

## Interview

## 'United Kingdom now has a law to proscribe the LTTE'



*Q: You have recently asked the British Government to proscribe the LTTE. What does proscription mean in the current context?*

*A: In relation to an organisation proscription means putting that organisation beyond the protection of the law, rejecting or denouncing it as dangerous. Another popular equivalent of proscribing is banning.*

*Q: Why didn't you ask for the proscription of the LTTE many years ago? Why now?*

*A: We did, right from the beginning of our government in 1995. But at that time the British did not have a law that permitted proscription. Without such a law an organisation cannot be proscribed. The United Kingdom now has a law, the Terrorism Act of 2001. It was enacted last July. It will come into force shortly. This law provides for proscription.*

*Q: Under this law can the LTTE be proscribed and if so why?*

*A: Most certainly, yes. Section 1 of the Act*

defines "terrorism". It means "the use or threat, for the purpose of advancing a political, religious or ideological cause, of action which involves serious violence against any person or property; endangers the life of any person; or creates a serious risk to the health or safety of the public or a section of the public". Further, "action" includes "action outside the United Kingdom", and a reference to the public includes "a reference to the public of a country other than the United Kingdom". Finally, a reference to action taken for the purposes of terrorism includes "a reference to action taken for the benefit of a proscribed organisation".

*Q: Do these definitions apply to the LTTE?*

*A: It is very important to note that the UK Act does not limit terrorism to the use of action against civilians. Thus, the military campaign that the LTTE is waging in Sri Lanka "for the purpose of advancing a political or ideological cause" is terrorism. In other words, under the UK Act, it is not open to the LTTE to argue that it is not guilty of terrorism*

*because it is a national liberation organisation engaged in political or ideological struggle for a separate State, the liberation of the Tamil people, the fulfilment of their aspirations or whatever its cause may be. On the contrary, it is precisely that the use of action, in pursuit of a cause, which involves force against person or property - which the UK Act declares to be terrorism, and expressly forbids.*

*Q: If the LTTE is proscribed under the UK Act what activities would possibly be covered by the proscription?*

*A: For many years the LTTE has had an office in the UK. It also has a cluster of affiliated or associated organisations. These front organisations have operated in the UK openly and freely in the absence of a law to prohibit or curb their activities. Under the new Act it will, in respect of a proscribed organisation, be an offence for any person to belong to or profess to belong to it; to invite*

support for it; to further its activities; to address a meeting and encourage support for it; to address a meeting when he knows that the meeting is to be addressed by a person who belongs or professes to belong to the proscribed organisation; to wear an item of clothing or display an article which arouses reasonable suspicion that he is a member or supporter of a proscribed organisation; to invite another to provide, or himself provides or receives, money or other property for a proscribed organisation and intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism; to enter into a funding arrangement if he knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorism; to engage in or become concerned in a money laundering arrangement in respect of terrorist property. All these are offences punishable with imprisonment or fine or both.

*Q: Do these definitions apply to the LTTE?*

*A: The UK Act also casts a duty on every person to disclose information which may come to his attention in the course of a trade, profession, business or employment that another person has committed an offence relating to fund-raising or money laundering. This provision would apply to banks.*

*Q: Under the UK Act is there any discretion given to the authorities not to proscribe an organisation if in all respects it is qualified for proscription?*

*A: The Secretary of State for Home Affairs is the officer authorised to proscribe an organisation. He may do so by adding an organisation to Schedule 2 of the Act. That Schedule contains a list of 14 organisations, all connected with Ireland, which are already proscribed. They include the Irish Republican Army (IRA), the Ulster Freedom Fighters, the Irish National Liberation Army, the Irish People's Liberation Organisation, the Loyalist Volunteer Force etc. The Home Secretary may proscribe an organisation "if he believes that it is concerned in terrorism". An organisation is "concerned in terrorism" if it commits or participates in acts of terrorism; prepares for terrorism; promotes or encourages terrorism, or is otherwise concerned in terrorism. The LTTE clearly qualifies for proscription under all four headings. There is nothing in the UK Act which could save an organisation from proscription if it is qualified for proscription. There is nothing in the*

*Act which warrants non-proscription because some peace process might be going on or because some group of persons might be disappointed by the proscription of the organisation to which they are devoted.*

*Q: Consider for a moment what would happen if the LTTE were not proscribed because a peace process has barely started. That process may go on for years; it may never reach fruition. In all that time the LTTE would, with impunity, be permitted to continue raising funds in the UK for terrorist activities in Sri Lanka although there is a UK law and international Conventions in force which are aimed precisely at outlawing and prohibiting the use of violence in pursuit of a cause whatever, and however worthy, that cause may be.*

*Q: You said a moment ago that some Irish organisations have already been proscribed. Notwithstanding those proscriptions the British Government has been conducting negotiations with those Irish organisations. How do you reconcile this situation?*

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*Q: But what can the Government of Sri Lanka actually do if the British Government does not, for whatever reason, proscribe the LTTE?*

*A: It would be a very sad day for Anglo-Sri Lanka relations. It would be an unfriendly act that would impose a considerable strain on our relations. The government and people of Sri Lanka will be bitterly disappointed. We can never forget that the LTTE assassinated Prime Minister Rajiv Gandhi of India for which Mr. Prabhakaran, its leader, and others were convicted of murder by the Indian Courts and the LTTE was banned in India. The LTTE assassinated a President of Sri Lanka, a Leader of the Opposition (Mr. Gammie Dissanayake) and Minister of the present government and attempted to assassinate President Kumaratunga, killing 26 persons in that act. It has assassinated a number of Members of Parliament and other politicians, including a 60 year old lady Mayor of Jaffna and her successor; a well known Tamil human rights activist, Dr. Neelan Tiruchelvam; thousands of innocent civilians of all communities, women, children, monks. It bombed the most sacred Buddhist shrine in the world. It bombed the Central Bank and killed a large number of civilians for which the LTTE leader is presently on indictment in the High Court of Colombo. The LTTE's record of terror is long and horrible. In the light of this record the people of Sri Lanka will simply never be able to understand a failure on the part of the British Government to proscribe the LTTE, now that it has the power to do so.*

*Q: Mr Balasingham has made some sharp*

*observations on what he calls the Government's "defunct constitutional proposals" and "the fundamental aspirations of the Tamil people" etc. Would you wish to make any comment?*

*A: The Government's Constitutional proposals have been presented to Parliament after lengthy discussions with all political Parties. They had the support of 12 of the 13 Parties in Parliament, but could not be adopted because the Government was short of a few votes for a 2/3 majority. The Government is totally committed to a legal, constitutional and political solution of the Tamil people's problems.*

*On the question of "aspirations" I have noted with much interest the way in which certain governments have recently stated their views. In Minister Peter Hain's recent statement welcoming, rather hastily, in my view, the LTTE's unilateral ceasefire, he went on to say: "I reiterate our support for a solution which upholds the territorial integrity of Sri Lanka whilst meeting the aspirations of the Tamils". The US Ambassador in Sri Lanka recently said that the United States is against an Eelam State in the island for whatever reason, and that it wishes "to see the minorities live together with the majority community within a united Sri Lanka". In a press release from the Indian Ministry of External Affairs after my recent visit to India it was stated that "India supports the unity, sovereignty and territorial integrity of Sri Lanka and a negotiated political settlement of the conflict there for a lasting peace which would meet the aspirations of all elements of Sri Lankan society". The emphasis should, in my opinion, always be on the aspirations of all elements of our society. The LTTE may be concerned only with the interests of some sections of the Tamil people. There is a fair section of Tamils who do not agree with the LTTE's policies. The Government of Sri Lanka must take into account the interests of all the people who inhabit this land including all the Tamil people in working out a lasting solution to our problem.*

*Courtesy: The Island of Colombo*

## India

## A Majoritarian Paradigm

By Zaglul Ahmed Chowdhury

  
A deadline set by the extreme Hindu organisation during the current religious gathering, Kumbh Mela, in northern city of Allahabad is likely to sharpen the raging debate on the construction of a Ram temple in place of a razed 16th century mosque in Ayodhya. The issue is already causing a big headache for the multi-party National Democratic Alliance (NDA) government of Prime Minister Atal Bihari Vajpayee and it remains to be seen how the government - whose main strength is the Hindu nationalistic Bharatiya Janata Party (BJP) - tackles the sensitive problem.

Ashoke Singhal, the president of the Vishwa Hindu Parishad (VHP) told a rally during the Kumbh Mela a few days ago that the Ram temple will be constructed at the site of the demolished mosque no matter whether the court would not relent and said they are setting a timeframe so that the pending cases in the courts are settled by the time. This is the first time that the Hindu zealots who were seen as

responsible for the razing of the Babri mosque on December 5, 1992, have now threatened to construct a temple there.

When the mosque, which the Muslims say, was built by Moghul emperor Babur, was razed to ground by the militant Hindus, a secular government headed by P.V. Narasimha Rao was in power. But Uttar Pradesh - where Ayodhya is situated - was ruled by the BJP government. The BJP is known to be close to the extreme Hindu organisations like the VHP, the RSS, and the Bajrang Dal and believed to have lent support to the demolition of the mosque. The state government was accused by the minorities of being supportive to the destruction but what had pained the Muslims that the federal Congress government didn't take any steps at that time to protect the mosque.

Rao condemned the destruction and took certain steps only after the razing was over. Some senior BJP members like current ministers in the government Lal Krishna Advani, Dr. Murli Monohar Joshi and Uma Bharti are still facing cases for their alleged involvement in the demolition of the mosque. Atal Bihari Vajpayee, also then a senior BJP leader, did not support the act. He is known as a liberal in the party.

But Vajpayee's moderate image suffered a setback in recent times when he said the construction of the Ram temple on the site of the mosque remains a "national task" which needs to be fulfilled. This infuriates the

minorities but the secular parties like centrist Congress, Janata Dal, Samajwadi Dal, and leftists CPI and the CPM. These parties had severely criticised and condemned the destruction of the mosque in 1992, saying this would destroy the secular fabric of multi-religious and multi-lingual India.

The courts have been involved in the dispute centring the Mosque-Temple bitter row and the prime minister Vajpayee favoured a decision on the issue by the court. However, his recent comments that the construction of the temple remains an obligation touched off a furor. Vajpayee later said he was not properly quoted and again took a stand on the issue that appears neutral.

Muslim and Hindu organisations earlier agreed to discuss the matter but lately the Muslim organisations pulled themselves off from any such future talk on the ground that the threat to build the temple within a particular time makes no sense for negotiations. The VHP said whatever be the outcome of any dialogue with the Muslim organisations that will not be at the cost of the construction of the temple on the disputed site. It's chief Ashoke Singhal has only echoed this sentiment of the organisation.

Kumbh Mela is a massive gathering drawing huge number of Hindus from across the country and elsewhere. The occasion is meant to take dip at the confluence of the rivers Ganges and Yamuna at a particular period.

Hindus believe that bathing in the Ganges washes away all sins, speeding the way to end reincarnation in this world and attainment of Nirvana (salvation). The occasion is holy and auspicious.

The mosque-temple controversy has already done great damage to Indian secular fabric. But it is really praiseworthy that most major political parties have shown sympathy to the sentiments of the minorities and asserted that religious zealots must not rule the roost at the cost of the secular principles. The fixation of a deadline by militant Hindus for the construction of the temple is likely to further queer the pitch of religious harmony in the biggest democracy of the world. This is a big test for the government of Vajpayee to see if that nothing is done by sheer force by people representing the overwhelmingly majority religious group. His NDA is composed of such parties most of whom preach secularism. They are concerned over the developments. Main constituent of the ruling coalition BJP is known to have communal overtones. But its chief Bangaru Laxman said Hindus and Muslims both are the blood and flesh of India. Hence, the decisions of the courts may be allowed to settle the issue rather than force of the extreme religious groups who razed the mosque nine years ago.

India is of the view that although the ceasefire is holding on LoC, violence in Indian-administered Kashmir has not ceased. India's Defence Minister George Fernandes was reported to have expressed the view that New Delhi was disturbed by Pakistan's response to unilateral ceasefire by India. "One is disappointed at the way the Pakistani leadership is looking at the cease-fire", Fernandes told the reporters in Bombay on 21 January. India hoped that its unilateral suspension of military action against the anti-Indian rebels would lead to the cessation of violence and Pakistan would be able to rein in the militants in Kashmir.

It is reported that Pakistan

wants the talks to proceed on a much quicker pace than India does. Pakistan's Foreign Office spokesman is reported to have said a few days ago that the opportunity for "addressing the Kashmir dispute by initiating the peace process appears to be slipping away." The statement indicates a negative view of the peace process and accuses India of being delayed in receiving their travel documents from Indian authorities. (One executive member of the Conference Abdul Ghani Lone said that he applied for passport to New Delhi and it has been pending since 1993).

India argues that New Delhi did not offer any timeframe for deciding the trip of the delegates of the Conference to Pakistan and the home ministry has been looking at this and will take a decision.

Pakistan argues that the "so-called" militants live in Indian-administered Kashmir and they fight for their rights. Pakistan argues that it is up to Indian authorities to deal with them politically and not militarily.

It appears that India insists on the cessation of violence in its part of Kashmir before any talks may begin. They seem to believe that one of the pre-conditions for the talks is the end of violence in the Indian-administered Kashmir. India wants a tangible reward for its unilateral ceasefire in Kashmir. This India argues is politically important within the country.

However, in recent days Kashmir's powerful rebel group the Hizb-ul-Mujahideen is reported to have planted land mines which killed 11 Indian soldiers in Kashmir. On January 21 three landmines exploded in which two soldiers were injured. It appears violence continued in Indian-administered Kashmir despite the ceasefire announced by India in the territory on November 27 last year. This rebel group appears to believe that nothing will come out from the peace talks.

Another striking issue appears to be the visit of the delegation from India-based All Party Hurriyat (Freedom) Conference to Pakistan. The five delegates from the APHC are

being delayed in receiving their travel documents from Indian authorities. (One executive member of the Conference Abdul Ghani Lone said that he applied for passport to New Delhi and it has been pending since 1993).

India argues that New Delhi did not offer any timeframe for deciding the trip of the delegates of the Conference to Pakistan and the home ministry has been looking at this and will take a decision.

India seems to view the trip of the delegates of the Conference as peripheral to the resumption of peace talks while Pakistan appears to perceive the trip of the Kashmiris in Pakistan is an essential element of peace talks.

It appears that Pakistan is tripartite talks on Kashmir (India, Pakistan and Kashmiris from both of LoC) to decide its future.

In the global context, the big powers are deeply concerned about the region after India and Pakistan became overtly nuclear powers with missiles since 1998. The Global Report of CIA (released in last December) predicted that India would emerge as the unrivalled regional power in South Asia in the next 15 years with a large military and a dynamic and growing economy while Pakistan would be more fractious, isolated and dependent on international financial assistance.

On January 17, India successfully test-fired Agni II, an intermediate range ballistic missile. The Agni II has reportedly a range of around 25,000 kilometres, making it capable of delivering a nuclear warhead anywhere in Pakistan and more significantly, most of China.

According to recent Pentagon report New Delhi's ballistic missile programme was extensive and indigenous, while Islamabad, driven by its perceived need to counter India's conventional superiority and nuclear capability receives aid from abroad. It is reported that India will continue to build up ocean going navy to dominate the Indian Ocean transit routes for delivery of Persian Gulf oil to Asia

On the other hand, Pakistan appears to have less of a military production infrastructure than India and as a result will be forced to depend on outside support for its efforts to keep strategic symmetry with India.

Kashmir dispute appears to be the soft underbelly of both nations. In the diplomatic domain peaceful talks reveal constructive policy of nations and look good internationally. India thinks that violence and peace talks do not go hand in hand. Pakistan has a different perspective to this issue and argues that violence will only cease as a result of peace dialogue. It seems that there are trials aplenty in every step in the peace process.

The people of the subcontinent desperately need peace and harmony and their greatest enemy is poverty. India and Pakistan leaderships face an array of challenges to break the cycle of poverty and the sooner the deadlock is resolved the better it is for the people of the region.

Rashid, a Barrister, is former Bangladesh Ambassador to the UN, Geneva.

## Women

## Where Hawks Dare

Narayan Gupta in Maryland, USA



SINCE Ishwar Chandra Vidya Sagar and Raja Rammon Roy left the scene, very little progress had been noticed in condition of women in South Asian countries formerly known as the Indian sub-continent. Last one hundred or so years, the priorities amongst the bourgeois and western educated city dwelling Hindus of the sub-continent were initially to get Swaraj (self rule) first and then to achieve the social reform next. For the Muslims leadership had raised the demand for Pakistan a separate state for the Muslims of India first, everything else next. The Pan Asia Muslim consciousness was a primary product of self-imposed deprivation of western liberal ideas of the well-to-do section of the community. While the new rich Hindus sent their children to Oxford and Cambridge with a view of getting a good job under the British rulers. Many of them returned indoctrinated by the liberal thoughts of the European Socialists. During day time they studied Law or Engineering while on nights and weekends they attended radical India Majlis.

The Muslim rich, baring a few, sent their boys to learn the intricacies of true Islam to Al-Azhar University of Cairo or such morbid institutions at home. However, when both the Swaraj and the Homeland for the Indian Muslims arrived suddenly, with very little or no price at all, not counting the fratricidal killing of couple of millions and exodus of more millions the leaders of both India and Pakistan resumed the Mughal-Maratha (Sarath) the most famous is the Viswanath temple a small but ancient one, which survived many raids. This temple is of Lord Shiva.

Well, not so fast. Follow me to the most holy city of the Hindus Varanasi on the banks of the Ganges flowing north bound. Varanasi is also Benares or Banaras of fabled city of Kashi - the oldest city inhabited continuously without a break. A city of many temples, large mosques, elegant churches, gurdwaras and Buddhist stupas (at Sarnath). The most famous is the Viswanath temple a small but ancient one, which survived many raids. This temple is of Lord Shiva.

If you follow a typical businessman, you will notice that he has just arrived after taking a holy dip from the nearby Ganga. He enters the temple leaving his pair of shoes at the entrance of the temple, offers prayers in the prescribed manner, chants couple of Mantras, gives generous "Dakshina" (fees) to the priests and leaves the temple not forgetting his new pair of shoes. On the way back he 'trots' the famous and narrowest lane, Biswantha Galli, there he buys some gifts and bunch of fresh roses. He looks around for any acquaintances and walks towards Godhuli intersection. There he comes across a dozen elderly ladies - all shaven heads and holding chains of beads - squatting on the side