensions of retired public servants including armed forces personnel, which is growing fast due to an ageing population.

Thus, in the five year period under consideration (2005-2009), about two-thirds of the public expenditure had gone for the salaries and allowances of public administration personnel, pensions of past personnel and public debt repayments. Moreover, significant amount of the budgetary allocations of the Ministries of Education and Health are spent on salaries, overtime payments and cost of living allowances of the personnel employed in these Ministries. Therefore, the total cost of all public services would be even higher. However, public debt repayments include capital expenditure of the government (public investment) in the past as well. Total government revenue (tax plus non-tax revenue) has not been sufficient to meet even the recurrent expenditures of the government in the past twenty years (since 1989).

The foregoing facts and figures indicate that a crisis has been brewing in the economy for a very long time under different governments. The approach of successive governments has been to differ the crisis to the future, except during the period 2002-2003 when efforts were made to rein in public expenditure and public debt by the then short-lived government. In many democracies incumbent governments attempt to pass the responsibility of managing public finances crises to future governments. The present government has been very successful in using or abusing the political war dividend to differ the looming economic crisis, which to a large extent was created by the enduring civil war.

Although LKR 1,100 million (or 1.1 billion) was allocated to the Department of Elections in 2009 it is not adequate for a snap parliamentary election, on top of provincial council elections, the government could always allocate more money to the Department of Elections through a supplementary budget.

6.3 Projection

In spite of double-digit inflation for more than two years now, the government has been successful in weathering public unrest because of the political war dividend created by sustained successes in the theatres of war in the East and North, which continues to date. With the global financial crisis exerting significant pressures, the Government will face serious challenges in sustaining growth and covering recurring expenditure.

VI. MEDIA

7.1 Context

While on one hand media in Sri Lanka appears to be flourishing with multiple sources of media: newspapers, television, radio and online which seem to be guaranteed the freedom of expression under law, there are other indicators which suggest that the media faces a number of critical challenges. In particular, media workers have faced violent attacks, verbal abuse and restrictive measures. The threat of violence and overall fear has resulted in the media being more cautious in what it says and how it says it, resulting in self-censorship. This broader trend continued into this quarter.

7.2 Continuing violence and threats against the media

Intimidation and violence against the media continued during the months of August, September and October. A significant development during this quarter was a bill put forward by the Government which threatened to introduce significant control on the media. The Minister of Mass Media and Information circulated a new set of regulations titled “The Private Television Broadcasting Station Regulations” on October 10th 2008. The regulations essentially consolidated regulations under section 31²³⁹ of the Sri Lanka Rupavahini Act, No.6 of 1982. These new guidelines seek to control all aspects of private television broadcasting, including classification of stations and services; issue, revocation, and duration of licenses; fee structure; territorial coverage; ownership; duties and responsibilities of private television broadcasters; extended powers of the Ministry; and content controls.²⁴⁰ The Free Media Movement stated that the new regulations give cause for serious alarm on a number of points, such as classification of private television broadcasting stations, citizen requirements, the ineligibility of political parties to obtain a private television broadcasting license; duration of license, cancellation of license, consultative committee on television broadcasting and the role of the Ministry.²⁴¹

Individual journalists and other media workers continue to be at the receiving end of violence. Rashmi Mohamad, a provincial correspondent of Sirasa TV, was killed in a suicide blast targeting the opposition leader of the North Central Provincial Council, Major General Janaka Perera, in Anuradhapura on October 6th.²⁴² On 9th September, an unidentified gunman shot at Batticaloa based freelance journalist, Radhika Devakumar, at her residence located in Kaladi. The journalist sustained serious injuries from the attack.²⁴³ This attack was condemned internationally. The Committee to Protect Journalists (CPJ) in a statement said, “this attack has the earmarks of an assassination attempt. The government must immediately act to bring the perpetrators to justice. Sri Lanka’s record of impunity for those who attack journalists is a disgrace, and that record must be reversed now,” said Bob Dietz, CPJ’s Asia program coordinator.²⁴⁴ On August 15th, Thakshila Jayasena of BBC’s Sandeshaya Sinhala Service, lodged a complaint with police in Polonnaruwa after a motorcyclist blocked her taxi and told her that no one would leave alive. This incident occurred after she had finished covering a protest campaign by the UNP. Ms. Jaysena claimed that the motorcyclist was a member of the TMVP. The FMM reports that several threats have been made to media personal by the TMVP in the Eastern province, and expressed concern over the steady deterioration of media rights in that region.²⁴⁵

International actors have also voiced their disapproval over the current situation that the media in Sri Lanka are facing. The International Federation of Journalists (IFJ) asked the government to explain the police statements that defended Labour Minister, Mervyn Silva’s unjustifiable attack on Sirasa TV journalists on August 6th. On August 19th, the IFJ also called on “all sides in Sri Lanka’s conflict to respect the right of journalists and independent and critical media to report fairly and critically in the interests of all citizens, without fear of threats, intimidation or worse.”

Pullout of the INGOs from Killinochchi- Media Coverage

The Government of Sri Lanka issued a public statement on the 8th September to the heads of the UN humanitarian agencies and other INGOs, stating that it could no longer ensure the safety of aid workers in the Vanni, and therefore requested all the INGO staff to vacate Vanni and Killinochchi and relocate their offices to the government controlled territories in Vavuniya. This 'relocation' of humanitarian agencies was covered with significant interest particularly over the period from September 9th - 15th. The nature of the coverage given by the print media, and the way each newspaper tried to address the different aspects of this issue depicted the acute polarization of the media channels in terms of the ethnicity of the targeted audience and the political biases of the newspaper owners.

High interest: All the print media demonstrated a significant level of interest to this story, hence it was a front page story for a number of days.²⁴⁶ There was significant difference in the degree of coverage between the language streams as indicated by the story being the lead story. All the Tamil newspapers ran at least one lead story about the pullout of the INGOs during the week. Among the Sinhalese newspapers, *Lankadeepa*, *Lakbima*, *Divaina* and *Dinamina* ran lead stories on different days²⁴⁷. Among the English newspapers, only Sunday Times ran the lead news on this. Other English newspapers ran front page news items and inner page feature article. No Sinhala or English newspaper ran an editorial, while *Weerakesari* and *Thinakaran* ran one editorial each and *Sudaroli* ran two editorials.

The differing level of interest is seen most clearly in how the story was 'broken.' The press conference to announce the government's decision that it could no longer guarantee INGO safety in the Vanni was held on the 8th September. All the Tamil newspapers except the *Thinakaran*, published by the state owned Lake House, ran the news the following day, the 9th September. Conversely, no Sinhala or English newspaper published the news on that day and the story appeared only on the 10th. The two main Tamil newspapers in the country, (*Thinakural* and *Virakesari*) carried the news as their lead stories.²⁴⁸ Altogether, Tamil newspapers published thirteen photographs relating to the INGO issue, while Sinhala newspapers published only three. *Sunday Times*, *Sunday Leader* and *The Daily Mirror* published 3 photographs each. .

The focus of the coverage: There is a striking difference in how the relocation was covered by the print media. The Sinhala and English newspapers tended to focus on the Government's justification for the decision while the Tamil papers also looked at the various implications, especially on the civilians in the Wannu. The news of the Government order appeared in the *Lankadeepa* on the 10th, where page 1 quotes Disaster Management Minister Mahinda Samarasinghe saying: "*Government took this decision to avoid another horrible incident like assassination of 17 aid workers in Muttur.*"²⁴⁹

Various international and local actors issued public statements on the withdrawal expressing concern. Not a single mainstream Sinhala newspaper published any of these statements. Only *Ravaya*, an alternative newspaper, and *Lanka*, the newspaper of JVP, had reported the statement issued by Amnesty International in this regard.²⁵⁰ The English papers did cover some of these statements. *The Island*, publishing the full statement made by UN general secretary, Ban Ki Moon, expressing his concerns.²⁵¹ On the 10th, the *Daily Mirror*, published a very small piece highlighting the statement issued by Human Rights Watch.²⁵² On the 13th, the *Daily Mirror*, ran a news item on the statement issued by the National Peace Council against the government's decision.²⁵³

Tamil newspapers gave wide coverage to statements issued by different organizations ranging from the UN Secretary General to the Bishop of Mannar questioning the stance taken by the Sri Lankan Government. On the 13th September, *Virakesari*, published the whole statement issued by the National Peace Council while *Virakesari*, *Sudaroli* and *Thinakural* published the full statement made by the UN Secretary General.²⁵⁴ On this same date, *Sudaroli* published a statement issued by the

UNHCR, expressing their concerns over the government's sudden decision²⁵⁵. The TNA's statement was only published by *Sudaroli* and *Virakesari*.²⁵⁶ On the 14th September, a statement issued by Bishop Rayappu Joshep, appeared in the front page of *Thinakural* where he asked that NGOs should be allowed to continue their work within and from Killinochchi.

The Tamil newspapers, *Sudaroli* and *Virakesari*, did highlight the potential impacts. As noted above the only the Tamil papers ran editorials and each expressed significant concern as to the impact of the withdrawal. The editorial of *Sudaroli*, published on the 10th, said that the government made this decision in order to avoid news of the “grave humanitarian crisis” prevailing in the North, including the air bombings and other military operations launched by the government, reaching the international community. It also expressed concern over the government’s decision to launch military offensives, in spite of the fact that civilian lives are at stake. ²⁵⁷

Sinhala and English newspapers did not analyze the consequences of the pullout of humanitarian agencies from the Vanni and Kilinochchi, nor did a single article attempt to decipher the reasons behind the government's decision. The next day’s issue of the *Lankadeepa* published an article on page 16, again quoting minister Mahinda Samarasinghe outlining the various preparations for taking care of the IDPs.²⁵⁸ Even the *Ravaya*, did not publish any article analyzing the government's stance and the plight of the civilians in the North. Among the English Sunday newspapers, Sunday Leader had published a number of news items and articles, which raised possible negative repercussions of the pull out.²⁵⁹

If at all the Sinhala newspapers tended to look at the impact the withdrawal would have on the LTTE. For instance on September 13th *Dinamina* ran a cartoon which gave the impression that the NGOs departure, is not a loss for the civilians, but for the LTTE. Two tigers, (depicted as animals) carrying arms, are bidding farewell with tear-filled eyes to the departing vehicles of the NGOs. Contrastingly, *Virakesari*, on the 12th September, published a cartoon depicting the impact of the withdrawal of the INGOs from Wann, on the civilians. It depicted a suffocating fish, struggling to breathe while the water is leaking from two big holes of the tank. The leaking water was titled as "ICRC" and "UNO."

Biases: Newspapers in all three language streams reported on the “civilian protests” in the Wann against humanitarian agencies leaving. The main difference was how the various language papers highlighted the role of the LTTE in the civilian protests. The Sinhala and English papers presented the protest as being coordinated by the LTTE: *Lankadeepa*’s news item was titled, “*Tigers blocked the road for NGOs who tried to leave Vanni*”,²⁶⁰ The story claimed that LTTE supporters used civilians, vehicles and logs to block the roads, with a photograph of UNO Kilinochchi office blocked by “LTTE supporters.” On the other hand, all the Tamil newspapers, except *Thinakaran*, published the news as a mass protest campaign. On the 13th, *Tinakural* and *Virakesari*, both ran a lead story about on protest, without mentioning any role of the LTTE.

By contrast, Sinhala newspapers gave a lot of coverage to what would happen to the equipment of humanitarian agencies when they pulled out. The lead story in *Lankadeepa* on September 12th detailed the type of equipment being taken out by agencies.²⁶¹ This story consisted of a detailed description of the items being taken out of the Wann by INGO vehicles passed the Omanthai checkpoint including AC machines, refrigerators, house furniture and other office equipment. The last paragraph of the story read “Workers who came from Vanni told, that some of the equipment in the offices were given to them, but the LTTE cadres stole them on the way.”²⁶² The article further stated that the LTTE had severely criticized these INGOs for obeying the warning given by the government by leaving the Vanni. *Dinamina*, published by the state owned Lake House, was more pointed in its critique of NGOs. Its article was titled “NGOs have given 20 vehicles to Vanni Tigers-4000 pain killer tablets, Satellite telephone systems and other modern communication equipment.”²⁶³

The article also stated that most of the people who served as the drivers for these NGOs, belonged to the LTTE intelligence unit. The article claimed that these drivers have brought explosives to Colombo and have transported many prohibited goods to the LTTE on their way back to the Vanni. The article also claimed that these agencies had not done anything for the betterment of civilians and that “they have not even built a toilet” in recent months.²⁶⁴ It should be noted that the number of vehicles given in the headline (20) did not match the number in the body of the article (38). Sinhala and English newspapers also voiced the fears of the Government that agencies would not bring out all their equipment and instead leave it for the LTTE to use. On the 15th, *Lakbima* published an article on its first page which was titled, "NGOs have given three weeks time to bring their equipment back to Vavuniya" quoting Minister Mahinda Samarasinghe:

Government has been maintaining a list of the equipment they took to Killinochchi so, nobody can play games. After three weeks time, government will compare the list of equipment brought back with the existing lists and if there will be any lapses, NGO s are ²⁶⁵bound to make explanations.

The whole news piece read like a kind of a threat against the NGOs. It indirectly suggests that NGOs will strive to give away some of their equipment to the LTTE. It is notable that compared to the Sinhala newspapers, English newspapers generally refrained from criticizing the role of NGOs. But the article appeared in the Sunday Observer on September 14th, included some hints of a secret deal between the LTTE and some INGOs.²⁶⁶ Interestingly, the article which appeared in the *Daily News* on September 10th, quoted Mahinda Samarasingha, appreciating the role of the NGOs.'

A number of the newspapers had photographs to accompany their stories. While problems such as securing photos from the Wanni and the risk of running them in the papers are serious obstacles, it is significant that there was a stark difference between photographs used in the language streams. The Tamil papers had many more photos of people in the Wanni who were pleading to foreigners of INGOs and the protest, than of the relocation itself. The Sinhala and English papers tended to focus on the relocation of personnel, vehicles and other items. The focus seemed less to capture the challenges of relocation but more on the luxuries used by agencies and the need for vehicles coming out of the Wanni to be checked. The Sunday Times, on the 14th September, published the lead story with a photograph of Beer cans being packed into Lorries²⁶⁷. The caption of the photo said: "*Beer crates were among the items the INGOs packed into lorries following the Defense Ministry order to leave Wanni*"

FOOTNOTES

PEACE TALKS AND NEGOTIATIONS

¹ Official Website of the President of Sri Lanka, “No turning back until every inch of land is liberated - assures President”, August 19 2008

² Official Website of the President of Sri Lanka, “No negotiation with LTTE before surrendering arms – President”, September 16 2008

³ LTTE Peace Secretariat, “LTTE declares unilateral ceasefire for SAARC”, July 22 2008

⁴ The Marumalarchi DMK led by well-known LTTE supporter Gopalaswamay alias Vaiko conducted a protest campaign and on October 02 several parties including, CPI, AIADMK, DMDK and the CPI-M observed a fast against army offensive in Sri Lanka. Other actions included the stoning of the office of the Sri Lankan High Commission in Chennai, trains blocked by protesters, the suspension of film shooting for three days and a human chain organized in Chennai on 24 October (The Morning Leader, Tamil Politics by Dashrath, “Tamil civilians suffer as TN politics plays out”, 29 October 2008, pg 9; Daily Mirror, “TN parties observe fast against offensive in Lanka” October 02 2008)

⁵ Syber News, “Tamil Nadu Government gives ultimatum to New Delhi to safeguard Eelam Tamils” October 15 2008

⁶ Syber News, “Tamil Nadu Government gives ultimatum to New Delhi to safeguard Eelam Tamils” October 15 2008

⁷ The demarche was issued when the Sri Lanka’s Deputy High Commissioner in New Delhi, Palitha Ganegoda was summoned by Indian National Security adviser M.K. Narayanan on October 6th (Ministry of External Affairs India, Press Release, “On the summoning of the Sri Lankan Deputy High Commissioner by the National Security Adviser” October 06 2008)

⁸ Tamil Week, “State Briefing by Richard Boucher on Sri Lanka” September 24 2008; Daily Mirror, “Co-chairs call for protection of civilians” September 26 2008

⁹ The Island, “Co-chairs express humanitarian concerns”, 26 September 2008, page 1

MILITARY BALANCE

¹⁰ This chapter is based solely on information available in the public realm including newspapers, news websites and the Official websites of the Sri Lankan Military, the Government Peace Secretariat and the LTTE Peace Secretariat

¹¹ The official website of the Ministry of Defence, “Troops march into Kilinochchi district; 20 terrorists killed in yesterday's clashes” August 01 2008

¹² The bottom line, by D.B.S Jeyaraj, “Frontline positions shift rapidly in Northern theatre of war” August 06 2008

¹³ The official website of Ministry of defence, “LTTE garrison towns Kalvilan & Mulankavil falls to security forces – Wannai” August 13 2008; The official website of Ministry of defence, “Army liberates Mallavi Town” September 02 2008; The official website of Ministry of defence, “Troops capture LTTE's last stronghold in Mannar District” August 02 2008, The bottom line, by D.B.S Jeyaraj, “Frontline positions shift rapidly in Northern theatre of war” August 06 2008; Official website of The Sri Lanka Navy, “Navy raids LTTE Make-shift Camp on Iranathivu Island - One LTTE Boat destroyed, Four LTTE Cadres killed and Two LTTE Boats captured” August 03 2008; The official website of Ministry of Defence, “Nachchikuda falls to troops – Kilinochchi” October 30 2008

¹⁴ The official website of Sri Lanka Army, “Sea Tigers’ ‘Pasarai’ Sea Tiger Camp Stormed & Captured” September 22 2008; The official website of Ministry of defence, “LTTE's 'Jeevan Base' falls to Security Forces- Welioya” August 16 2008

¹⁵ National Post Canada, by Stewart Bell, “We want to finish it” September 25 2008
Daily Mirror, “Minorities can't demand-Army Chief” September 26 2008

¹⁶ Daily Mirror, by Sunil Jayasiri, “Army readies to face chemical attacks from Tigers” September 19 2008, Official website of Ministry of Defence, “The battle progress” October 16 2008

¹⁷ The official website of Sri Lanka Air force,

¹⁸ The official website of Sri Lanka Air force, “Jets engage a hideout of the LTTE leader and transit camp”, September 17 2008,

¹⁹ The official website of Ministry of Defence, “Air Strikes at female 'black tiger' training facility” September 28 2008

²⁰ The official website of Sri Lanka Air force, “SLAF Aircraft intercepted and destroyed an LTTE aircraft” September 09 2008

²¹ The LTTE Peace Secretariat, “Destruction of the heart of Tamileelam civil administration”, October 07 2008

²² The LTTE Peace Secretariat, “Destruction of the heart of Tamileelam civil administration”, October 07 2008

²³ The LTTE Peace Secretariat, “Destruction of the heart of Tamileelam civil administration”, October 07 2008

²⁴ On August 08 Radar point and boat yard located in Nagasivanthurai, Mulativu was bombed.

On September 01 Air force fighter jets completely destroyed a large LTTE attack craft and damaged another vessel at Alampil in Mullaitivu district. On August 02 Sri Lanka Navy’s Rapid Action Boats Squadron (RABS) and Special Boats Squadron (SBS) destroyed an LTTE make-shift camp located on Iranathivu Island off the North-western coast, destroying one LTTE boat, killing four LTTE cadres and capturing two LTTE boats. On September 18 at least 25 Sea Tiger cadres, were killed and 10 Sea Tiger boats, including three big ones, were destroyed in a four-hour long sea battle between naval troops and the Sea Tigers in the seas off Valaipadu at Nachchakuda in the Kilinochchi district. Four navy personnel received injuries in the fighting. The LTTE Sea Tiger cadres fled with four other damaged boats. Intercepted LTTE communications disclosed that the sea attack was led by a senior Sea Tiger cadre identified as Kader. The LTTE to this remain mum about this incident. On September 29, the elite Special Boat Squadron (SBS) of the Sri Lanka Navy destroyed two (02) LTTE boats and killed eight (08) LTTE cadres in the seas off the Kalmunai Point, Pooneryn. On September 18 LTTE anti air craft defence system in Vishwamadu, Mulativu was bombed.

(The official website of the ministry of defence, “Air Force destroy 3 LTTE nerve centers in Wannai”

August 09 2008, Official website of The Sri Lanka Navy, “Navy raids LTTE Make-shift Camp on

Iranathivu Island - One LTTE Boat destroyed, Four LTTE Cadres killed and Two LTTE Boats captured”

August 03 2008, Official website of The Sri Lanka Navy, “Navy destroys 10 LTTE Craft killing more than

26 LTTE Cadres in the seas West of Walaipadu” September 18 2008, Official website of The Sri Lanka

Navy, “SBS destroys Two LTTE Boats killing Eight LTTE Cadres off Kalmunai Point, Pooneryn”

September 30 2008, The official website of Sri Lanka Air force, “Fighter Jets and MI 24 Attacks

Helicopters Carry Out Multiple Missions”, September 18 2008)

²⁵ Official website of the Ministry of Defence, “Troops steps up offensives in all fronts” September 17 2008,

Sunday Leader, by Amantha Perera, “Trenche war looms in the wannai”, September 14 2008, Sunday

Leader, by Amantha Perera, “Fighting nears Kilinochchi” September 21 2008

²⁶ The official website of the Ministry of Defence, “Troops Pierce LTTE's last ditch earth bund in South of Kilinochchi” October 19 2008

²⁷ The official website of the Ministry of defence , “Army ready for any type of LTTE attack – Commander” September 18 2008

The official website of the Ministry of defence, “Troops Pierce LTTE's last ditch earth bund in South of Kilinochchi” October 19 2008

²⁸ Sunday Times, by Iqbal Athas, “LTTE resorts to gas warfare as fighting escalates” October 19 2008

²⁹ The official website of the Ministry of Defence, “Troops seize control over LTTE trench line: 10 terrorists killed, 12 injured”, September 02 2008, The official website of the Ministry of Defence, “Fighting

continues at Wannai: At least 27 LTTE terrorists killed, over 80 wounded”, September 03 2008; The Daily Mirror, by Sunil Jayasiri, “Fierce fighting as LTTE begins ‘do or die’ battle” September 05 2008

³⁰ The official website of the Ministry of Defence, “Troops seize control over LTTE trench line: 10 terrorists killed, 12 injured”, September 02 2008, The official website of the Ministry of Defence, “Fighting

continues at Wannai: At least 27 LTTE terrorists killed, over 80 wounded”, September 03 2008; The Daily Mirror, by Sunil Jayasiri, “Fierce fighting as LTTE begins ‘do or die’ battle” September 05 2008

³¹ The official website of the Ministry of Defence, “Fighting continues at Wannai: At least 27 LTTE terrorists killed, over 80 wounded” September 03 2008, The Daily Mirror, by Sunil Jayasiri, “Fierce fighting as LTTE begins ‘do or die’ battle” September 05 2008,

³² TamilNet, “LTTE confronts SLA, recovers 7 bodies”, “Tigers locate 29 SLA bodies, 75 SLA killed, 100 wounded in Vanni” ,September 02 2008

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- ³³ TamilNet, “SLA attempt to advance thwarted in Northern FDL – LTTE” October 16 2008
- ³⁴ AFP, “Tamil Tigers tacitly admit losing ground to Sri Lankan govt” August 21 2008
- ³⁵ Defence wire, “More trenches as LTTE digs in for final battle” September 08 2008
- ³⁶ Defence wire, “More trenches as LTTE digs in for final battle” September 08 2008
- ³⁷ Transcurrents, by Col.R.Hariharan, “LTTE's Air Raid on Trincomalee and the Offensive Operations” August 29 2008
- ³⁸ Official website of the ministry of defence, “LTTE terrorists launch abortive air raid at Trincomalee navy camp”, August 27 2008, Around 9 PM the LTTE aircraft flew in undetected and managed to sneak into the air space of the high security zone of the naval complex housing the Eastern Naval Headquarters and the Trincomalee dockyard. Four bombs were dropped, three had exploded and one remained intact. Four sailors were killed on the spot. Thirty-five more were wounded, a large number sustaining minor injuries. (Sunday Times, by Iqbal Athas, “The grave story of the "ghost" aircraft” August 31 2008)
- ³⁹ TamilNet, “Tiger attack devastates Vanni SF HQ”, “Mission on Vanni SF HQ successful, Tiger aircrafts” September 09 2008, Sunday Times, by Iqbal Athas, “Vavuniya attack: How it happened and why?” September 14 2008
- ⁴⁰ Official Website of the Ministry of Defence, “Security Forces crush major terror attack at Vavuniya; 10 LTTE bodies found” October September 09 2008, TamilNet, “Tiger attack devastates Vanni SF HQ”, “Mission on Vanni SF HQ successful, Tiger aircrafts” September 09 2008,
- ⁴¹ Sunday Times, by Iqbal Athas, “Vavuniya attack: How it happened and why?” September 14 2008
- ⁴² Official Website of the Ministry of Defence, “Security Forces crush major terror attack at Vavuniya; 10 LTTE bodies found” October September 09 2008
- ⁴³ The LTTE released the names of the black tigers who gave their lives, Lt. Col. Mathiyazhaki, Major Aananthi, Captain Kanimathi, Captain Muththunakai, Captain Arivuththamizh, Lt. Col. Vinothan, Major Nilakaran, Captain Ezhilazhakan, Captain Akilan and Captain Nimalan (TamilNet, “Tiger attack devastates Vanni SF HQ”, “Mission on Vanni SF HQ successful, Tiger aircrafts” September 09 2008)
- ⁴⁴ Official Website of the Ministry of Defence, “Air Force destroys LTTE aircraft – Mullaittivu” September 09 2008
- ⁴⁵ Official Website of the Ministry of Defence, “Terrorists drop bombs at Kelani-Tissa power station” October 29 2008
- ⁴⁶ Official web site of the Ministry of Defence, Public security and law and order, “LTTE attack merchant ships carrying essential supplies to civilians; Navy captures suicide boat”, October 22 2008
- ⁴⁷ Official Website of Ministry of Defence, “Over 25 civilians including Maj Gen Janaka Perera killed in LTTE suicide bomb attack- Anuradhapura” October 06 2008, Official Website of Ministry of Defence “Minister Maithripala Sirisena escapes LTTE assassination attempt - Boralasgamuwa” October 09 2008
- ⁴⁸ Official Website of Ministry of Defence “Minister Maithripala Sirisena escapes LTTE assassination attempt - Boralasgamuwa” October 09 2008
- ⁴⁹ TamilNet, “4 STF killed, arms seized in Ampaa'rai – LTTE”, September 02 2008
- ⁵⁰ TamilNet, “LTTE Jayanthan brigade commandos raid paramilitary camp, 2 killed” October 26 2008
- ⁵¹ TamilNet, “LTTE Jayanthan brigade commandos raid paramilitary camp, 2 killed” October 26 2008
- ⁵² Sunday Times, “11,000 Tiger cadres killed, 4,000 remain: Army Chief” September 14 2008
- ⁵³ The release further says, “Since the current space of the war intensified in 2006, in the north and east of the country, in 2006 the Tigers lost 1004 cadres, 745 males and 259 and in 2007 they lost 1196 cadres, 1037 males and 159 females” which brings the total to 4439 tigers killed during the fourth phase of Eelam war. (TamilEelam News, by Charles Ratnam, “Sri Lanka: Tamil Tigers lists 22,390 as fallen Heroes” November 21 2008, http://www.tamilEelamnews.com/news/publish/tns_10484.shtml)
- ⁵⁴ National Post Canada, by Stewart Bell, “We want to finish it” September 25 2008, Daily Mirror, “Minorities can't demand—Army Chief” September 26 2008
- ⁵⁵ TamilNet, “155 SL forces killed, 983 wounded in August - Sri Lankan PM” September 09 2008, Daily Mirror, “200 troops killed, 997 injured last month: PM” October 08 2008, The Morning Leader, “171 military personnel killed and 1122 injured last month” November 05 2008
- ⁵⁶ BBC, “Lanka suspends casualty figures” October 24 2008
- ⁵⁷ The official government news portal of Sri Lanka, “Army further strengthened by over 10,000 new recruits” October 03 2008

- ⁵⁸ The official government news portal of Sri Lanka, “Army further strengthened by over 10,000 new recruits” October 03 2008
- ⁵⁹ The Daily News, Russia, “Russian military technology, expertise for Lanka”, 20 October 2008, page 1
- ⁶⁰ The official website of the Ministry of defence, “Civilians our main concern – President” October 21 2008
- ⁶¹ The official website of Sri Lanka Air force, “SLAF Fighter jets raids the LTTE Intelligence Headquarters” September 10 2008
- ⁶² The Island, “Army assures protection to surrendering LTTE cadres - Military spokesman” November 14 2008, Daily Mirror, by D.B.S Jeyaraj, “Will there be a mother of all battles for Killinochchi” October 25 2008
- ⁶³ The Army Spokesperson on October 4 2008
- ⁶⁴ The official website of the Ministry of defence, “Civilians urged to use escape routes Vavuniya ready for exodus from Wannai” October 06 2008
- ⁶⁵ Daily Mirror, by D.B.S Jeyaraj, “Will there be a mother of all battles for Killinochchi” October 25 2008
- ⁶⁶ Thinakkural, August 09 2008 page.01
- ⁶⁷ Thinakkural, September 19 2008, page 01
- ⁶⁸ Virakesari, September 29 2008, page 01
- ⁶⁹ Official Website of Ministry of Defence, “Over 25 civilians including Maj Gen Janaka Perera killed in LTTE suicide bomb attack- Anuradhapura” October 06 2008
- ⁷⁰ The Sunday Leader, “The war of words and ground realities”, October 19 2008
- ⁷¹ The official website of the President of Sri Lanka, “No negotiation with LTTE before surrendering arms – President”, September 16 2008, Colombo page, “Sri Lanka President says no talks with Tigers, military will crush the rebels”, September 16 2008
- ⁷² The president has ruled out the possibility of a cease fire in several occasions. President Mahinda Rajapakse addressing a rally in August said, “There is no turning back under any circumstances or influence now, until every inch of land is recaptured and each and every terrorist is killed or captured. Our Armed Forces are fighting the terrorists to protect our Motherland at the risk of their lives.” Speaking to a group of foreign correspondents, he however seemed to be willing to consider the option on certain conditions: “There will be no negotiations or any form of ceasefire until the LTTE lay down their arms.” (Official Website of the President of Sri Lanka, “No turning back until every inch of land is liberated - assures President”, August 19 2008, Official Website of the President of Sri Lanka, “No negotiation with LTTE before surrendering arms – President”, September 16 2008) Colombo page, “Sri Lanka President says no talks with Tigers, military will crush the rebels”, September 16 2008
- ⁷³ Daily Mirror, “These are the best years of our forces – Gota” September 18 2008
- ⁷⁴ Asian Tribune, by Walter Jayawardana, “Pakistan to assist Sri Lanka in its final battle against Tamil Tigers” August 22 2008

POLITICAL CLUSTER

- ⁷⁵ Daily News, Rasika Somaratne, “Clean sweep for Govt”, August 25 2008, page 1
- ⁷⁶ The ColomboTimes, “UPFA received 228,641 more votes than UNP”, August 26 2008
- ⁷⁷ Lanka Sun, “Ministers for two provinces take oaths”, September 04 2008
- ⁷⁸ World Socialist Web, Saman Gunadasa, “Sri Lankan provincial elections reveal widespread alienation and discontent”, September 15 2008
- ⁷⁹ Addressing an election rally in Medirigiriya on 9 August Presidential Adviser Basil Rajapakse said that “Our heroic soldiers have now liberated Mannar, entirely. Only Mullaitivu and Kilinochchi remain to be taken... It is certain that within a very short period, the Lion’s flag will be hoisted in all 25 districts after two decades.” (The Morning Leader, “Strengthen forces urges Government”, August 13 2008,)
- ⁸⁰ The Sunday Leader, by Dilrukshi Hadunetti, “Polonnaruwa a close call” , “The battle for Raja Rata intensifies” August 17 2008, The Nation, Editorial, “General elections-to be or not to be?”, September 04 2008, page 4

⁸¹ The Sunday Leader, by Dilrukshi Hadunetti, “Polonnaruwa a close call” , “The battle for Raja Rata intensifies” August 17 2008

⁸² The JVP secured 26,738 votes in the NCP obtaining one seat in Anuradhapura and 19,068 votes in Sabaragamuwa winning two seats in Kegalle and Ratnapura (The Island, Shamindra Ferdinando, “President wins “referendum” on the war effort”, August 25 2008, page 1)

⁸³ The Island, Shamindra Ferdinando, “President wins “referendum” on the war effort”, August 25 2008, page 1

⁸⁴ Peace Secretariat for Muslims, “2 Provincial polls lessons for minor parties”, 25 August 2008 (Mangalam Master who set up office in Manampitiya hails from Batticaloa “is also known to operate several mini camps in areas such as Muttugala, Karapola, Thiruchena and Surawilla” Sunday Times, News, “Violence the way of NCP polls”, August 10 2008,)

⁸⁵ At a press conference on 25 August (The Island, Zacki Jabbar, “Hold a general election, not PC polls, UNP tells govt., August 26 2008, page 1)

⁸⁶ The Island, Zacki Jabbar, “Hold a general election, not PC polls, UNP tells govt., August 26 2008, page 1

⁸⁷ The Morning Leader, “Poll result not accurate says JVP”, 27 August 2008,

⁸⁸ “There was a high level of electoral violence and intimidation that threatened to wreck any possibility of a free and fair election. There were serious incidents of political violence and clashes between rival political groups that the police seemed unable to control.” (PAFFREL election day communique, “Provincial Council Elections for North Central Province and Sabaragamuwa,” August 23 2008,)

⁸⁹ UPI asia.com, Basil Fernando, “When violent elections are the norm”, 29 August 2008, www.upiasia.com/Human_Rights/

⁹⁰ CMEV received reports from its monitors and political parties of other incidents of this nature, suggesting that the overall figure in both provinces of those who were effectively disenfranchised could be high. As at the close of polls, CMEV had received reports of over 570 persons being so deprived in the areas of Dedigama, Deraniyagala, Eheliyagoda, Kegalle, Kolonna, Mawanella, Rambukkana, Ruwanwella and Yatiyantota in the Sabaragamuwa Province and Anuradhapura West, Horowapathana, Kekirawa, Medawachchiya, Polonnaruwa in the NCP (Center for Monitoring Election Violence(CMEV), “North Central Province and Sabaragamuwa Provincial Council Elections”, media communiqué, number 6, August 23 2008)

⁹¹ Sunday Times, “New ID rule prevents thousands from voting” August 24 2008

⁹² In absolute terms the UNP secured more votes than in July 2004. In the NCP the UNP secured 143,700 votes in 2004 compared to 205,284 in 2008. In Sabaragamuwa the UNP won 235,232 total votes in 2004 compared to 346,321 in 2008. Compare this with the UPFA 279,044 in 2004 and 307, 457 in NCP, which won 398,731 in 2004 and 472, 789 in 2008 in Sabaragamuwa (Website of the Department of Elections, slections.gov.lk)

⁹³ The Morning Leader, “UNP candidates on top”, August 27 2008

⁹⁴ The Nation, Editorial, “General elections-to be or not to be?”, September 07 2008, page 4

⁹⁵ (At the swearing in ceremony of the UPFA Provincial Councilors to the NCP and Sabaragamuwa PC’s held at the residential Secretariat on 4 September) Priu, Newline, “Eschew differences and build nation – President”, September 04 2008

⁹⁶ The Sunday Times, News, Chris Kamalendran, “Elections likely in coming year-huge budget allocation for elections Department” October 05 2008, page 1, President Mahinda Rajapaksa told members of the Central Committee of Sri Lanka Freedom Party (SLFP) to be prepared for elections. However, he did not disclose whether it was Presidential or Parliamentary elections. Parliamentary elections are due only in 2010 and the Presidential election in 2011. The government is also due to hold elections to the Western, North Western, Central, Southern and Uva provincial councils early next year. The government has allocated a record Rs. 1098 million to the Department of Elections for 2009.

⁹⁷ Reportedly made up of a group made up of Johnston Fernando, Lakshman Seneviratne, Jayalath Jayawardena, Thalatha Athukorale and Indika Bandara” put forward a set of proposals for party reform

which suggested “that Wickremasinghe should hold a position similar to that of India’s Congress Leader Sonia Gandhi.” (Colombopage, “Sri Lanka’s opposition storm in the tea cup to end”, September 08 2008.)

⁹⁸ “The UNP Working Committee which met on 11 September proposed to include an amendment to the party constitution, and creation of posts of a Deputy and an assistant to the Leader...” In addition, “a Bhikku Front; a shadow cabinet to monitor the activities of the Govt.’s Ministers in order to eradicate their raging corruption and irregularities; and appointment of electoral organisers within 8 weeks of such a post falling vacant, were also among the proposals. The UNP is to hold a convention soon to incorporate these proposals into the constitution.” (UNP website, “UNP introduces reforms to streamline party and for election victories in future”, September 12 2008,)

⁹⁹ The vacancy was filled by Lalith Dissanayake who contested the Kegalle district on the SLFP ticket. (Daily News, Chaminda Perera, “JVP MP Polgampola resigns”, September 04 2008, page 1; The Island, Saman Indrajit, “JVP MP quits over human smuggling charge, SLFP to fill vacancy”, September 04 2008, page 1)

¹⁰⁰ “President Mahinda Rajapaksa speaking at a ceremony to distribute lands to the landless at Uyanwatta, Matara on (6 October) condemned the covertly and brutal act of terrorism carried out at Anuradhapura, assassinating Major General Janaka Perera, Leader of the Opposition, North Central Provincial Council, along with 28 others and injuring scores of others.” “The President said this attack was a further proof of the need for everyone to unite for the success of the ongoing campaign to eradicate terrorism in the country.” (Presidential media and information unit, News Line “President condemns LTTE assassination”, 6 October 2008,; Asian Tribune, Sri Lanka Bureau, “Maj. General Janaka Perera, his wife and 20 others killed in a suicide bomb attack” October 06 2008,)

¹⁰¹ UNP General Secretary Tissa Attanayake told journalists on the day of the assassination that “it is very clear to all that the Mahinda Rajapakse regime continuously refused to provide adequate security to Major General Perera whom the intelligence reports considered to be a prime target of the LTTE.” He also alleged that “Janaka Perera had made a complaint to the Anuradhapura police station that he was under threat by the LTTE and requested security... But this call had gone unheeded.” (Sunday Island, Political watch, “Capitalising on tragedy”, October 12 2008, page 11)

¹⁰² The UNP alleged that “it had reliable information that Eastern Province Chief Minister Sivenesanthurai Chandrakanthan alias Pillayan had visited Anuradhapura a few days before” the assassination. The UNP also accused “Karuna of having been appointed a member of Parliament as a reward for the actions of his group.” At a media briefing on 6 October the UNP did not rule out the “TMVP as a suspect and pointed out that the TMVP Chief Minister Pillayan had visited Anuradhapura only two days ago.” (Daily Mirror, Sandun A Jayasekera and Jamila Najmuddin, “UNP sees TMVP hand, TMVP denies”, October 07 2008, page 1; The Sunday Times, Political Editor, “Janaka: the shock and the shame”, October 12 2008, page 4; The Morning Leader, State of the Nation by Sonali Samarasinghe, “War games and politics of security”, October 08 2008,.) Karuna said that “his party’s involvement in the 6 October blast in Anuradhapura was spread by those who wanted to tarnish the party’s image now that it had entered mainstream politics.” He said that Mr. Perera was a prime target of the Tigers having served successfully in the army for several years.” (Daily Mirror, Sandun A Jayasekera and Jamila Najmuddin, “UNP sees TMVP hand, TMVP denies”, October 07 2008, page 1) At a media briefing held at the Parliamentary complex on 7 October, the opposition made a joint appeal for an independent commission from Australia to probe the assassination. (The Morning Leader, Nirmal Kannangara, “Opposition calls for intl. comm. to probe Janaka’s murder”, October 08 2008, page 1)

¹⁰³ The Sunday Times, Political Editor, “Janaka: The shock and the shame”, October 12 2008, page 4; The Nation, This is my Nation, “Janaka: A soldier to be reckoned with”, October 12 2008, page 4

¹⁰⁴ As the Sunday Leader editorial put it - “Tamilnet was quick to justify the assassination on the grounds that Janaka was responsible for the disappearance of several hundred Tamil youth during his time in Jaffna... Such criticism was widely believed to be the LTTE justification of Janaka’s assassination.” (The Sunday Leader, Editorial, “Janaka’s farewell”, October 12 2008, page 10)

¹⁰⁵ Daily News, Rafik Jalaldeen, “Minister Sirisena escapes suicide blast”, October 10 2008, page 1

¹⁰⁶ Daily Mirror, Jamila Najmuddin, “Karuna seeks meeting with foreign envoys in Colombo”, October 13 2008, page 1; Sri Lanka Guardian Special Report, “Pillayan damns Karuna and high noon inevitable, September 25 2008,

¹⁰⁷ Sri Lanka Guardian Special Report, “Pillayan damns Karuna and high noon inevitable, September 25 2008, Colombo

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- ¹⁰⁸ Sri Lanka Tourism promotions bureau, “Sri Lanka culture and heritage in Tokyo”, September 2008,
- ¹⁰⁹ This was stated by Karuna Amman on 30 August (Daily Mirror, Kelum Bandara, “TMVP to expand political work”, August 11 2008, page 2; Sri Lanka News First, “TMVP to expand political work”, August 11 2008)
- ¹¹⁰ Ministry of Defense, “War brought misery to easterners”, November 11 2008
- ¹¹¹ TNA Parliamentarian N. Sri Kantha stated “We are not at all worried about anybody coming to Parliament” but added that “if the government thinks that it can achieve anything by appointing him [Karuna] to Parliament, it is sadly, disappointing.” (The Sunday Leader, News, “Karuna’s appointment to Parliament disappointing — TNA”, October 12 2008.)
- ¹¹² Amnesty International Asia Pacific Director Sam Zarifi was of the opinion that “Karuna should stand trial. The fact that a suspected war criminal should be entering Parliament sends an appalling message - that war crimes, rather than being investigated and punished, are actually rewarded.” He added that “It also contributes to endemic impunity, which has characterised the approach of all parties to the conflict for decades.” (Amnesty International UK, “Sri Lanka: suspected war criminal enters parliament”, 8 October 2008, www.amnesty.org.uk)
- ¹¹³ JVP member Wasantha Samarasinghe resigned in order to contest the PC election on June 30th. (Daily News, Uditha Kumarasinghe, Irangika Range and Sandasen Marasinghe, “War brought misery to Easterners”, October 08 2008, page 1)
- ¹¹⁴ On 24 September (The Morning Leader, News, “Blake tells Pillayan to disarm” September 24 2008.)
- ¹¹⁵ International Relations and Security Network, ISN Security Watch, Anuj Chopra, “Up close with Tiger turned MP”, October 10 2008
- ¹¹⁶ The Island Online, Shamindra Ferdinando, TMVP accommodated in ICRC programme for combatants”, September 25 2008
- ¹¹⁷ Daily Mirror, by Kalum Bandara, “Karuna asks Pillayan to discipline his cadres” October 20 2008
- ¹¹⁸ Daily Mirror, “TMVP members to jobs in Korea”, October 15 2008, page 2
- ¹¹⁹ The TMVP also announced that it hoped to train its cadres in Hotel Management so that they would be able to find employment both locally and internationally. (Daily Mirror, “TMVP members to jobs in Korea”, October 15 2008, page 2)
- ¹²⁰ Daily Mirror, “TMVP members to jobs in Korea”, October 15 2008, page 2
- ¹²¹ The Sunday Times, Chris Kamalendran, “Pillayan, Karuna meet to heal rift”, September 28 2008, page 8
- ¹²² Lakkbimanews, Gayan Kumara Weerainghe and Ramesh Warallegama, “Govt., to help Karuna, Pillayan kiss and make up”, September 28 2008, page 5
- ¹²³ Lakkbimanews, Gayan Kumara Weerainghe and Ramesh Warallegama, “Govt., to help Karuna, Pillayan kiss and make up”, September 28 2008, page 5
- ¹²⁴ The Sunday Times, Chris Kamalendran, “Pillayan, Karuna meet to heal rift”, September 28 2008, page 8
- ¹²⁵ Reportedly “the Government mediated in talks between the two sides at a secret location in Colombo and summoned senior army and police personnel of the area to attend these discussions.” (Lakkbimanews, Gayan Kumara Weerainghe and Ramesh Warallegama, “Govt., to help Karuna, Pillayan kiss and make up”, September 28 2008, page 5, See also The Sunday Times, Chris Kamalendran, “Pillayan, Karuna meet to heal rift”, September 28 2008, page 8)
- ¹²⁶ The Morning Leader, News, “Karuna-Pillayan battle continues”, October 29 2008,
- ¹²⁷ Daily Mirror, Breaking News, “Karuna removed as TMVP political head”, October 25 2008,
- ¹²⁸ Prior to the public statement General Secretary, E. Kaileswararaja sent a letter to Karuna demanding a clarification on the remarks made by him. (The Morning Leader, News, “Karuna-Pillayan battle continues”, October 29 2008) Soon afterwards, TMVP media spokesman Azad Maulana announced that Muralitharan would no longer continue as political head of the TMVP and stated that the main reason for this decision was the statement by Karuna rejecting police powers to the Provincial Councils. (Lanka enews.com, “Karuna in a rally in Batticaloa as TMVP media spokesman says he was sacked,” October 26,

2008) Karuna denied reports that he is no more in charge of the TMVP. He criticized Moulalan's "unwanted" information to the press. (The Nation on Sunday, News, "Karuna denies ouster", October 26, 2008)

¹²⁹ The Morning Leader, News, "Karuna-Pillayan battle continues", October 29 2008, At the meeting Karuna "requested the Indian Government and the Tamil Nadu politicians to stop the activities to support the LTTE with the help of the people. (athirady.com, "Demonstration at Weber stadium in Batticaloa", October 26 2008,

¹³⁰ The Morning Leader, News, "Karuna-Pillayan battle continues", October 29 2008,

¹³¹ Daily Mirror, Kelum Bandara, "Karuna slams Tamil Nadu for helping LTTE," October 27 2008

¹³² Lakbimanews, Gayan Kumara Weerainghe and Ramesh Warallegama, " Govt., to help Karuna, Pillayan kiss and make up", September 28 2008, page 5; The Sunday Times, Chris Kamalendran, "Pillayan, Karuna meet to heal rift", September 28 2008, page 8

¹³³ The Morning Leader, "LTTE attacks Karuna camp in Batti", October 29 2008,

¹³⁴ The Morning Leader, "LTTE attacks Karuna camp in Batti", October 29 2008,

¹³⁵ The Morning Leader, "LTTE attacks Karuna camp in Batti", October 29 2008,

¹³⁶ The Morning Leader, LTTE presence in the east on the increase-TMVP", August 27 2008,

¹³⁷ Official website of the Ministry of Defence,, "Manel Mal Movement implements "Jayodaya Ranagosha"" September 23 2008

¹³⁸ The previous governor IGP Victor Perera resigned from his post as governor of the Northern Province after a group of senior police officers complained against him of fraud during his tenure as IGP. (The Island, " Dixon new Governor of North", 11 October 2008, page 1, Colombo Times, "CIABOC quizzes Victor Perera again", 14 October 2008, www.thecolombotimes.com)

¹³⁹ Sri Lanka community Colombo Sri Lanka, "New Delhi warned of LTTE conspiracy", 14 October 14 2008

¹⁴⁰ "You will recall that in January this year the All Party Representative Committee presented a set of proposals. It is the expectation of the government to carry these proposals forward and implement them... You are aware that we are taking action to properly implement our Constitution. Similarly, the local government bodies and provincial councils are being strengthened. What the All Party Conference should do now is to discuss and agree on measures towards stabilizing this political process, and discuss the further measures necessary to achieve peace." Presidential website, "Time for LTTE to lay down arms and enter democracy – President tells APC," October 11 2008

¹⁴¹ In the last week of August the APRC had submitted a report to the UNP outlining the progress it had made in its deliberations and highlighting the issues on which a consensus had been reached. (Daily News, Rohan Mathes, "Seventh APC today", October 11 2008, page 1; Daily Mirror, Sandun A Jayasekera, "National Question: APRC to forward report to UNP", August 28 2008, page 1)

¹⁴² The UNP had not participated in the APC since 2007 but claimed the reason for declining the invitation was that "its members would be attending the funeral of Major General Janaka Fonseka on that day." The JVP has also pulled out of the APRC and the APC on principle. The MEP is also no longer a participant. (Daily Mirror, Yohan Perera, "APC summoned", October 10 2008, page 1)

¹⁴³ Sri Lanka High Commission UK, "Time for LTTE to lay down arms and enter democracy - President tells APC", October 11 2008,

¹⁴⁴ Daily News, Rohan Mathes, "Seventh APC today", October 11 2008, page 1

¹⁴⁵ The Sunday Times, Chris Kamalendran, "TNA seeks India's intervention", October 12 2008, page 1

¹⁴⁶ The Sunday Times, Chris Kamalendran, "TNA seeks India's intervention", October 12 2008, page 1

¹⁴⁷ Daily News, Rohan Mathes, "Seventh APC today", October 11 2008, page 1

¹⁴⁸ National Post, Canada, Stewart Bell, "Inside Sri Lanka: A life given to war", September 23 2008,

¹⁴⁹ UNP MP Kabir Hashim said that “At a time when war in the north is entering a decisive stage, statements like the one made by the army chief were totally uncalled for.” (Lankadissent, “UNP condemns army chiefs remarks”, September 29 2008)

¹⁵⁰ Tarnscurrents, “SLMC disturbed over army chief’s comments” October 02 2008

¹⁵¹ Lankadissent, “JHU backs army chiefs statement”, October 02 2008,

¹⁵² “...we deplore and condemn in the strongest possible terms the abhorrent and unacceptable statements made by General Fonseka; call upon the President to take immediate action to prevent statements of this nature being made in the future; and to ensure that public confidence in the government's commitment to and respect for the proper constitutional boundaries between the civil and military realms is restored.” The statement also raised concerns about a military official making statements of a highly political nature (CPA, “CPA statement on the recent comments by General Sarath Fonseka in Canada's National Post newspaper.” September 28 2008)

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¹⁵³ The Bottomline, As I see it, T Sabaratnam, “The fallout of Tiger Vavuniya attack”, September 17 2008, page 4

¹⁵⁴ *The morning leader*, “Indian government “caught redhanded” says Vaiko,” September 17 2008

¹⁵⁵ The Communist Party of India (CPI) which is “engaged in a running battle with Indian Prime Minister Manmohan Singh over his nuclear agreement with the United States accused the Indian Government of duplicity.” “Ela Ganesan leader of the Tamil Nadu branch of the BJP accused the Manmohan Singh Government of not honouring its duty to find a just solution to Sri Lanka’s ethnic problem, but encouraging a military solution.” “Dr. S Ramadoss leader of the Pattali Makkal Kadchi which is a constituent of the central government also came out strongly against India’s supply of military hardware and technicians to Sri Lanka’s action.” (The Bottomline, As I see it, T Sabaratnam, “The fallout of Tiger Vavuniya attack”, September 17 2008, page 4)

¹⁵⁶ A statement issued by the CPI(ML) of India insisted that the Central Government “must take an urgent bilateral and multilateral initiative to stop the ongoing civil war in Sri Lanka, bring about an immediate cease-fire and ensure relief and rehabilitation measures for the displaced Tamil people in the battle zones.” (Official website of CPI(ML), Central Committee Statement on developments in Sri Lanka, “Stop the war The Tamil National Question in Sri Lanka demands a political solution”.

¹⁵⁷ In addition Tamil film actors also planned to hold a protest on 1 November as an expression of solidarity with the Sri Lankan Tamils. (The Hindu, Special Correspondent, “Film stars observe fast in Chennai”, November 02 2008, ; The Morning Leader, Tamil Politics by Dashrath, “Tamil civilians suffer as TN politics plays out”, October 29 2008, page 9)

¹⁵⁸ Asian Tribune, “Karunanidhi’s lukewarm gesture”, October 17 2008

¹⁵⁹ Asian Tribune, “Karunanidhi’s lukewarm gesture”, October 17 2008

¹⁶⁰ Daily Mirror, “Karunanidhi’s daughter resigns over Lankan issue”, October 16 2008, page 1; The Bottomline, “Rain postpones DMK’s human chain to protest Lanka situ”, October 22 2008, page 3

¹⁶¹ Vaiko had said that “the LTTE and Sri Lankan Tamils cannot be separated.” He was arrested on a charge of sedition. (Daily Mirror, “Tamil Nadu boils over Sri Lanka”, October 24 2008, page 1)

¹⁶² Following this meeting, on 7 October President Mahinda Rajapakse met India’s High Commissioner in Colombo Alok Prasad to clarify Sri Lanka’s position. (The Sunday leader, “Rohitha to India for urgent talks”, October 12 2008, page 1)

¹⁶³ Lankanewspapers, “Lankan situation is of serious concern-r. Singh”, October 15 2008,

¹⁶⁴ Rediff, “Tamil issue: India summons Lankan envoy”, October 17 2008,

¹⁶⁵ Rediff, “Tamil issue: India summons Lankan envoy”, October 17 2008,

¹⁶⁶ Sunday Observer, “President posts Indian PM”, October 19 2008, page 1

¹⁶⁷ With the collapse of the peace process India publicly refused to meet the arms requests of the Sri Lankan Government, in effect forcing it to go elsewhere. It was speculated that the key reasons for adopting such a policy was to indicate its preference for negotiations and to prevent protests from Tamil Nadu. However, the Indian Government did relent and provided a radar defence system in December 2005.

The news that two Indian engineers were injured in the LTTE air raid on Vavuniya in September fueled rumours that there were other forms of military assistance which were being concealed.

¹⁶⁸ Official Government news portal of Sri Lanka, “Russia to assist Sri Lanka in fight against terrorism”, October 28 2008

¹⁶⁹ He met Russian Foreign Minister Sergey Lavrov and was also able, according to Sri Lankan official sources, “to persuade the Russians to share information related to terrorist groups and other vital military information.” The Daily News, Russia, “Russian military technology, expertise for Lanka”, October 20 2008, page 1; Daily Mirror, “Russia to repair military hardware-Gota,”, October 22 2008, page 1

¹⁷⁰ He met Chief of Army Staff Major General Moeen U Ahmed and the Chief of Air Staff Air Marshall, SM Ziaur Rahman and discussed bi-lateral issues. (Daily Mirror, “Army Chief Meets B’des military officials”, August 29 2008, page 2)

¹⁷¹ Daily News, New Delhi, “India cannot interfere in Lanka-Congress”, October 16 2008, page 1

In spite of assurances given by the government of India, the fishermen of the state feel insecure for fear of attack from Sri Lanka without any warning,’ Karunanidhi said in a personal letter addressed to Prime Minister Manmohan Singh, requesting him to intervene in the matter. Providing statistics, Karunanidhi said: ‘From January 2006 till date, 27 incidents of shooting (in the Palk Strait) have resulted in the killing (and injuries) of eight (locals) and 24 fishermen (respectively). The number of those apprehended during this period is 342.’(Indiaenews, Save fisherman from Lankan navy”)

¹⁷² Daily News, New Delhi, “India cannot interfere in Lanka-Congress”, October 16 2008, page 1

¹⁷³ He also added that “the Indian Government cannot interfere with the sovereignty of other countries.” (Daily News, New Delhi, “India cannot interfere in Lanka-Congress”, October 16 2008, page 1)

¹⁷⁴ The Economic Times of India, New Delhi, “DMK’s resignation drama will backfire”, October 21 2008

¹⁷⁵ The Economic Times of India, New Delhi, “DMK’s resignation drama will backfire”, October 21 2008,

¹⁷⁶ India has already signed such an agreement with Singapore and other CEPA’s with Japan, South Korea, ASEAN and the European Union are in the pipeline.) The agreement was intended to “further deepen concessions on trade in goods and services, promote investment flows, and enhance economic corporation in areas such as transportation, infrastructure and information and communication technology.” The delay was reportedly from the Sri Lankan side due to political objections that the agreement would have adverse reactions (Embassy of the Kingdom of the Netherlands in Sri Lanka, Commercial guide to Sri Lanka, “Sri Lanka and India trade”,) President Rajapakse reportedly came under pressure from the JVP and the National Freedom Front led by Wimal Weerawansa. During a Parliamentary adjournment motion Weerawansa said “If we open this sector, the Indian services could enter the local market and the signing of the CEPA agreement would have a negative impact on local entrepreneurs.” Similar sentiments were expressed by JHU MP Udawatta Nanda Thera who said “Sri Lanka had benefited “very little” from the Free Trade Agreement (FTA) with India and added that CEPA would mean a one-way traffic for Indian entrepreneurs (Economic Times, “Sri Lankan MPs clash over CEPA with India August 2008,; Asian Tribune, Sri Lanka Bureau, “Opposition parties oppose CEPA agreement”, August 06 2008,)

¹⁷⁷ According to the Daily News, “only 25 per cent of the work has been completed.” Even before its inception the project has been a cause for concern both in India and in Sri Lanka. In India the project has become highly controversial with religion, economics and politics becoming entangled and Indian politicians at both national and regional level using the project for political gain. In October Tamil Nadu Chief Minister M Karunanidhi alleged that “a neighbouring country did not like the fruition of the Sethu project as it would bring more prosperity and wealth to Tamil Nadu.” Karunanidhi has alleged that the “AIADMK [which initially welcomed the project] is now opposed to the project because the DMK and the UPA will earn credit for implementing the project.” (The Daily News, “Sethsamudram to miss deadline”, India, September 13 2008, page 1; Daily Mirror, “Lanka not in favour of Sethu project: MK”, October 21 2008, page 4)

¹⁷⁸ The Chief Minister stated that 8 fishermen had been killed, 24 had been injured, over 240 fishermen had been apprehended and from January 2006 to date, the Sri Lanka navy had opened fire on Tamil Nadu fisherman on 27 occasions. Tamil Nadu Chief Minister wrote to Indian Prime Minister on 7 September (The Island, “Karunanidhi reports Lankan navy to PM Singh”, September 08 2008, page 3) The issue repeatedly came up at multiple forums including the SAARC summit where the issue was taken up by the Indian PM and the Indian Supreme Court in a public interest litigation by AIADMK leader Jayalalitha Ram. In her Public Interest Litigation Writ Petition, under Article 32 of the Constitution, Jayalalitha appealed to the Indian Supreme Court for an appropriate writ order or directive to declare the two

agreements signed between India and Sri Lanka in 1974 and in 1976, under which the island of Kachchativu was ceded to Sri Lanka and the traditional fishing rights of Indian fishermen were given up, as unconstitutional. She also appealed for a directive to the Union of India to take appropriate steps for retrieving the island or alternately to take steps to obtain or regain the right of access to Kachchativu and right to engage in fishing around the island and another directive to the Union of India to protect the lives and livelihood of Indian fishermen who regularly fish around the island. (South Asia analysis group, Paper No 2837, Sri Lanka- Focus on Kachchativu, V. Suryanarayan and P. B. Venkatasubramanian, September 11 2008, www.southasiaanalysis.org) The Tamil Nadu Government alleged that little positive action had been taken by the Sri Lankan authorities. Karunanidhi claimed that the Tamil Nadu Government had lodged strong protests with the Deputy High Commission of Sri Lanka in Chennai, as had the Government of India with their Sri Lankan counterpart but it had not delivered desired results. (The Island, "Karunanidhi reports Lankan navy to PM Singh", September 08 2008, page 3) The Sri Lankan Government maintained that it adopted a lenient approach towards Indian fishermen who had crossed international maritime boundaries. Foreign Minister Rohitah Bogollagama said in Parliament on 12 September that "On several occasions, the Sri Lankan Navy has been accused of involving in alleged attacks on Indian vessels near Kachchativu Island. Sri Lanka Navy has categorically denied any involvement in such activities and as they do not venture out of Sri Lankan territorial waters. In fact contrary to the allegations, the Sri Lanka Navy has on a number of occasions assisted and continues to assist the Indian fishermen in distress. (Ministry of Foreign Affairs of Sri Lanka, "The maritime boundary between Sri Lanka and India stands settled- Minister Bogollagama", September 12 2008)

¹⁷⁹ Daily News, "War against LTTE, not Tamil people-Foreign Secretary", October 17 2008, page 4

¹⁸⁰ The two safe zones were to be in Oddusudan and Vishvamadu (Army spokesman to Daily Mirror on October 4 2008).

¹⁸¹ Daily Mirror, N Ram, Editor in Chief the Hindu, "President invites Karunanidhi to visit Sri Lanka", October 30 2008, page 1 and 16

¹⁸² Daily Mirror, the Hindu, N Ram, Editor in Chief, "President invites Karunanidhi to visit Sri Lanka", October 30 2008, page 1 and 16

¹⁸³ Daily News, India, "Sri Lanka assures India on civilian safety, welfare", October 27 2008, page 1

¹⁸⁴ The statement further noted that the "The Government of Sri Lanka undertook to facilitate the delivery and both sides agreed to consult and cooperate with each other in addressing humanitarian issues." (Daily News, India, "Sri Lanka assures India on civilian safety, welfare", October 27 2008, page 1)

¹⁸⁵ Sunday Times, "India to send 2000 tons of relief aid: ICRC to take charge of distribution", 6.11.2008 ; The Morning Leader, State of the nation by Sonali Samarasinghe, "India's parippu drop now gift wrapped in diplomacy", October 29 2008, page 8

¹⁸⁶ The Central Governments decision to distribute the relief material through the UN agencies and the Red Cross was confirmed when an Indian External Affairs spokesman wrote a letter to Tamil Nadu Chief Minister saying "I write regarding the letter from Chief Minister, Tamil Nadu, to External Affairs Minister about the distribution of relief materials intended for Sri Lankan Tamils affected by the conflict in northern Sri Lanka. The factual situation is that these materials will be shipped to the High Commission in Colombo, which will arrange for their distribution in the affected areas through the International Committee of the Red Cross and the United Nations." (The Hindu, Special Correspondent in Chennai, "Indian High Commission to oversee distribution of relief", November 04 2008)

¹⁸⁷ Daily News, India, "Sri Lanka assures India on civilian safety, welfare", October 27 2008, page 1

¹⁸⁸ The Sunday Times, Political Editor, "battles move from New York to Wanni", September 28 2008, page 4

¹⁸⁹ The Island, by a special correspondent, "A wise course correction through mature diplomacy", November 04 2008, page 4

¹⁹⁰ Daily Mirror, Mirror Politics by Kesara Abeywardena, "DMK's damp squib and the New Delhi-Colombo nexus", October 29 2008, page 9

¹⁹¹ The UPA alliance managed to survive coalition break down and a vote of no confidence regarding the 123 Nuclear Deal with the US so would have been wary of facing a parliamentary show down. (The Economic Times of India, New Delhi, "DMK's resignation drama will backfire", October 21 2008,)

¹⁹² The Morning Leader, State of the Nation, by Sonali Samarasinghe, “India’s parippu drop now gift wrapped in diplomacy”, October 29 2008, page 8

¹⁹³ The Island, S Venkat Naryan, “Karunandidhi assures centre he won’t rock the boat”, October 27 2008, page 1

¹⁹⁴ The Morning Leader, State of the Nation by Sonali Samarasinghe, “India’s parippu drop now gift wrapped in diplomacy”, October 29 2008, page 8

¹⁹⁵ Topix, “Karunandihi virtually withdrawn the resignation threat”, October 26 2008,

¹⁹⁶ The Morning Leader, State of the Nation by Sonali Samarasinghe, “India’s parippu drop now gift wrapped in diplomacy”, October 29 2008, page 8

¹⁹⁷ Defense Secretary Gotabaya Rajapakse asserted that the “Government took this firm decision to avoid unfortunate incidents.” (Sunday Observer, Shanika Sriyananda, “Govt. mechanism in place in Kilinochchi and Mullaithivu”, September 14 2008, page 1; Daily News, “UN, INGO’s to relocate operations to Vavuniya”, September 10 2008, page 4)

¹⁹⁸ Minister Samarasinghe announced to the international partners that the Government will ensure that the IDP’s in Kilinochchi will continue to be looked after by the Government through the District Secretaries as was done in Vaharai. (Daily News, “UN, INGO’s to relocate operations to Vavuniya”, September 10 2008, page 4) President Rajapakse opined that the withdrawal of the “aid agencies to Vavuniya was only a temporary measure and these agencies would be able to get back and serve the people there once the Tigers are defeated.” (Daily News, “Aid agencies asked to relocate only temporarily”, September 17 2008, page)

¹⁹⁹ Daily News, UN acknowledges Govt’s decision”, September 10 2008, page 4

²⁰⁰ Daily News, UN acknowledges Govt’s decision”, September 10 2008, page 4

UN statement “The UN notes that the Government recognizes it holds primary responsibility for ensuring the safety of humanitarian workers. The UN is now evaluating its operations in the area with a view to relocating humanitarian staff. A precise timetable for the complete withdrawal of all staff is yet to be determined, but relocations will begin this week. The UN remains fully committed to addressing the humanitarian needs of the civilian population in the affected areas and will continuously monitor the situation to assess how this can be done under the circumstances.

²⁰¹ The Sunday Times, Chathuri Dissanyake and Madhushala Senaratne, “ICRC stays, UN suspends pullout”, 14 September 2008, page 6

²⁰² The Secretary-General expresses his deep concern over the increased hostilities in northern Sri Lanka, and the grave humanitarian consequences for civilians. In light of the Government’s request for the relocation of UN humanitarian staff in affected areas, he reminds all concerned of their responsibility to take active steps to ensure the safety and freedom of movement of civilians, allowing humanitarian organizations to do their work in safety, as well as to reach persons affected by the fighting who need humanitarian assistance. The Secretary-General reminds all concerned of their obligations under international humanitarian law, especially in regard to the principle of proportionality and the selection of targets. He emphasizes strongly the importance of a negotiated settlement to the political problems facing Sri Lanka. (United Nations, Statement attributable to the Spokesperson for the Secretary-General on Sri Lanka, September 09 2008)

²⁰³ The SCOPP Secretary General added ““Unfortunately, the Secretary General may not have realized that his remarks could be used to advantage by the LTTE, who will use any weapon to hand, including an innocent secretary general, to halt the advance of Sri Lankan forces”, He also that the LTTE “will relish that he made these remarks.” (Lanka Business Online, “Sri Lanka slams UN Chief”, September 12 2008) Since there have been hardly any civilian casualties in Sri Lanka, it is possible that the Secretary General was prompted by reports of large numbers of civilian casualties in other theatres of war, which misled him into believing that all forces fighting terrorism are alike. (The Island, statement by Prof. Rajiva Wijesinghe, Secretary General Secretariat for coordinating the peace process in Sri Lanka, “ A sad statement from the UN Secretary General”, September 12 2008, page 9)

²⁰⁴ The Sunday Leader, Inside Politics with Suranimal, “a broad alliance in the making and President’s diplomatic headaches”, September 14 2008, page 11

²⁰⁵ Daily Mirror, EU reiterates HR concerns”, October 31 2008, page 1

²⁰⁶ Daily Mirror, Govt. cannot let LTTE hold Tamils hostage”, President’s speech at UNGA, September 25 2008, page 1

²⁰⁷ Daily News, New York, “Tigers must abandon arms, enter democracy for talks”, September 25 2008, page 1, The Nation, by Thanapathi, “ Anti-West rhetoric flares up in UNGA”, September 28 2008, page 5

²⁰⁸ Other world leaders President Rajapakse met in New York were British Prime Minister Gordon Brown, Pakistani President Asif Ali Zardari, Prime Minister of Iceland Geier Haarde, Prime Minister of Nepal Pushpa Kamal Dahal, President of Turkey Abdullah Gul and Iranian President Mahmoud Ahamadinejad. (Lakbimanews, a staff correspondent, “Bogol brood at UN”, September 28 2008, page 9)

²⁰⁹ Daily News, New York, “President concludes UN visit”, September 29 2008, page 1

²¹⁰ Daily News, New York, “Sri Lanka reassures UN on IDP welfare”, October 24 2008, page 1

²¹¹ The Sunday Times, Chandani Kirinde, “Spotlight on Lanka at UNHRC sessions”, September 28 2008, page 1

²¹² The Sunday Times, Chandani Kirinde, “Spotlight on Lanka at UNHRC sessions”, September 28 2008, page 1

²¹³ Daily Mirror, Sri Lanka Permanent mission in UN, “Sri Lanka will look after its own, to the best of its ability”: Peace Secretariat Chief”, September 18 2008, page 7

²¹⁴ On earlier occasions however, Devananda attended the General Assemblies along with President Mahinda Rajapaksa (Daily Mirror, by Upul Joseph Fernando, “Sri Lankan war and Americas signals”, October 08 2008; The Colombo Times, “EPDP leader rejected US visa”, September 22 2008)

²¹⁵ The JHU accused Ambassador Blake of “going beyond diplomatic service and interfering with the internal affairs and matters concerning terrorism and the sovereignty of the country.” The JVP condemned Mr. Blake’s interference in the “internal matters of the country.” The National Freedom Front leader Wimal Weerawansa accused “the US Government of coming to the rescue of the LTTE every time the terrorist outfit was militarily weak.” (Daily Mirror, “JHU accuses Ambassador Blake of interference”, October 28 2008, page 4; Daily Mirror, JVP statement of October 27 2008, page 3; The Island, by Dasun Edirisinghe, “US comes to the rescue of LTTE al the time, says Weerawansa”, November 04 2008, page 2)

²¹⁶ The Government for the GSP plus scheme on the sidelines of the UNGA. “Foreign Minister Rohitha Bogollagama used his discussions with some European Nations to canvass for an extension of the GSP plus facility.” (The Sunday Times, Political Editor, “Battle moves from New York to Wannai”, September 28 2008, page 4)

²¹⁷ The EU resolution dating October 14 stated that “the Commission shall initiate an investigation in order to establish whether the national legislation of the Democratic Socialist Republic of Sri Lanka incorporating the International Covenant on Civil and Political Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child is effectively implemented.” The investigation is due to continue till February 18, 2009. Sri Lankan manufacturers will continue to enjoy GSP+ benefits until then. (The Sunday Times, Political Editor, “Battle moves from New York to Wannai”, September 28 2008, page 4; BBC sinhala.com, “EU to continue GSP plus probe”, October 20 2008.)

²¹⁸ The Sunday Times, Political Editor, “Battle moves from New York to Wannai”, September 28 2008, page 4

The Government of Sri Lanka finds the procedure of instituting an investigation unnecessary and inappropriate, given the extensive cooperation Sri Lanka has extended to the UN/ILO convention supervisory bodies relevant to the GSP+ process and also through its continuous interaction with the European institutions stated Foreign Minister Rohitha Bogollagama, when he met Benita Ferrero Waldner EU External Relations Commissioner, today (23 Sept 08) on the fringes of the UNGA in New York. (Ministry of Foreign Affairs of Sri Lanka “Investigation Unnecessary and Inappropriate for Extension of GSP+ for Sri Lanka: Bogollagama”, September 23 2008.)

²¹⁹ Daily Mirror, Kelum Bandara, “MR says no EU probes for GSP plus”, October 16 2008, page 1

²²⁰ Tamil Guardian, Sri Lanka likely to get GSP Plus – trade expert, September 10 2008,

²²¹ The Sunday Times, News, “GSP+ bailout package gives only temporary relief, says industry”, October 26 2008,

²²² If the EU does not extend GSP plus then the Sri Lankan Government can ignore the EU’s statements more easily as the economic dependence on the EU granting concessions will be reduced. If the concessions are renewed there would no incentive for the Sri Lanka Government to ratify the conventions or to implement critical reforms. (See also Tamil Guardian, Sri Lanka likely to get GSP Plus – trade expert, September 10 2008,)

²²³ Daily News , Latheef Farook, “Sri Lanka-a great friend of Palestinians”, October 09 2008,

²²⁴ The Permanent Mission of Sri Lanka to the United Nations office in Geneva, “Keep the Lion flag flying high Sri Lankan President”, August 07 2008

LEGAL AND CONSTITUTIONAL

²²⁵ SC (F/R) No. 352/2007, pg 51.

²²⁶ The Sunday Times, Sunday October 12, 2008 p.12

²²⁷ Rohan Edrisinha 'Legal implications of the Waters Edge judgment' The Nation, Sunday October 12, 2008, p11.

²²⁸ Rohan Edrisinha 'Legal implications of the Waters Edge judgment' (The Nation, Sunday October 12, 2008, p11.

²²⁹ Rohan Edrisinha 'Legal implications of the Waters Edge judgment' (The Nation, Sunday October 12, 2008, p11.

²³⁰ SC FR 359/2008

²³¹ Gazette of the Democratic Socialist Republic of Sri Lanka, Extraordinary, No. 1562/1 – Monday, August 11, 2008.

²³² S.C. FR 359/2008, - Sunday Lankbima news 5/10/2008 pg 1)

²³³ The Sunday Leader, 5th Oct.2008 pg 1

²³⁴ SC FR 351/2008

²³⁵ S.C. FR No.351/2008.

²³⁶ Namini Wijedasa "CC to get off the ground at last"

ECONOMIC

²³⁷ The fiscal year in Sri Lanka is the same as the calendar year (January to December).

²³⁸ In contrast, the defence expenditure increased by 39% and 19% in 2007 and 2008 respectively. Also remember that according to the Medium-Term Fiscal Position Report presented to the Parliament in November 2007 (when presenting the Budget for 2008), defence expenditure was expected to begin declining since 2009 in absolute amount, which has been breached in the budget proposals for 2009 presented in November 2008.

MEDIA

²³⁹ The Sunday Times, "New TV rules not for people but for the Rajapaksas: Opposition" November 02 2008

²⁴⁰ FMM statement, "On the new Private Television Broadcasting Station Regulations" October 30 2008

²⁴¹ FMM statement, "On the new Private Television Broadcasting Station Regulations" October 30 2008

²⁴² FMM, "Journalist Rashmi Mohamed killed in Anuradhapura Bomb Blast" October 06 2008

²⁴³ FMM, "Female journalist shot in Batticaloa" September 09 2008

²⁴⁴ FMM, "CPJ alarmed by gun attack on Sri Lankan journalist Radhika Devakumar" September 12 2008

²⁴⁵ IFJ, Press Release, "IFJ Calls on All Sides in Sri Lanka to Respect Press Freedom" August 19 2008

²⁴⁶ Sep 11th. Sudar Oli, Sep 12th Sudar Oli, Sep 09th. Virakesari, Sep 13th Virakesari, Sep 11th. Thinakkural, Sep 13th Thinakkural, Sep 14th Thinakkural, Sep 14th. Thinakaran.

²⁴⁷ Sep 12th. Lankadeepa, 15th Sep. Lankbima, Sep 15th, Dinamina, Sep 14th, Irida Divaina, Sep 14th. Irida Lankbima,

²⁴⁸ 09th Sep. 2008, Thinakural Lead, " " *Government has ordered all the INGOs to vacate Wannu immediately*" 09th Sep 2008, Virakesari Lead, " GoSL order INGOs to leave Wannu"

²⁴⁹ 10th Sep, 2008, Lankadeepa, Page 01, " Government informs the NGOs to vacate Wannu Immediately"

²⁵⁰ Sep 14th, Lanka, Page 01 and Sep 14th Ravaya, Page 02.

²⁵¹ Sep 11th, The Island, Front Page

²⁵² 10th Sep, 2008, Daily Mirror, "Move Places Civilians at grave risk"

²⁵³ Sep 13th, Daily Mirror, Page A2, " Allow International Agencies to remain in Wannu, NPC tells government.

²⁵⁴ This was the lead story of *Thinakural* on the 11th September Sep 11th, Thinakkural, front page, " UN general secretary expresses his concern over the humanitarian crisis in Wannu"

²⁵⁵ Sep 11th, Sudar Oli, front page, " INGOs should go back to Wannu"

²⁵⁶ Sep 12th Sudar Oli, Page 5, " We are against government's decision to drive INGOs from Wannii" , Sep 12th. Virakesari, Page 8, " We condemn the decision of the government to drive INGOs from Wannii"

²⁵⁷ 10th Sep, Editorial, Sudaroli.

²⁵⁸ It emphasized the fact that the government has already taken adequate measures to provide necessary humanitarian aid to the IDPs, through the district secretaries, in uncleared areas in the North. The article states that safe routes are being created for the IDPs in Killinochchi to enter government controlled areas. Additionally, five special camps have been set up as accommodation for these IDPs in Vavuniya. 11th Sep, 2008, Lankadeepa, Page 16, " Government undertakes the responsibility of the IDPs in the North"

²⁵⁹ Sep 14th, Sunday Leader, front page, " UN staff prevented from moving out of Vanni", Sep 14th, Sunday Leader, front page, " Wannii Civilians in dire straits says MSF", Sep 14th, Sunday Leader, page 14, " The Wannii Tinderbox"

²⁶⁰ Lankadeepa, 13th Sep, 2008, page 01

²⁶¹ Lankadeepa, Lead Story. "9 NGOs leave Vanni" 12th Septemebr,

²⁶² Lankadeepa, Lead Story 12th Sep, Lankadeepa, Lead Story

²⁶³ Dinamina, Lead story 15th Sep,

²⁶⁴ Do

²⁶⁵ "Expressing his appreciation to the agencies for contributing and complementing the GoSL in providing assistance to displaced persons in the Wannii, the minister requested them to continue with their good work by supporting the GoSL in the provision of humanitarian assistance by relocating their operations to the humanitarian hub established by the Government in Vavuniya. 10th Sep, 2008, Daily News, "UN, INGOs to relocate operations to Vavuniya"

²⁶⁶ Sunday Observer, Page 9, " INGO – LTTE unholy axis?" Sep 14th,

²⁶⁷ Sunday Times, Lead, "UN holds pullout as civilians protest" Sep 14th.