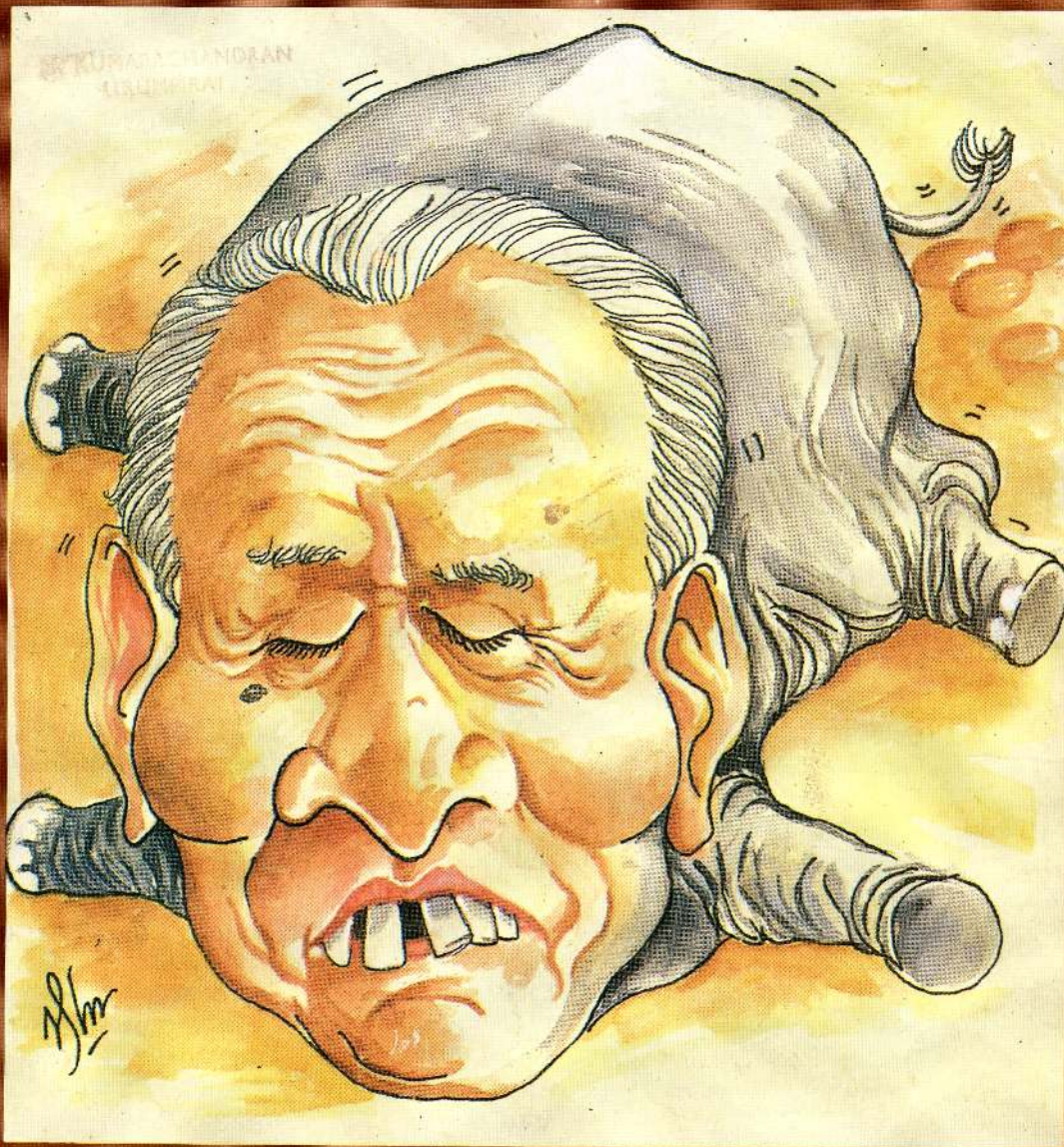


# Countryman

A 'RAVAYA' PUBLICATION



Southern Landslide

# UNP'S NEMESIS



# ISLANDWIDE SALES POINTS FOR *Counterpoint*

ALAWWA	Nandanasiri Stores	Piliyandala	New City
AMBALANGODA	Royal Book Shop	Pitakotte	Pothgula
AMPARAI	Delicia	Ratmalana	Thusitha Book Shop
ANURADHAPURA	Mahajana Picture Palace	Thimbirigasyaya	Missaka Book Shop
BADULLA	Sathsara	Wellawatte	Windsor Book Shop
BALANGODA	Mahinda's		Rohana Book Shop
BANDARAWELA	Sunil Book Shop	EMBILIPITIYA	Vivian Traders
BATTICALOA	Leelasena & Sons	GALLE	Queens Hotel
CHILAW	Udeni's		New Aradhana Traders
COLOMBO	Mayura Book Shop		Vijitha Yapa Book Shop
Bambalapitiya	Charles Subasinghe	GAMPAHA	Thaksala Nalanda Book Shop
	Greenlands Hotel		Hema's Book Shop
	Lanka Traders	GAMPOLA	Udaya Stores
	Liyanage	HAPUTALE	Davasa Centre
Battaramulla	Shanthi Vihar	HORANA	Mallikarachchi & Co.
Borella	Pubudusiri Cream House	HIKKADUWA	Jayathu Hotel
	Madhawa Book Shop	KADUGANNAWA	Coral Garden Hotel
	Pushpa Stores	KALUTARA	Daya Traders
	Ketapatha Prakashana	KANDY	New Owen Joseph Book Shop
	Supipi Book Shop		Guneratne Distributors
	Sadeepa Book Shop		Seevali Book Shop
Dehiwela	Lakmini Stores		Vijitha Yapa Book Shop
Fort	Catholic Book Shop		Sithumina Book Shop
	Colombo Hilton		Malson Book Shop
	Holiday Inn	KULIYAPITIYA	Central Book Shop
	Taprobane	KURUNEGALA	Sastrodaya Book Shop
	Lake House Book Shop	MATARA	Sampath Traders
	Lanka Oberoi	MATALE	Nilmini Stores
	MacIlum Book Shop	MIRIGAMA	Malaka Traders
	M.D. Gunasena Book Shop	MONERAGALA	Game Stores
	Salaka		Sumedha Book Shop
Union Place	Geethani Grocery	N'ELIYA	Sri Ramya Stores
Homagama	Perno Stationers	NEGAMBO	Shop No. 3, (Opposite Municipal Council)
Ja Ela	Srimali Grocery		Nayana Book Shop, Kandana
Kadawata	Jayabima		British Book Center
Kandana	Samanala Book Shop		Negambo Printers
Kiribathgoda	Vijitha Yapa Book Shop	NITTAMBUWA	Co-operative Sales Center
Kollupitiya	Malee Book Shop	PANADURA	Ganga Cool House
	A. Z. N. M. Marikar	PILIMATALAWA	Fernando's
Maharagama	Sasiri Book Shop	PUTTALAM	Jayasekera Traders
Maradana	Godage Book Shop	RATNAPURA	Lucky Newspaper Agency
	Dayawansa Jayakody	TRINCOMALEE	Pradeepa Book Shop
	I. P. B. Book Shop	VAVUNIYA	470, Navy Camp Road
	McCallum Book Shop	VEYANGODA	Kavidha Stores
Moratuwa	Wijesekera Grocery	WARAKAPOLA	Somagiri
Nugegoda	National Book Shop	WELLAWAYA	Ranjith Book Shop
	Sarasavi Book Shop	YAKKALA	Suhanda Traders
Pannipitiya	Nimali Book Shop		Vidyodaya





## ENVIRONMENT 6

An overview of the national parks and other protected land areas in the country which identifies the predicament that Sri Lanka faces and suggests viable alternatives for the future.

A polemical piece that examines the shocking state of literary translations into Sinhala and advocates the fostering of Translation Studies as a discipline in its own right.

## ARTS 36

**BILLING** [spitting]: Pahl! The turncoat!  
[page 156]

Mahendra has rendered this into Sinhala as follows: බිලිනග: (කොළ ගනිමින්) කන් මිනිසා ඉන්න දැයි දර කොටි එක එකම දෙයෙන [page 80]  
You may think that this is perhaps an outrageous example, an exception to the rule. Here's another of the same calibre.

**THE MAYOR** [dropping his voice a little]: It's extraordinary how these people who come from peasant stock never seem to overcome their tactlessness [109].  
නගරාධිපති: (සිය කටහඬ දුටුමටින්) මහා පුද්ගල වැඩිත් නමයි මේ. කොටිතුන් කරන පවුල් වලින් දැවෙන එක මිනිස්සු නම නමින්ම දස්කම් මුද්දන්වත් කර ගන්න වෙනසෙන්ම නැතැයි [14-15].



## COVER STORY 22

An analysis of the UNP defeat in the Southern Provincial Council poll at the hands of the People's Alliance stage managed by Chandrika Kumaratunga, and its ramifications for national politics in this election year.

The machinations both within and without the Cricket Board as exemplified by the fitness test fiasco are laid bare in this month's column.

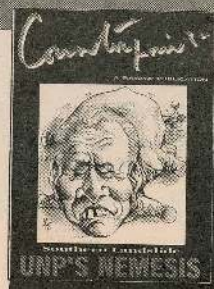
M. KUMARACHANDRAN  
URUMPIRAI

## 39 SPORTS



## Departments

Tamil View .....	15
Perspective .....	18
Politics .....	29
Legal Watch .....	33



Cover  
Cartoon  
K.W.  
Janaranjana

Layout  
Asoka Padmasiri



# Anniversary Retrospective

**I**t's been one year now since the first issue of **Counterpoint** reached the stands. Our first anniversary is as good a time as any to look back on the year gone by, both from the magazine's point of view as well as in terms of national events.

1993 which saw the assassinations of President Premadasa and Lalith Athulathmudali was a crucial year from Sri Lanka's perspective. President Wijetunga who projected the image of being a reluctant leader soon dispelled any doubts as to his contempt for the due process of the law as well as to his desire to cling to the presidency at any cost. The corruption and all-round abuse of power within the Government has continued unabated. In fact, Wijetunga's rabid chauvinism has marked him out as being an even worse prospect than his predecessor, if such a thing is possible. The Provincial Council fiasco in the South established the UNP credo that it was only willing to view decentralisation as viable if it maintained control of these units. Abductions, executive interference and police-led thuggery has ruled the roost during the past year as it did in the sixteen years before. In the name of anti-terrorist activity in Colombo hundreds of Tamil youth were deprived of their rights and subjected to extensive harassment. The discovery of a mass grave at Sooriyakanda suspected to be connected with the massacre of 31 students at Embilipitiya was hushed up with the disgraceful collusion of the Police.

In short, the Government remains accountable to no one, whether in terms of policy, abuse of power, corruption, whatever. The beginning of this election year saw a revitalized SLFP under Chandrika Kumaratunga inflict a stunning defeat on the UNP, and there

appears to be a general sense that the UNP's reign of terror is coming to a close after 17 long years. There is no doubt that the UNP's popularity is on the wane, but since the stakes are so high -- not merely power but survival itself -- it remains to be seen whether the democratic process will be permitted to assert itself unimpeded.

From the magazine's point of view our first year has been marked by the inevitable teething problems: printing delays, financial constraints, lack of full-time staff, erratic sales and so on. It is certainly a sobering comment on our times that many of our subscribers still get their copies care of friends, while some prefer to buy their issues from the stands for fear of persecution. Advertisers are reluctant and some agencies even discourage prospective clients on the ground that it would be politically inexpedient. On the other hand, many of our readers have stuck their neck out to provide us with information, even constructive criticism. We are grateful to you our readers because you are our lifeblood. Your exasperation and concern at our delays have always spurred us on in spite of tremendous odds.

On our part we renew our commitment to provide you with 'honest and nonpartisan coverage of politics, the economy human rights, culture, sports, to provide provocative yet responsible writing about the issues of our times. We also commit to minimizing delays in the future even if it means higher printing costs which we can ill-afford to bear at the moment. For your part we look to your active participation in this process, to your support as subscribers and advertisers so that we can match our expectations of uncompromising quality and scrupulous attention to detail with punctuality and financial viability. ■

<b>Managing Editor</b>	Victor Ivan
<b>Editor</b>	Waruna Karunatilake
<b>Editorial Coordinator</b>	Ymara de Almeida
<b>Layout</b>	Charitha Dissanayake
<b>Cartoonist</b>	K.W. Janarajana
<b>Photographer</b>	Dexter Cruz
<b>Circulation</b>	Daya Kaluarachchi
	G.B. Panditha
<b>Printer</b>	Lalitha Kala, Colombo
<b>Publisher</b>	Ravaya Publishers (Guarantee) Ltd.

## Head Office and Mailing Address

No: 90, Pirivena Road, Ratmalana,  
Sri Lanka  
Tel. 722943, 717806  
Fax: 722943

## Published monthly.

All Rights Reserved. © Ravaya Publishers. A wholly owned subsidiary of Ravaya Publishers.

The contents of Counterpoint are copyright. Reproduction of material in part or whole is not permitted in any form without the written authorisation of the publisher, Counterpoint.



## An ancient solution to our current ethnic/terrorist problem

In the days of yore, when men were men, and when the two major tribes were locked in bitter and bloody warfare the enlightened leaders of the two tribes decided (presumably by mutual consent) that it was best that the two of them meet in mortal combat, instead of permitting their people, suffer the ravages of war. The winner would take all, but would be magnanimous towards the loser's subjects.

And so it was, after the Elara-Dutugemunu duel, the winner was indeed most magnanimous towards the loser's subjects. (I have placed E's name in front in deference to his age)

Now in the present situation prevailing in the country, maybe it would be a good thing and in keeping with our ancient culture, if the leaders of the two warring tribes, that is W and P (this time W has been placed in front due to his age -- the difference being about the same, but reversed, as for the previous combatants), could meet in mortal combat -- the winner taking all but being magnanimous towards the loser's people.

At this stage I must mention that in keeping with modern concepts and animal rights, elephants (as was done previously); horses or any other animal should not be used as modes of transportation by the two contestants. Some modern form of transportation, such as an armoured truck, tank, bull dozer or even a fighter aircraft could be used.

However, to save the majority of the peace loving peoples of this Land witnessing this type of warfare and bloodshed, may I suggest that the two combatants get themselves two Air Balloons with a large enough basket or 'gondola' attached to each, to accommodate themselves and their seconds and cahoots and go into the unpolluted air to fight their duel. 'P' should take up with him, his lieutenants, his deadly suicide squad and all violent supporters of separatism. 'W' should take with him all the violent supporters of domination and believers of non-equality. The Mafia elements within all the tribes must also be forcibly made to accompany them.

The weapons they should take with them could range from spears, bows and arrows to modern guns, pistols and as many hand grenades as possible. The two leaders should not forget to carry with them a mirror each to see that they are not disposed of, from behind, before his opponent, had a chance to have a go at him.

If fortune and luck smiles on the peace loving people, maybe, the two balloons and the attached baskets would be destroyed. If there was no such luck, the people below can only pray that nature take a hand and blow the two balloons and the baskets with their cargo over the sea perhaps south onto the desolate and wastelands of the antarctic -- pity the penguins. Maybe, the religious fundamentalism of the invaders will save the penguins, and instead in hunger they may have a go at each other.

Meanwhile the people of the land they left would have heaved a sigh of relief as they saw the two balloons with the filled baskets drifting out to sea. Now at least PARADISE could be REGAINED. An Ancient Method has Solved a Problem and in turn time would heal the wound.

The time for the wound to heal depends on the time the peace loving people left behind take to realise that all people including all the tribes are equal and should be treated equally. Admissions to schools, universities, jobs and promotions should be on merit.

**NO EQUALITY, NO LASTING PEACE.**

As a great philosopher said

**"TRUTH MY RELIGION**

**HUMANITY MY RACE**

**THE WORLD MY COUNTRY" ■**

**A.H. Sinhawansa, Colombo 5.**

We have spent 46 years of our Independence watching the dynamic growth of our Asian neighbours whilst we have steadily brutalised ourselves since 4th February, 1948 except for a brief period ending in 1956.

We have hoisted the National Flag on the 4th February of each year for the last 46 years without understanding the design and construction of it with regard to the place given in the flag to respecting the aspirations of the majority community and the minority communities relating to the separate developments of their needs for social, economic and physical security within a unitary state.

President D.B. Wijetunga when he announces for the first time after independence that the majority must be strong to protect the minorities gives the signal to the minorities that the Sinhala Governments will only look after the minority after the majority interests have been served. By this he implies that the minorities have no independent status, except to hang onto 'the vines, get entangled in it and grow' this reminds one of the statement made by the UNP in opposition with regards to the constituent members of the united front government who were described as hanging onto the Saripota of Prime Minister Mrs. Bandaranaike. The national flag very clearly illustrates the concept of unity, territorial integrity and sovereignty of the country by the outer yellow border in



# Maha Sangha should lead peace moves

the flag. It is symbolic of the Indian Ocean encircling territorial boundaries of Sri Lanka.

The separate identity allocated to the majority community (76 %) is shown when the intervening yellow strip separates it from segment which incorporates within it two stripes for Tamils and Muslims (24%). It is further confirmed by the 7 Provincial Councils for the Sinhalese (Kandy and Low Country) of the South and 1 Provincial Council for the minorities in the NORTH/EAST. The merger issue which has been the main stumbling block to a settlement of the North/East problem, has been recognised in the construction of the National Flag and in the Indo-Lanka Accord.

It is unfortunate that the UNP Government has not shown the same enthusiasm to make recommendations on constitutional reforms as it has steadfastly avoided to make recommendations to the Mangala Moonesinghe Committee on resolving the ethnic conflict.

The only reasonable conclusion for a delay in the settlement of the North/East problem spearheaded by a vociferous minority in the South is their fear that given the opportunity to the minorities to operate in the North/East Provincial Council with the required powers they will

overshadow 46 years of biased development of the area controlled by the 7 Provincial Councils.

It is a psychological problem that the vociferous minority of Sinhalese are having of their inability to cope with the ambitions of a determined but suppressed minority.

In our pursuit to bring about peace and harmony among the Sinhalese and Tamils it is necessary for the politicians in the South to accept that co-operation is not a one way process. It requires the co-operation of the two parties to a dispute to be willing to exchange trade-offs for the sake of the Sri Lankan nation's desire for peace, harmony and prosperity. It abhors any form of pre-conditions. It recognises only mutual trust and good faith as the only vehicles for successful co-operation. In terms of ballroom dancing it takes two to tango.

Good Faith and trust has been sadly absent in the actions of the Sinhalese political leaders to implement any arrangements to alleviate the concerns of the Tamils from time of the Bandaranaike-Chelvanayagam Pact, Senanayake-Chelvanayagam Pact, Thimpu Talks, Bangalore Talks, All Party Conference, Premadasa-LTTE Talks.

The Mangala Moonesinghe Select Committee could not accept the proposals of the Tamil parties.

Genuineness of Government intentions cannot be seen when *the Sunday Observer* carried reports which were contradicted in *the Sunday Times* both published on 06.02.1994. It is a position of Heads I win tails you lose for the Tamils. Despite the fact that the UNP Government got a 5/6 majority in 1977 to Parliament to solve the Tamil issue and with President J.R. Jayewardene having undated letters in his pocket to ensure compliance to any reasonable solution the UNP Government never showed any intention to solve this issue. It overtly however embarked on kite flying exercises to give hopes to the Tamils and confidence to the International Community that it was perusing a political solution whilst using the air force to bomb civilian targets in Jaffna and systematically neglecting to develop areas of minority populated areas in Colombo (Kotahena) and Outstations (North/East).

As a result of this discriminatory policy a historically important Buddhist temple in Kotahena (Deepaduttaramaya) has

lacked Government patronage. The entrance to the Temple through Kotahena Street has been blocked by the Kotahena Police.

In fairness to the vast majority of the Sinhalese, who are both peace loving and protective of Tamils resident in their areas, they are for in really Buddhists spirit, for meeting the reasonable aspirations of the Tamils for a separate identity within a united Sri Lanka and for their realisation of their social, cultural, economic and physical security. The problem lies with southern politicians and businessmen who have benefited by the open market economic policies where personal interest (greed) takes precedence over National interest have been enthroned by the UNP Governments since 1977 as the highest ideal to follow at the expense of the "Time honoured moral principles as guides to conduct". It should be noted that this philosophy of economic development is against the core teaching of Buddhism which abhors 'Tanhava'. A key aspect is the ability of the vast majority of the people to enjoy the fruits of economic development and here the GAP between the rich and the poor is ever widening. The article "Religious responses to contemporary dilemma of



Human Existence" by Bikkhu Bodhi on 27.01.1994 is a wonderful analysis of the current state in Sri Lanka under UNP rule where bribery, corruption, drug trafficking, arms dealing, tax evasion, human rights violations and the problems faced by the public at the hands of professionals especially of the medical and legal profession is the highlight of the UNP administration. The businessmen ever watchful for opportunities to cash-in to make money for themselves at the expense of their employees and the economy are having a whale of a time if one examines the profits declared to the turnover achieved and their individual standard of living. Big business has the opportunity to get loans despite constraints of feasibility and unsatisfactory results.

The November issues of *Counterpoint* analyses the predicament of the ordinary people of Jaffna, the arbitrary abductions of Tamils in the city and the war against democracy in the South which unfortunately was not highlighted by the Lake House Group. The editor of the Daily News was a recipient of honours for distorted reporting.

It is unfortunate and unbuddhistic for the Maha Sangha not to have thought it fit to investigate and satisfy themselves of the real situation in Jaffna by an on the spot assessment of the situation as was done by the heads of the Catholic, Christian Churches and the

Sarvodaya Movement.

It appears that the southern politicians, for their own benefit, have prevented the Maha Sanga from taking a really Buddhist approach to the solution of the problem from 1956 by playing on their frailties for importance and public display of respect. The politicians have shown them how to get support for their false promises given at election campaigns. The politicians, if they respected the Maha Sangha, would have kept to the promises held out to the people in the presence of the Maha Sangha since 1956. For instance, the cost of living and employment generation with salaries equal to the cost of living. It is time the religious leaders of the four main religious in Sri Lanka take the initiative to obtain for their prior approval before political parties especially the UNP and SLFP make their public manifestos for the elections scheduled for 1994 and 1995 their policies of national importance to protect the unity of all races and religions, the economic prosperity of all sections and not that of the politician-businessman-professionals. With regard to the solution of the North/East problem the religious leaders should direct the UNP Government to follow the principles in the design of the National Flag and the international examples to resolve the terrorist problem in the PLO-Israel Peace Accord, London Declaration on Northern Ireland and the dismantling of Apartheid in South Africa. They should not allow the Government

and the press to fool the people at a cost of Rs. 25 billion per annum.

The LTTE has indicated its willingness to accept a federal solution within a unitary state so that to refuse to implement such a solution which was effectively the same as the Bandaranaike-Chelvanayagam Pact, would appear unreasonable. It is doubtful whether this solution could be implemented before the demise of President J.R. Jayewardene who has the doubtful privilege of residing over the deterioration of Sinhala-Tamil relations from the time he walked over to the Temple of the Tooth to sabotage the implementation of the Bandaranaike-Chelvanayagam Pact, burning of the valuable Jaffna Library, 1983 Tamils Riots, passing of the 6th Amendment, purchase of arms to create a war situation and the signing of the Indo-Lanka Accord.

The elimination of terrorism is a welcome suggestion if all forms of terrorism practised in the brutalising of society by both parties to the conflict in the North/East war is accepted and the practises of the not so obvious forms of terrorism in the South arising out of the open market economy through intolerance of opposition opinion by non publication of such news in the Daily News, Radio, Television and the terrorism of greed for wealth by businessmen, politicians and professionals and the terrorism of the politicians who do not want to share power with the

provincial council is recognised and action taken to eliminate these from civil society.

In an era of rapid development in the fields of electronics and telecommunications the narrow concept of territorial boundaries loses its meaning when it comes to the instant transfer of vital national information through electronic media without official Government approval.

In this day and age what matters more is to ensure the unity of the minds of the people living in Sri Lanka than seeking to secure a barren stretch of land. The objective can only be achieved when the weaker sections of the people (minorities) have the confidence that the majority community will not be selfish and will put the interest of the minorities before their interest. It is foolish for the majority community (76%) to think the minority community (24%) will dominate them and therefore resort to all forms of discrimination to keep an ambitious and determined minority down for all time, or is it a form of inferiority complex? It is easy for the Maha Sangha to bless the people with the words "May all beings be happy." They have shown reluctance to initiate action to make people happy. They have boycotted action to bring peace to the people of the North/East who are also citizens of Sri Lanka. ■

**Lionel F. W.  
Ponnaiah  
Colombo 13**



# MANAGEMENT CRISES IN SRI LANKA'S WILDLIFE RESERVES

Dharshini Seneviratne

**W**ildlife management in Sri Lanka is facing an acute crisis. A crisis to do with a conflict between the need for new human habitations and the survival of biodiversity, between commercial enterprise and conservation, and most of all, between power and the activation of sound conservation plans.

The political and administrative will-to-power certainly is the number one hindrance in the implementation of cohesive Management Plans for the protection of wildlife in the country. Whatever would become unpopular with the voters or the

general public never gets done for fear of rebuttals. And, of course, there is the inefficiency factor. As the eminent conservationist Thilo Hoffman points out, modern conservation finally boils down to "presenting papers, talking big, and achieving nothing".

Meanwhile, Sri Lanka's wildlife and their natural habitat remains on shaky ground: the elephant population in the country is dwindling at such a rapid rate that conservationists have predicted a total eradication of the pachyderm in 20 years if this pattern continues; leopards, still plenty around reserves, are yet threatened with extinction if the relentless hunt for its

skin is not curbed; poaching has sharply reduced the number of sambhur, deer and other species once rampant in the wild; many other species are gradually becoming extinct even without our knowledge. What's more, illicit felling has drastically reduced animal habitat by about 20% during the last 15 years.

In theory, of course, perfect solutions are on the boards. Wildlife Management in the country "ensures the protection of all wildlife in Sri Lanka" through the implementation of the Fauna and Flora Protection Ordinance. The Ordinance provides the legal and administrative power for the Department of Wildlife to carry





out the necessary conservation programmes in wildlife areas with the cooperation of other state and private sector organizations and the approval of the Ministry of Forestry Irrigation and Mahaweli Development. For the purpose, wildlife reserves in Sri Lanka, constituting about 12% of the island's land area, have been neatly categorized into Strict Natural Reserves (SNRs), National Parks and Sanctuaries.

But, as always, theories belie reality. Management issues in wildlife areas in the country are way behind this utopian structure. As with other major areas of local management crises, wildlife too has become a pawn in the struggle for political power and personal gain, and of an extreme apathy of the state authorities where environmental issues are concerned. Basic conservation laws are flouted around every corner in protected areas and little is done to curb such activity.

Of course, part of the problem is the general inability to cope up with the current population expansion and the acute brain drain. Increasing population naturally mean a search for fresh habitable land and it is hard to dismiss the settlement factor when defining borderlines for SNRs and National Parks. The brain drain, furthermore, means a mass exodus of conservation experts to more lucrative parts of the world, leaving a minimum of information resources in the hands of the authorities. But the question is, are we doing the best for our ecology within these circumscribed

***But, as always, theories belie reality.***

***Management issues in wildlife areas in the country are way behind this utopian structure.***

***As with other major areas of local management crises, wildlife too has become a pawn in the struggle for political power and personal gain.***

conditions?

The state of the protected areas seem to indicate that as of now we are not. Conservation regulations pertaining to reserve status seem only to be words on paper hardly ever translated into action.

The Bundala National Park, situated to the south-west of Yala, is a good example of the paradoxes at work in the Wildlife Department. The activities inside the park are a total contradiction to its status as a National Park. Recently upgraded from its earlier status as a sanctuary, earlier occupations within the park have changed little with the legal amendments. Temple lands within the sanctuary are still being given away for settlement, and fishing

continues within the boundaries. The only difference is that the Department now collects more money at the gates. Fear of political rebuttals has resulted in a decision to re-declare settled land as sanctuary area while keeping the rest of it intact as a National Park. Redefining the status here has obviously amounted no more than a purely whimsical act rather than a considered plan for the protection of the area.

Political benefits are again implicit in the failure to take legal action against encroachers in the Hakgala SNR in spite of a directive by the Attorney-General and Rulings of Court. The whole idea of a Strict Natural Reserve is lost in the area due to these unabated settlements, and, consequently, the value of Hakgala, considered to be a sacrosanct medicinal gene pool, stands to lose its bio-diversity.

Pollution and Yala National Park (Block 1) is another case in point. Over 240 vehicles a day at the park are proving an unsustainable burden within the Block 1 border, as well as probably affecting the environment in the adjoining Yala SNR. As a result, the behaviour patterns of animals within the park are changing drastically. "Either they become nocturnal or go out into the outlying fields and get destroyed," says one conservationist.

One suggestion to combat the problem has been the restriction of the number of vehicles allowed inside

## Strict Natural Reserves

The three Strict Natural Reserves in the country, Yala, Hakgala and Ritigala are guided under SNR regulations that allow only the Director of Wildlife access within its perimeters. Outsiders wishing to enter these areas need the written permission of the Director, and such permits are issued strictly for scientific research purposes only.

## National Parks

The eleven National Parks in the country, on the other hand, are managed under less stringent guidelines and are meant for recreational use by the public. Yala Blocks 1,2,3 and 4, Yala East, Wilpattu, Gal Oya, Uda Walawe, Wasgamuwa, Lahugala-Kithulana, Maduru Oya, Flood Plains, Somawathie, Horton Plains and Bundala are set aside by the Government for such public use. Plants and animal species within such an area may not be damaged or even touched. Poaching, gemming and timber felling are naturally prohibited.

## Sanctuaries

The difference in the 51 areas demarcated as sanctuaries in the island are that while all the above restrictions prevail in the areas, human settlements are also allowed within the perimeters so far as there are no encroachments. Villagers are allowed the use of forest resources as long as the ecological balance is not harmed.



the park at one time. This, as Thilo Hoffman points out, can be easily implemented if there is a will. But it has not even been considered.

Another popular suggestion has been the reinstallation of the now-abandoned practice of Department-controlled buses for day-visitors to replace at least in part, the numerous jeeps and other private vehicles. This will provide transport for around 70 per bus load and reduce the amount of vehicles in the park by at least one fifth.

However, the Director of the Forestry and Environment Division of the Ministry of Forestry, Irrigation and Mahaweli Development, S. Medawewa, does not see this as a viable alternative. "The expenses will simply be too high. The Department will not be able to bear it", he says. With a daily income of Rs. 1 1/2 lakhs at the gates of Yala alone, and with many other grants received by the Department, it is hard to see why this financial sacrifice cannot be incurred for the sake of ecological conservation. Meanwhile, animal life actually spotted by the public at the park is decreasing daily, driven away by the noise of vehicles, the commotion created by visitors, and air pollution. Conditions here are worsened because human habitation is allowed within the park for political reasons. Fishermen, for example, are still allowed to camp in Block 2.

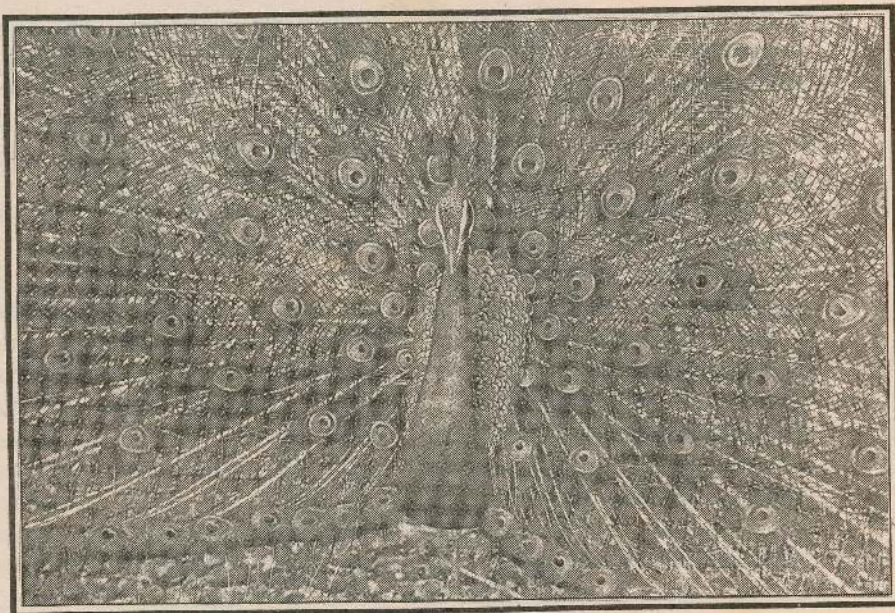
The violations of Ordinance regulations are affecting the sanctuaries as well. An example is the arbitrary manner in which hotel construction is allowed even now within critical conservation areas. As recently as this February, the foundation stone was laid for a hotel within the Weerawila Sanctuary west of the Yala SNR, without a permit from the Director of Wildlife, nor an Environmental Impact Assessment (EIA) by the Central Environmental Authority, both essential procedures according to the Fauna and Flora Protection Ordinance. The incident took on almost absurd proportions when it was revealed that the State Minister for Environment, P.M.B. Cyril was among the list of invitees at the

stone-laying ceremony.

Environmental Foundation Ltd. (EFL), a Non-Governmental Organization spearheading legal procedure against conservation violations is right now taking action against the hoteliers. Legal procedure in such cases is made harder, because the Sanctuary in the Weerawila area is actually on private property, thus reducing state responsibility for actions within it. The incident has become one more that has added to the furor created by the Kandalama hotel issue.

Other than the outright violations of conservation issues, plans are also implemented in a rather haphazard manner. Reports by experts in conservation planning have indicated

The violations of Ordinance regulations are affecting the sanctuaries as well. An example is the arbitrary manner in which hotel construction is allowed even now within critical conservation areas. As recently as this February, the foundation stone was laid for a hotel within the Weerawila Sanctuary west of the Yala SNR, without a permit from the Director of Wildlife, nor an Environmental Impact Assessment (EIA) by the Central Environmental Authority, both essential procedures according to the Fauna and Flora Protection Ordinance.



that tanks and kemas being rebuilt or enlarged in the Yala National Park for instance, are being done in an ad hoc manner and even then, so badly, that tanks repaired last year have already breached. Tanks have been constructed even in areas where year-round water supply is anyway ensured, thus soaking up precious Departmental funds unnecessarily.

On the other hand, Yala East, abandoned after terrorist activity around 1985, is now, according to reliable sources, perfectly accessible for management by the Wildlife

Department. Other officials functioning there are reported to have stated that only the Wildlife Department is not in operation in the area. Serious damage can be done to the Yala East ecology through such neglect; migratory patterns and animal behaviour can be adversely changed and the 52 water holes and tanks in the area are already in a critical condition.

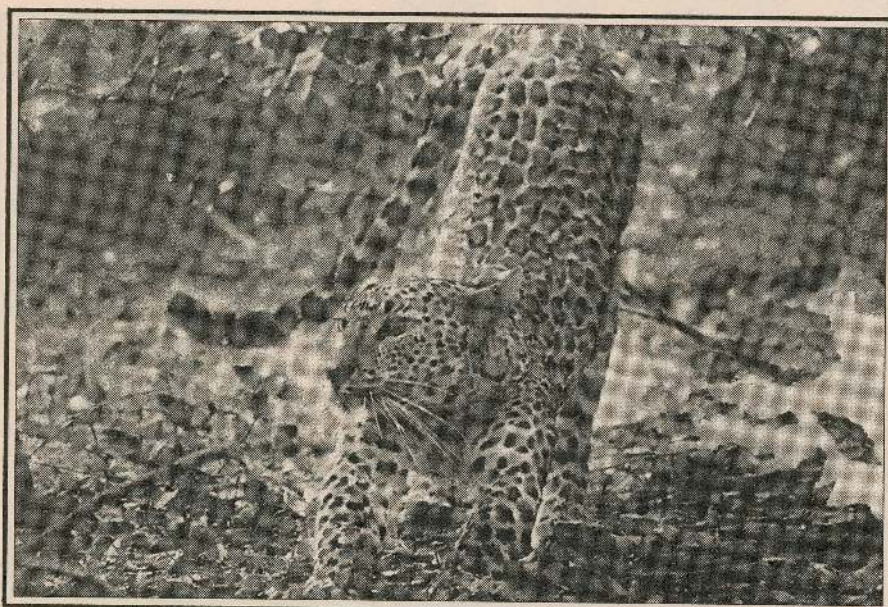
Ironically, many such areas abandoned on security grounds such as Wilpattu, the Flood Plains and Somawathie are being lucratively used



**As things stand, the best (though not fool-proof) solution to the problem remains a permanent corridor through the sugar plantations to allow the elephants access to Yala without destroying human habitats. The latest Presidential Directive however, contradicts this option.**

circumstances.

Perhaps a good example of the vague management objectives of the Department and Ministry is their total inability to deal with the human-elephant conflict in all parts of the country. Though no official elephant and tusker count is yet available to ascertain the actual reduction in the number of elephants, the question of their survival is unquestionably a critical one where continuous human intrusions into their spaces are decimating the elephant population at an alarming rate. The issue of the Handapanagala elephants provides the most popular (though perhaps not the most urgent) example of the appalling managerial efficiency on elephant issues.



by exploiters to meet their own illicit ends. The Army, who are operating as "protectors" in the potentially more threatened regions have no interest whatever in the protection of wildlife, resulting in severe damage in such National Parks and Sanctuaries. A suggestion by the then Director of Wildlife, Dr. Sarath Kotagama, to establish "wildlife patrols" specially trained to guard wildlife in such problem areas has so far gone unheeded. The Army can hardly be expected to take an interest in the protection of animal life under the

The authorization of the private sugar cooperation in Pelwatte was in the first place at odds with the ecological protection of the area. As a result, the 140- odd elephants in the area have been restricted to 42 square miles within the forest and driven away from what was once their habitat.

Now, the habitual journeys of the elephants to the Yala SNR is creating problems with human communities in the vicinity. Daily, elephants rampage into human settlements having nowhere else to go, killing

human beings and getting destroyed in their turn.

As things stand, the best (though not fool-proof) solution to the problem remains a permanent corridor through the sugar plantations to allow the elephants access to Yala without destroying human habitats. The latest Presidential Directive however, contradicts this option. Instead, the Directive, suggests a temporary corridor through the plantation through which elephants will be "induced" to Yala Blocks 3 and 4 permanently. Once this is done, the plan is to obstruct the corridor so that their movement back to Handapanagala is prevented. According to Hiran Jayawardana of Fauna International, this method will not work. "They tried it once in '85 and again in '91, but each time the elephants destroyed the fences and were back in Handapanagala within 3 months. You simply cannot restrict their natural patterns of movement like that," he says. Even with habitat enrichment in the Yala blocks humans cannot decide where the elephants go.

Lessons, it seems, are never learnt by Wildlife authorities. A strange twist is added to the whole issue because even the Pelwatte plantation owners are now open to the idea of a permanent corridor through the plantation. The final decision is thus totally at odds not only with conservation priorities, but also with the most viable options now open to the decision makers.

The Kahalla-Pallekale area is a rather more serious example of the same issue. Here too, at least one elephant dies every month through infiltration into human cultivations. These incidents started after the commencement of Mahaweli Development work a few miles away. The villagers cannot be blamed for destroying the animals. As Prithiviraj Fernando, studying elephant behaviour patterns in the area points out, "preaching to villagers about biodiversity when their very lives and livelihood are being threatened is not going to help". What is needed instead, is conservation-oriented research into



elephant behaviour so that this conflict can be minimized through the creation of viable elephant boundaries.

All these managerial blunders apparently, have left its mark on the funding prospects at the Department. According to reliable sources, while US\$ 1 Million from NAREP (National Resources and Environmental Policy Programme) has been withheld from the Wildlife Department as a result of their perceived inefficiency, US\$ 4.1 Million from GEF (The Global Environmental Fund) has been diverted to the more active Forest Department. These adjustments have been due to the failure of the Wildlife Department to successfully implement the projected Management Plans.

While all is a muddle in the Department itself, the level of exploitation in protected areas is becoming increasingly critical. Poaching, gemming and illicit felling are being carried out within the reserves unabated. An eye-witness account of poaching in the Horton Planes demonstrated how easily poachers are able to track down and kill sambhur, a species whose numbers are rapidly decreasing in the area. Wildlife staff neither had the necessary vehicle power, enough staff, nor equipment to combat the situation, a familiar obstacle in reserves throughout the country. At Yala, poaching provides an easy solution to the low income levels in the area. The sale of a poached buffalo fetches a price as high as around Rs. 7000, an enormously successful monthly wage for the poachers. Besides, poached meat, particularly of deer and sambhur, is sold quite openly in boutiques right along the main road from Matara to Thanamalwila with little opposition from authorities. Illegal gemming is rampant in the National Parks at Uda Walawe and Horton Planes, and also at Knuckles, and in the stretch from Okkampitiya right up to the Kumana Sanctuary. Again, very little is done. Felling goes unchecked even where emergency regulations have gone so far as to provide that trespassers may be shot on sight!

One reason for these malpractices

is severe staff shortages and a shortage of patrolling vehicles at the Department. The shortage, according to Mr. Attanayaka, the Deputy Director of Wildlife, is due, in its turn, to the severe shortage of funding for such purposes. If it is inefficiency that is blocking all the Non-Governmental funding, then the Department should have realized by now what has to be done.

Even when funds are available, Department sources say, the funds are directed at specific projects over which the Department has no control. This inevitably raises the question as to who actually decides on the priority issues. The Director of Wildlife and Ministerial authorities should have a bigger say as to where the money

While all is a muddle in the Department itself, the level of exploitation in protected areas is becoming increasingly critical.

Poaching, gemming and illicit felling are being carried out within the reserves unabated. An eye-witness account of poaching in the Horton Planes demonstrated how easily poachers are able to track down and kill sambhur, a species whose numbers are rapidly decreasing in the area.



should actually be going. For this, of course, they have to first have the ability to decide where it should be going.

Right now, these decisions are mostly dictated by foreign agencies. According to Ranjan Fernando, President of the Wildlife and Nature Protection Society, even the expertise received by the Department is misdirected. Conservation priorities, according to him, are being muddled up at the Department. Expertise given to the Department by the United States Fish and Wildlife Service, for example,

is based on United States National Park systems rather than local ones. The Management Plans formulated by the Service tends to overlook the fact that most National Parks in Sri Lanka such as Uda Walawe, Maduru Oya, Flood Plains etc., are of enormous watershed value. Furthermore, more time is spent at the Department on research, Master Plans and Management Plans rather than on the actual activation of these proposals. Still more funds are unwisely spent on sending transferable officials abroad for



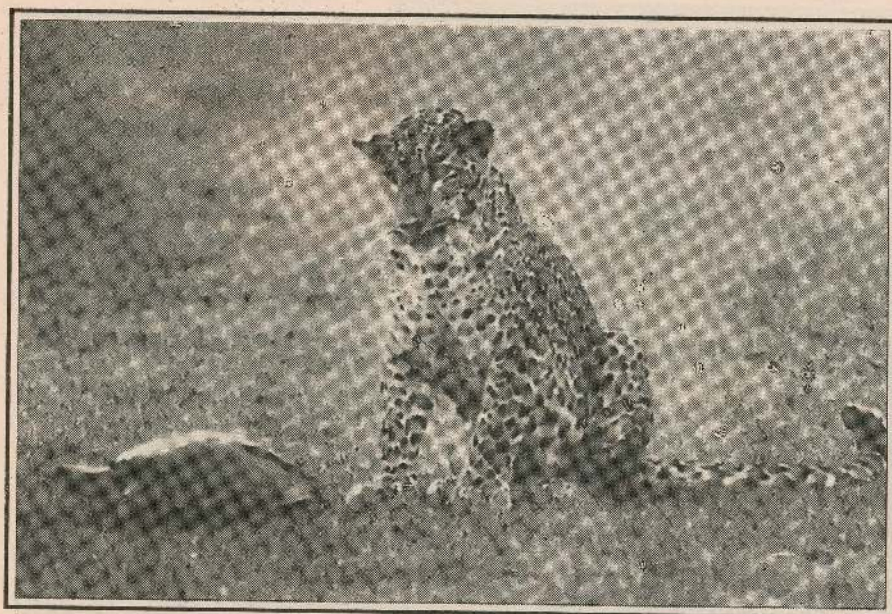
**Urgent issues such as the formulation and implementation of a solid conservation plan for elephants and other endangered species, and research into possible lead and monoxide in over-visited reserves etc. have not yet been fully addressed.**

they do have at hand. A glaring example is the resignation from the Department of Dr. Sriyanie Miththapala, a national expert on Protected Area Planning. She resigned last year on the grounds that major issues that should have fallen under her purview had not been addressed to her. Equally disastrously, Thilo Hoffman, in the wildlife field for the past 30 years or so, and one of the most knowledgeable in the field, was dropped from the Fauna and Flora Advisory Committee merely because his ideas were not popular among the "superiors".

The Fauna and Flora Advisory Committee in itself seems a redundancy in the scheme of things. Its activities are again restricted

However, the most superior scientific advice becomes useless in Wildlife planning if the basic social and economic issues of the relevant areas are overlooked. The Department's failure so far to integrate villagers into conservation activity is resulting in an unfortunate animosity between the people and the authorities. Successful results yielded in People's Participation projects at Sinharaja and Knuckles by the more progressive Forest Department seem to have had little impact on the Department of Wildlife. Although highly commercialized illegal activity obviously needs legal action, the case of the poor poacher hunting for the day's meal, or a tiny income will be far more successfully resolved through attitudinal changes towards the villagers.

As Lalanath De Silva of EFL points out, community management systems that stripped community ownership of natural areas and vested them instead in the crown, still seems to be the order of the day. The establishment of Buffer Zones so that intrusions into conservation areas is minimized, and the re-creation of economic stakes and tenures for the villagers have been tragically left out so far from Management Plans. The attitude of the Deputy Director of Wildlife, C.P. Attanayaka towards People's Participation epitomizes the Management crisis at hand. According to him, villagers are actually a hazard in conservation. "They will get to know the amount of money earned at the gates. What's more, Wildlife officials are one family, their security is ensured only when they stick together." This, from a top-rung official who has played a major role in field operations for the past 20 years, seems pessimistic as far as the future of wildlife is concerned. The villager here is the "Outsider", and made to feel so by the arrogance of authority. The case of the Yala villager who told a conservationist "I'll kill them if I see them" (referring to Wildlife personnel) condenses the villagers' attitude to authority in this one aggressive statement. No wonder then that illicit activity within the reserves is so



"Training Programmes" and on vehicles that are hardly used for patrolling purposes.

Urgent issues such as the formulation and implementation of a solid conservation plan for elephants and other endangered species, and research into possible lead and monoxide in over-visited reserves etc. have not yet been fully addressed.

If local expertise is lacking for the conduct of such research due to the brain drain, then the Department is also wasting the precious expertise

because of political manipulations and favouritism. The Wildlife Trust faces similar problems. Even though originally established to integrate NGOs and the private sector into conservation programmes, and to cut down Ministerial and Departmental bureaucratic red tape, it too has boiled down to another pawn in the political game. As a result, Rs. 20 Million invested in the Trust is being heavily underutilized. As Dr. Kotagama says, "if the Trust too is going to become a government arm, then there is no point in the exercise."



widespread. Poaching, for example, has become a sort of militant expression of ownership to a land and its resources that are, by rights, the villagers' very own.

Community integration, as was once successfully happening in the Kumana bird sanctuary, is essential. For one thing, it provides much-needed employment in the form of trackers and guides for the villagers, provides them with a steady income, and consequently reduces the need for illicit activity. As Lalanath De Silva points out, "people have to be told that they stand to gain by protecting the forest. They have to be inculcated with the sense that it is theirs to be protected by them." Such integration become successful development programmes in their own right.

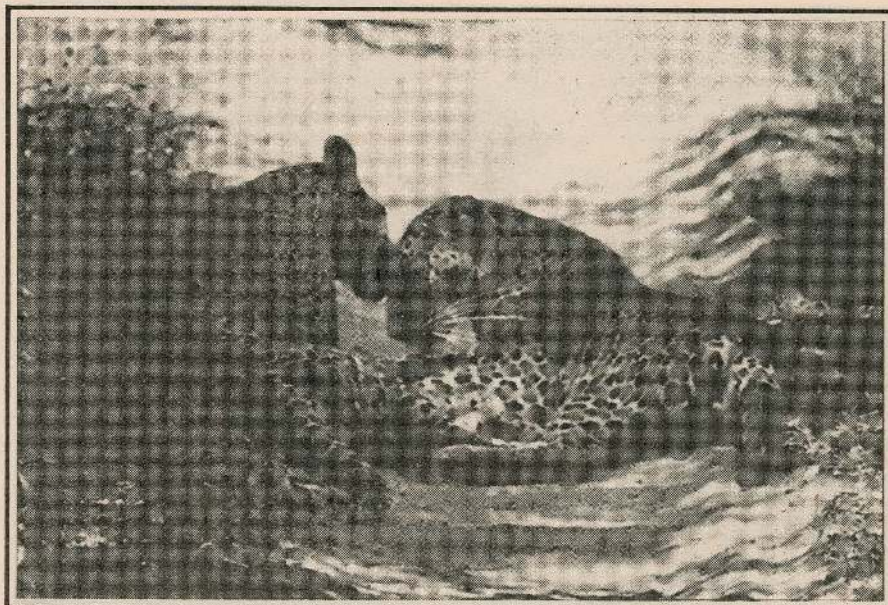
The concept of People's Participation right now, however, applies only so far as political benefits accrue. At Yala, for instance, it is mainly villagers from the Minister's electorate of Nivithigala that are employed in the park.

This integration however, should not merely be at the level of employing villagers on a wage basis. It should also include their consultation in the formulation of Management Plans so that official decisions do not conflict with the needs of the villagers. This Bottom-Up approach has not yet been successfully adapted by the conservative Department who still prefer the traditional Top-Down managerial system where those at the top rungs dictate what conservation is, and what isn't. The loss of authority over decision-making is obviously feared. As long as the Department fails to realise the importance of integrated conservation, problems such as poaching will only aggravate. People's Participation furthermore, will also be the perfect solution for the work force problem in the reserves. With the integration of villagers into projects, a large amount of commercially-motivated enterprises such as gemming and illicit felling could also be more effectively curbed. However, legal action against such practices is vital.

According to Department sources, the newly amended Ordinance will see to all these issues. It was passed in Parliament last year with several vitally renewed conditions. People's Participation has been given a more prominent role, all fines have been adjusted to the devaluation of the Rupee and laws against poaching and gemming have been made much more stringent with terms of imprisonment included. Most importantly, the new Ordinance has stripped the Director of Wildlife of the power to compound offence within reserves. This relieves the Director of outside pressures to dismiss legal action against exploiters.

However, the new Ordinance remains an enigma. Having been

**The concept of People's Participation right now, however, applies only so far as political benefits accrue. At Yala, for instance, it is mainly villagers from the Minister's electorate of Nivithigala that are employed in the park.**



unanimously passed in Parliament last year, it has not however been printed or implemented. According to sources, so many paragraphs have been deleted, and so many conditions rephrased, that at the point of printing, it had sometimes been legally problematic and sometimes, totally incomprehensible.

So again it has become a matter of all talk and no work. As one conservationist points out, "Everything's in the offing, nothing gets done".

The whole administrative system

is in chaos. Ideally, the function of the Ministry is to declare Wildlife policies that will then be implemented by the Department. As Dr. Kotagama says, however, "the Ministry is now running the Department, and the role of the Department is becoming obsolete. As a result, policy implementation is not overseen, because there is nobody to oversee it". So power wins the day.

Consequently, the Department too has been the victim in certain cases; it has been shifted from Ministry to Ministry; from the Ministry of State to the Ministry of Tourism, and finally,



now, to the Ministry of Forestry, Irrigation and Mahaweli Development. Their government budgets have been cut regularly, and cases filed by them against encroachers and illegal gemmers have consistently been dismissed under political pressure.

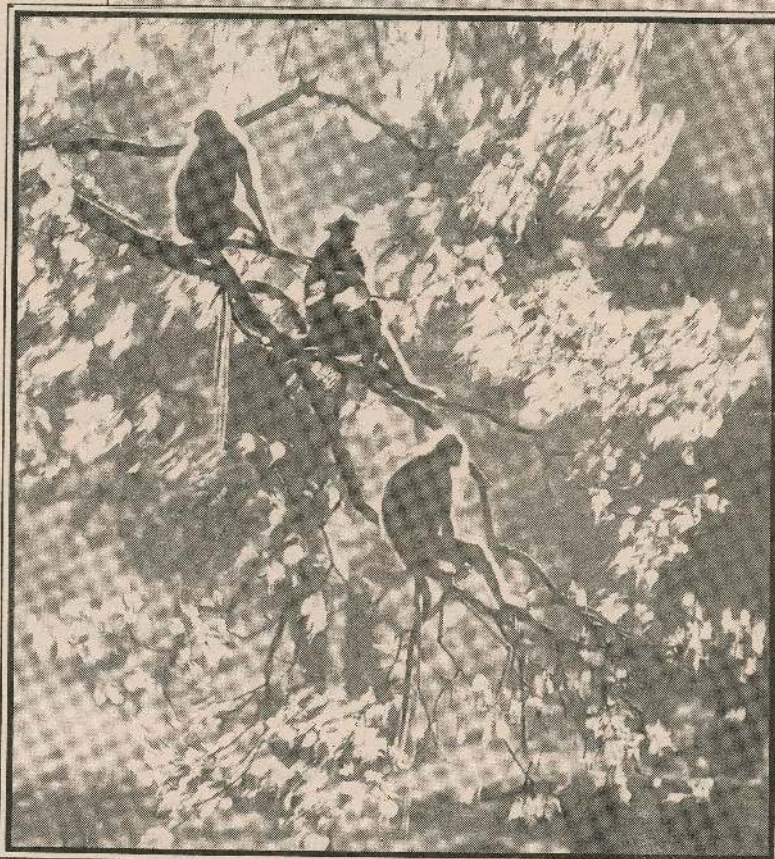
The perception of the Department who controls a crucial landmass in the country has to be changed immediately. The resources at stake are too important to be manipulated for political gain.

Moreover, when vigilant forest officials attempt to enforce reserve regulations, their actions are consistently blocked through political maneuvering. Timber felling is a good case in point. Illicit timber merchant and politician seem to be synonymous words in Sri Lanka. Officials who charge such miscreants in certain cases have been reported to be shot, injured and harassed obviously by the powerful in the area.

What's more, the Ministry itself has too many responsibilities at hand to address wildlife issues seriously. The massive Mahaweli Development Programme obviously takes centre-stage there and wildlife issues have merely become a sideline. The biggest interest in wildlife at the top rungs seems to be bungalow bookings, controlled by the ministry so arbitrarily that public bookings can be cancelled at the Minister's whim and fancy. And, as one responsible official says, if it is the "Minister, not the Ministry" who runs the show, then it sounds too much like a dictatorship. And where ecological balance is concerned, this high-handedness should not be sustained.

Good administrators with a devotion to wildlife matters should be given the top designations at the Department, Ministry, and elsewhere, and Management Plans should take into account various factors governing wildlife such as education, integration, patrolling, law enforcement, research and plan implementation. Each of these areas have to be targeted with comprehensive plans and experts designated to manage each issue.

The rot at the bottom cannot be taken off without clearing the top first. From the Minister right down to the trackers in the reserves, there should be a strong and incorruptible link that helps produce sustainable Management Plans and also sees to their effective implementation. Only then can we assure a secure tomorrow. ■



The threat to a herd of 150 elephants in Hanadapangala as a result of the operations of the Pelwatte Sugar Company was widely reported. Another herd which had its home in the south of Amparai District in and around the Kanjikudichcharu jungles is now threatened by different causes.

In an attempt to flush out the LTTE the STF has called for air support which consists of widespread bombing and aerial shelling of the Kanjikudichcharu jungles causing a mass exodus of elephants. Without any political moves towards peace, this promises, nearly all of whom were once displaced by violence, say that this did not happen when the IPKF was around. They had continued with their cultivation while IPKF parties went into the jungles, lay in ambush for several days, and returned, mostly leaving them alone. There were no widespread bombing operations in the area. The STF's strategy is to mainly confine their operations to centres of population and to prevent the civilians moving out where the LTTE could use them for supplies. The movement of civilians now is very limited and requires special permission to go to certain areas. Their fields and cattle in outer areas therefore remain abandoned, resulting in enormous hardship.

The elephants forced out of the jungle made the abandoned fields their new home. They took over areas like Walathapiddy, near Malwattai on the Amparai - Karaitivu Road, which were fled of their Tamil inhabitants and where nature began to take its course. The elephants are now regular visitors near population centres like Thirukkivil and Malcompidy adjoining Sammanthurai. Those returning to cultivate fields near their villages find themselves in conflict with elephants. In Thirukkivil one peasant was killed and 450 acres of rice are said to have been destroyed. The STF has now issued shot guns to selected farmers.



Reserve	Status	Area (hectares)	Issues
Yala	SNR	28904	Poaching and other infiltrations
Hakgala	SNR	1142	Encroachments and potatoe cultivation
Ritigala	SNR	1528	Wide open and unprotected, encroachments, felling and poaching
Yala	NP	97890	Overvisitation and air pollution in Block 1. Indiscriminate building of new tanks and water holes. Driving off tracks
Yala East	NP	18149	Abandoned on security grounds when other authorities are operating there. Neglected water holes and tanks
Wilpattu	NP	1311693	Abandoned on security grounds and now under the control of the Forces. Poaching, specially for leopard skin. And felling for precious ebony and satin wood bark.
Gal Oya	NP	25900	Poaching and other infiltrations
Uda Walawe	NP	30821	Mining for gems and poaching
Wasgamuwa	NP	22504	Poaching
Lahugala-Kithulana	NP	1554	Abandoned on security grounds
Madura Oya	NP	58850	Right bank abandoned on security grounds. Poaching on left bank
Flood Plains	NP	17350	Abandoned on security grounds but now cleared almost in totally by capitalist enterprises for chillies, tomato and tobacco plantations. Also Wadiya operations with paid labour
Somawathie	NP	37762	Abandoned on security grounds. But people engaged in illegal business
Horton Plains End	NP	3160	Gemming and poaching. Overvisitation because of the attraction of World's End
Galway's Land	Sanctuary	57	Partly felled
Weerwila-Tissa	Sanctuary	4164	Private land, thus curbing illegal activity difficult. Authorized constructions. All cleared
Bundala	NP	6216	Fishing, encroachments.
Kahalla-Pallekele	Sanctuary	21690	Human elephant conflict
Handapangala	(Undefined)	10878	Human elephant conflict
Kataragama	Sanctuary	838	Inadequately planned fencing so elephants crash into them and die.
<b>SNR- Strict Natural Reserve</b>		<b>NP- National Park</b>	



It has been a paradox of the history of this country that whenever the state was highly centralised and appeared all-powerful, the seeds of its destruction were sown and disintegration was quick to follow. This was so in the reigns of Parakrama Bahus I and IV. This is the context in which the arrogance and bluster of the present Sri Lankan state must be judged. A curious indication of the servility of the state which reserves its bullying virility for its own citizens appeared in the case of Lt. Colonel Kotelawala of the Sri Lankan Army.

It was reported that Kotelawala was discharged after the authorities of a US military academy, where he was following a course, called for his deportation on the grounds that he was guilty of shoplifting. Kotelawala contended that he had been framed owing to his outspokenness on the general attitudes of the authorities of the academy. He further stated that the item allegedly lifted was one worth US\$ 15/ for his wife among purchases worth about US\$ 150/. The paper which published the allegation made no token attempt to give his side of the story. It also went in for titillating insinuation that is not the stuff of good journalism.

Captain Kotelawala, which he was in 1986, became well known to the people of Jaffna through well published rapport he struck up with Kittu and Rahim of the LTTE, then prominent in Jaffna. A story then much talked about was how Kittu ordered Kotelawala's life to be spared when an LTTE sniper got him in his telescopic sight. Kotelawala was then said to be exposed while inspecting the defence of Jaffna Fort. For the people of Jaffna who then experienced the brutality of the state through its regular bombing and shelling, saw in Kotelawala what was best in the Sinhalese. He seemed to represent reason and a desire for peace and friendship. The people of Jaffna looking for straws to clutch at can hardly be blamed for reading much more into this friendship and giving soap operatic attributes to the characters involved. Indeed the year 1987 saw the LTTE actors in the cast

## Centralised power and the illusion of Sovereignty

Rajan Hoole

go off one by one, either departing this life or going into limbo -- Curdles, Kittu, Thileepan, Murali and Rahim. As is usual in such organisations, they were thoroughly broken men within. But outside they had to play paragons of puritan virtue and discipline, rhetorically justifying the destruction of persons and organisations deemed impure. Outside the public eye, as several of their former colleagues and victims testified, they were given to behaviour which included alcoholism and sadistic attacks on prisoners -- as is common in the Sri Lankan Army. The LTTE went on as a serpent which from time to time needs to discard its old skin for a new one, as one also finds in the UNP.

From all that is known about Kotelawala, he left the impression that he was among the better type of officer in the Sri Lankan Army. Those who had lived in the West and had encountered officialdom there, are likely to instinctively attach some credibility to what Kotelawala had said about events leading to his dismissal. With all that has happened in the country and in the Army, the zeal and partiality shown by one papers in highlighting Kotelawala's alleged petty theft only makes matters more murky. The indignant correspondent is concerned about maintaining high standards of

behaviour among officers who go abroad for training.

This is yet another in a series of episodes where the elite is expected to be stirred only by the behaviour of our officers and officials in relation to Westerners. Their conduct towards their own countrymen has become a matter of little consequence, and is seldom pursued in any depth by the press. The Embilipitiya disappearances continue to be





covered up with a show of iron fisted contempt for the relatives of the victims. The officers identified, one of whom holds the rank of brigadier, and investigated by the HRTF, continue undisturbed in their positions. Though praised as a gentleman by the press, the Army Commander too has a case to answer over the events in the East during the latter half of 1990, and in particular the Eastern University disappearances of 5th September that year, the list of which is a long one. Looting during operations and transport of loot on a fairly systematic basis also seemed regularised. These have received almost no investigative reporting. All of a sudden we seem to be getting all worked up about Kotalawala's alleged theft of little value in an American Shopping mall.

There was a time when many influential thinkers of this country tried to make a critical re-appraisal of our legacy. Independence was seen to be meaningful only if, at least, the ordinary people could be given more control over their lives than they had under colonial rule. The 80s in particular saw a swift erosion of such sensitivity. The rapidly changing values also saw servility towards the West become internalised within the ruling establishment, accompanied by mounting contempt for their own people. What they worship and absorb from the West are the more oppressive and alienating aspects of its culture. It is on the questions of human rights and integrity of the law that they become stridently nationalistic with accusations against Western dogooders'. Unlike in the trial of those accused in the Mai Lai massacre by US troops in Vietnam, an insignificant recompense though it was, it is highly unlikely that any Army personnel here would be tried and found guilty for what they did to their own people on their own soil. A US military academy seems more effective here than all our institutions of justice.

### Human rights and the debasement of traditional values

Such antipathy towards human

rights on the part of those who represent us shows their ignorance of our own heritage, in which there is much that even others could learn. Our history has been caricatured by ideologues relishing real and imagined military prowess. Power nearly was always highly decentralised and our ancient laws and customs embodied as their life-blood a strong sense of accommodation, decency and fair-play. The apocryphal story about how a cow pulled the bell-rope and demanded and received justice from King Elara is in the spirit of this tradition.

Something relevant to the role of international agencies and the usurpation of inordinate power by the centre is the granting of 50 more square miles of land to agribusiness interests in Monaragela. The protests and feelings of local peasants were met with unyielding brute power. No king of Ceylon, of Kotte nor Kandy had the power to do this with land that was integral to the life of the locality. According to the Ancient Laws and customs of this country compiled by Governor Falk in 1769 with the aid of leading Priests in Kandy:

"The inhabitants of (the 9 districts named) possess the power of remonstrating against any acts of injustice or oppression exercised towards them by their governors... Their power is so great, as to cause the removal, or even destruction of those whom they may discover to have acted unjustly towards them."

The main safeguard the ordinary subject possessed against injustice as the wording indicates, was a strong sense of the customary rights of the people and a highly decentralised form of governance. The subject has a right of appeal to the king over the regional Disapathi. Although abuses were bound to have taken place and did take place more glaringly when the King felt insecure, the ministers could in principle check the king. The king was enjoined to observe ten injunctions which included not depriving any animal of its life. Though a given procedure to remove an unjust king was lacking, the right of the



*There was a time when many influential thinkers of this country tried to make a critical re-appraisal of our legacy. Independence was seen to be meaningful only if, at least, the ordinary people could be given more control over their lives than they had under colonial rule. The 80s in particular saw a swift erosion of such sensitivity. The rapidly changing values also saw servility towards the West become internalised within the ruling establishment, accompanied by mounting contempt for their own people.*



people to remove such a king was admitted.

The people now do not stand a chance against ministers and officials who could do wonders for a consideration. Also, paradoxically, a state which appears, in consequence a puppet of faceless global interests which indulgently sustain it on a long





*Today's rulers may not be banked by the mercenary forces. But the external element is no doubt great, diffuse, impersonal, and for that reason the intrigue more suitable. An area where the people are affected enormously without appeal is the convergence of interests between chauvinist politics, the war lobby and the arms dealers. The visible war expenditure is about half the Government's income or a quarter of the budget.*



leash, and to whom it is beholden for that reason. Thus the President sees it as the need of the hour to wax loud with communalist rhetoric and put himself forward as the man who would save the Sinhalese and their culture from the minority menace. He shows his power by bombing the people of Jaffna and by pardoning criminals

who would be useful at election time. But when it comes to the deeper and real issues of defending the cultural sensibilities and rights of the people against economic thrusts backed by global managers, he is almost absolutely silent. One instance concerns the Handapangala elephants threatened by a powerful sugar plantation. Another is the tourist hotel in the catchment area of Kandalama tank. Here we have a hint of the link between communalism, the illusion of absolute power at the centre, the multinationalisation of the country and the alienation at the grass-roots.

### Plurality and Accommodation in History

The ongoing conflict too has much to do with the powerful dismantling of ancient customs of accommodation that lent a measure of stability to a plural polity. A closer look at history suggests that the norm was for the king of Ceylon to exercise ritual sovereignty over largely independent regions after the South Indian pattern. The kings at Kotte and Kandy were styled emperors in their proclamations. The kings of Jaffna and the Vanniyar kingdoms in the North and East seem to have accepted this position with varying degrees of nominality. Pilgrimages were institutions which provided for reciprocity of esteem, and a recognition of the distinctiveness of the regions. These pilgrimages were regular with the emperor often going in person. We have records of Buvenekā Bahu VII, a King of Kotte, going on a pilgrimage to Koneswaram Temple in Trincomalee during 1546; and of Wimaladharma, King of Kandy, on a pilgrimage to the great temple of Thirukovil during 1602. The Veddhas were the customary guardians of pilgrims, whose independence was acknowledged through pilgrimages to Kataragama regularly undertaken by the Kandyan chiefs. Pilgrimages to Thirukovil continued at least into the 1820s whither the Kandyan chiefs were led by Naina Marikar Kariappar, Vanniar of the region.

It is also notable that no king of Kandy nor of Kotte is known to have erected one Buddhist temple in the Vanniyar kingdoms of the North and East, nor did the Sangha advocate such a course. When Sembahap Perumal was the ruler of Jaffna under Parakrama Bahu VI, what he erected was the Nallur Kandaswamy Temple. It is today, the privilege of any Army captain in the East having a perverted notion of history to erect Buddhist temples as symbols of conquest. The victories of Parakrama Bahu I were not the victories nationalists would like them to have been, but were rather gained at the price of a huge and costly induction of mercenary arms. The result was a prolonged climate of repression and regret. The chronicles which accorded fulsome praise to Parakrama Bahu I at the height of his power did not attempt to hide the widespread relief when he was gone. The **Chulavamsa** records of his short-lived successor Vijayabahu II (1186-87 AD): "When he had received consecration as king, the prudent one in his great mercy released from their misery those dwellers of Lanka, whom his uncle sovereign Parakrama Bahu had thrown into prison and tortured with stripes or with fetters. By restoring at different places to people their village or their field he increased the joyfulness of them all." Such was then the state of the country that the gods are said to have been merciful in taking Vijayabahu away after a brief reign. Today's rulers may not be banked by the mercenary forces. But the external element is no doubt great, diffuse, impersonal, and for that reason the intrigue more suitable. An area where the people are affected enormously without appeal is the convergence of interests between chauvinist politics, the war lobby and the arms dealers. The visible war expenditure is about half the Government's income or a quarter of the budget. The future depends crucially on how effectively these issues would be raised and fought at the coming hustings by a clear-sighted Opposition. Any opportunistic use of communalism would be unpardonable. ■



# BAD BUY AND WORSE PRACTICE

**T**he Pergau dam controversy linking British developmental assistance to Malaysia with Malaysian arms purchases from Britain, reveals what is widely known about international politics and more. The controversy exposes the crass convergence of national and commercial interest in the development game and the international arms bazaar, the role of the press in international politics, transparency in tender procedures and accountability in government.

Hints about the Pergau dam deal not being above board surfaced in the press long before the recent revelations stirred up the current controversy. **The Observer** in May 1990 alleged that the 1989 arms deal with Malaysia worth 1.3 billion pounds sterling was linked to a British loan on concessionary terms for the Pergau dam. The Foreign Office rebutted these allegations with the standard line that foreign development aid was not used for arms purchases. Following a report in the **Guardian** two years later in which Ann Clwyd, the opposition Labour spokesperson on foreign affairs intimated that high ranking Malaysian officials including possibly the Malaysian royal family, had been bribed, the National Audit Office (NAO) initiated an inquiry. This brought the whole deal out into the open.

The NAO report revealed that Sir Tim Lankester, second permanent secretary at the Overseas Development Agency (ODA) had advised that the Pergau deal was 'a very bad buy' but had been overruled by the Foreign Secretary Douglas

## Dr. Paikiasothy Saravanamuttu

Hurd. The report concluded that the dam would be ecologically damaging and increase electricity prices for the Malaysian consumer. Nevertheless with British aid, Balfour Beatty won the contract to build the dam. The report charges Mr. Hurd with



*Faced with accusation of corruption in the British press, Prime Minister Mahathir reacts strongly against Britain.*

squandering 56 million pounds sterling of British developmental assistance on the project. Subsequent disclosures have also implicated the present Prime Minister John Major. Sir Tim Lankester has revealed that Mr. Major personally overruled his memorandum on the project cautioning against 'an abuse of the aid programme'. Further press

reports have elaborated the connection between companies involved in the dam project and the arms deal. On 23 January, a **Sunday Times** account based on confidential documents alleged that Trafalgar House was a partner in the plans to develop a large army base and that members of the GEC group of companies were profiting from the arms deal. On 5 February, the **Economist** argued that by a mathematical formula, 234 million pounds sterling of British aid for the dam was connected to arms sales, a violation of the 1966 and 1988 Overseas Aid Acts. A **Guardian** report of 16 February, based again on confidential documents signed in September 1988, disclosed that Britain had entered into a secret pact with Malaysia to subsidise arms exports for British Aerospace and GEC. The deal involved Britain making available soft loans for Malaysia to acquire British arms worth millions of pounds. What sparked the current controversy however, was **The Sunday Times** report of 20 February which made the Malaysians furious. **The Sunday Times** claimed that a leading British construction company was negotiating 'special payments' to Malaysian politicians at 'the highest levels' in its bid for a 615 million pound sterling contract. Recognising this as

a direct reference to Prime Minister Mahathir, the Malaysian government responded to 'irresponsible press coverage' in Britain with a reimposition of its Buy Britain Last policy. First hit was an Anglo Japanese consortium to build a 2.3 billion pound sterling airport outside Kuala Lumpur.

It involved Balfour Beatty, Trafalgar



House and GEC. Ironically, it was Mrs. Thatcher's aggressive marketing policy for British commerce, to end the previous Malaysian Buy British Last policy, that had culminated in the much heralded arms deal.

Former Liberal Democrat leader Sir David Steel, using parliamentary privilege revealed the deeper involvement of close associates of the former prime minister in the Pergau deal. According to Sir David, Steve Tipping, Mark Thatcher's bestman and business partner as well as Sir Tim Bell, Lady Thatcher's PR adviser, were actively involved in 'brokering' parts of the deal. Sir Tim Bell is also an adviser to Mr. Mahathir and to Tan Sri Armugam, head of GEC Malaysia. Sir David also drew attention to the connection between companies that had profited from the aid for trade scheme and principal contributors to Conservative Party coffers. The Malaysian response has the effect of penalising the British government for revelations by the British press embarrassing to Malaysia, a response which suggests a clash of political cultures.

A free and independent media is after all an essential prerequisite for a functioning liberal democracy. Furthermore, it has a duty to expose government violations of the law and the blatant misuse of taxpayers' money.

As the **Guardian** commented 'blaming Downing Street for **The Sunday Times** is like blaming Lambeth Palace for teenage pregnancies'. At the same time there can be no quibble with the requirement that this duty be carried out in a responsible manner. Embarrassed British government officials who sprang to Malaysia's defence used this argument. Trade minister Richard Needham castigated **The Sunday Times** editor Andrew Neil in the strongest terms. Emphasizing that the Malaysians were 'entitled to fair and factual reporting' he argued that **The Sunday Times** account was unbecoming of 'what is meant to be a responsible newspaper'. Referring to the paper's comparison of the Malaysian government with Hitler, he accused Mr. Neil of

'humiliating the Malaysians' and making it 'extraordinarily difficult for our companies to do business'.

Mr. Neil has responded in a letter to the **Times**. Sticking by the facts of his story he nevertheless expressed regret at its repercussions. He also insisted that he had no animosity towards Malaysia and that he had not accused Mr. Mahathir of taking a bribe but had been misreported as doing so in other newspapers. Mr. Mahathir, however, remains unconvinced and insists that the effect, if not the intention of the report, was to malign him.

A committee of Malaysian opposition parliamentarians have taken a different line on the issue. In contrast to the Mahathir Government's marked preference for silence, they have called on the government to release documents relating to the arms for aid deal. They have also urged that the ban on government contracts for British companies be lifted. Mr. Mahathir, however, will not relent so long as the British press 'goes on telling lies'. Particularly damning is the statement by Malaysian Energy Minister Samy Vellu to the press. It lends credence to the revelations in Britain that the dam was wasteful and a misuse of taxpayers' money.

According to the minister, the dam would have cost substantially less if the contract was not given to Balfour Beatty in return for a loan that eventually grew to 305 million pounds sterling at less than 1 percent interest. The minister went on to say that if normal tender procedures were observed the Pergau dam could have been completed for \$ 109 million less. This revelation elicited a response of 'shocking' from the chairman of the parliamentary committee set up to investigate the corruption charges and a call for full accountability from the Government. In the first Malaysian intimation of an aid for arms deal with Britain, Defence Minister Najib Tun Razak informed reporters that under the 1988 Memorandum of Understanding that settled the arms deal, Britain agreed to provide assistance for a civilian project, though Pergau was not mentioned at all. ■

## Small Talk

### Landing the lion's share

The boss took off to the Lion Land in the middle of a campaign raising many eye brows. Most thought it was to avoid the show put on by the prodigal son who returned to the fold recently. That was one of the reasons but the main event was to collect a massive pay off for a land deal. The big neighbours were given some prime government land close to the Fort Railway Station. 100 million rupees was distributed among the small fry while the big one is said to have collected a cool 250 million rupees. Who cares what happens to the party when one has to collect that kind of money?

### Winning over business

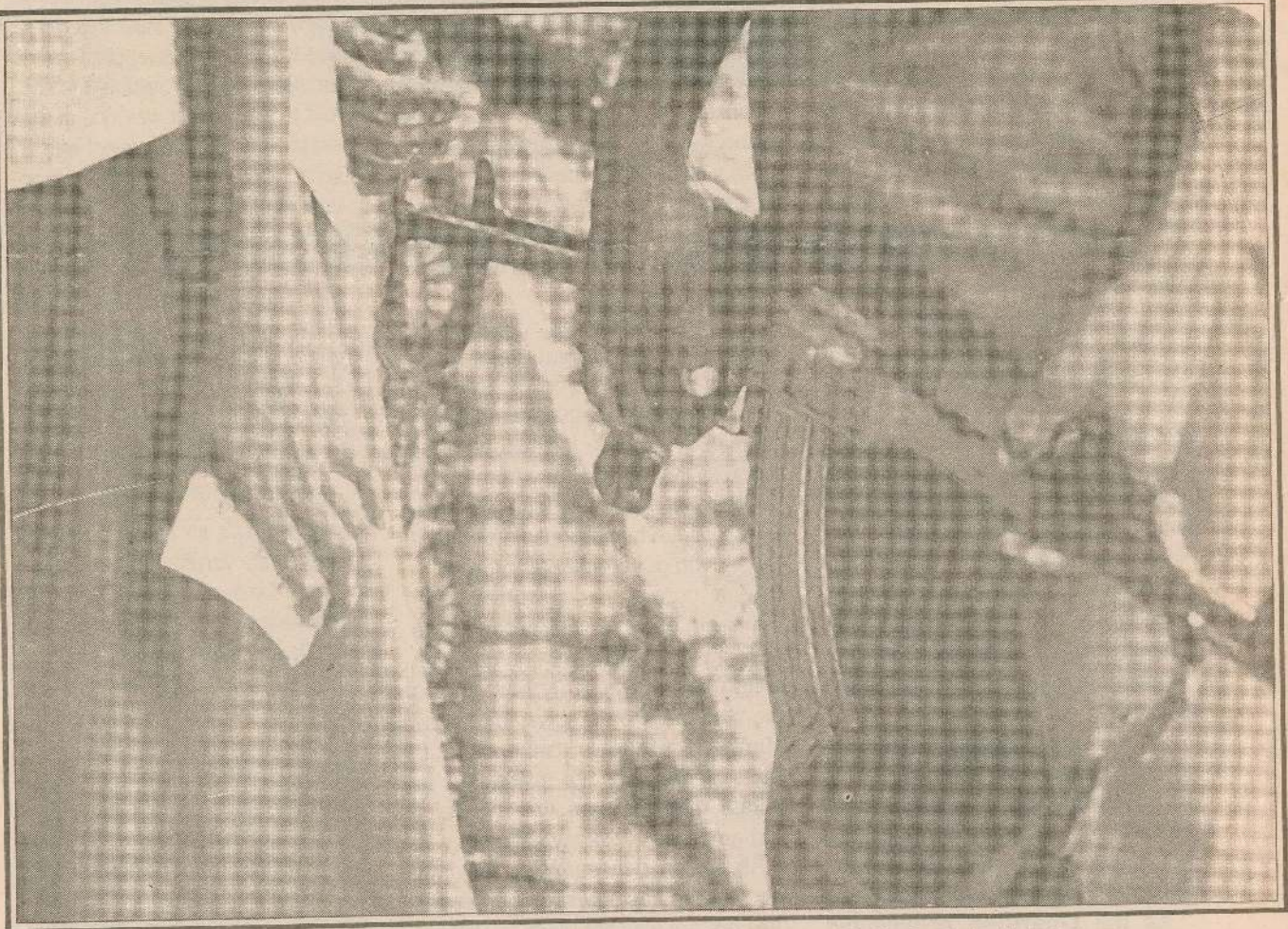
Sri Lanka's so called business leaders are anything but leaders. When some of the country's top businessmen were invited before the Southern election for a chat by the fast rising Chief Minister to explain her party's economic policies, most were scared to go because 'will the Government get mad with us'? However, once the results were out the same spineless lot were demanding to bring more of their friends. Says a lot about the openness of the open economy. But then again who expects any better from a bunch of tender fixing cronies masquerading as businessmen!

### A losing proposition

The over-heated share market was going down long before the polling day due to long expected price corrections. But on polling day the market went up, courtesy the ETF and the Insurance Corporation. The UNP which believes in the motto that anything goes, specially if it is public money ordered the two state institutions to buy on polling day so that they could blame the market decline on the opposition victory. The two institutions lost millions to please the petty childish brilliance of a stupid politician.



# An end and a beginning ...



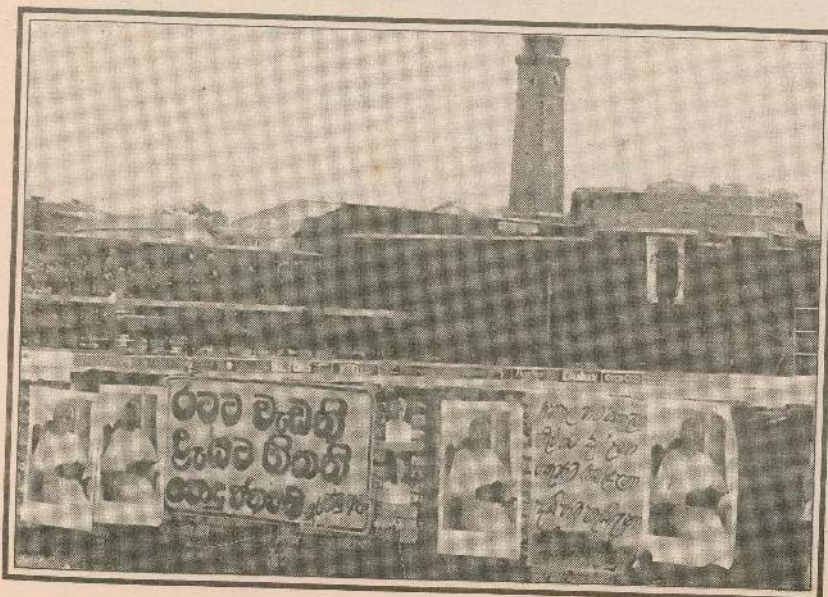
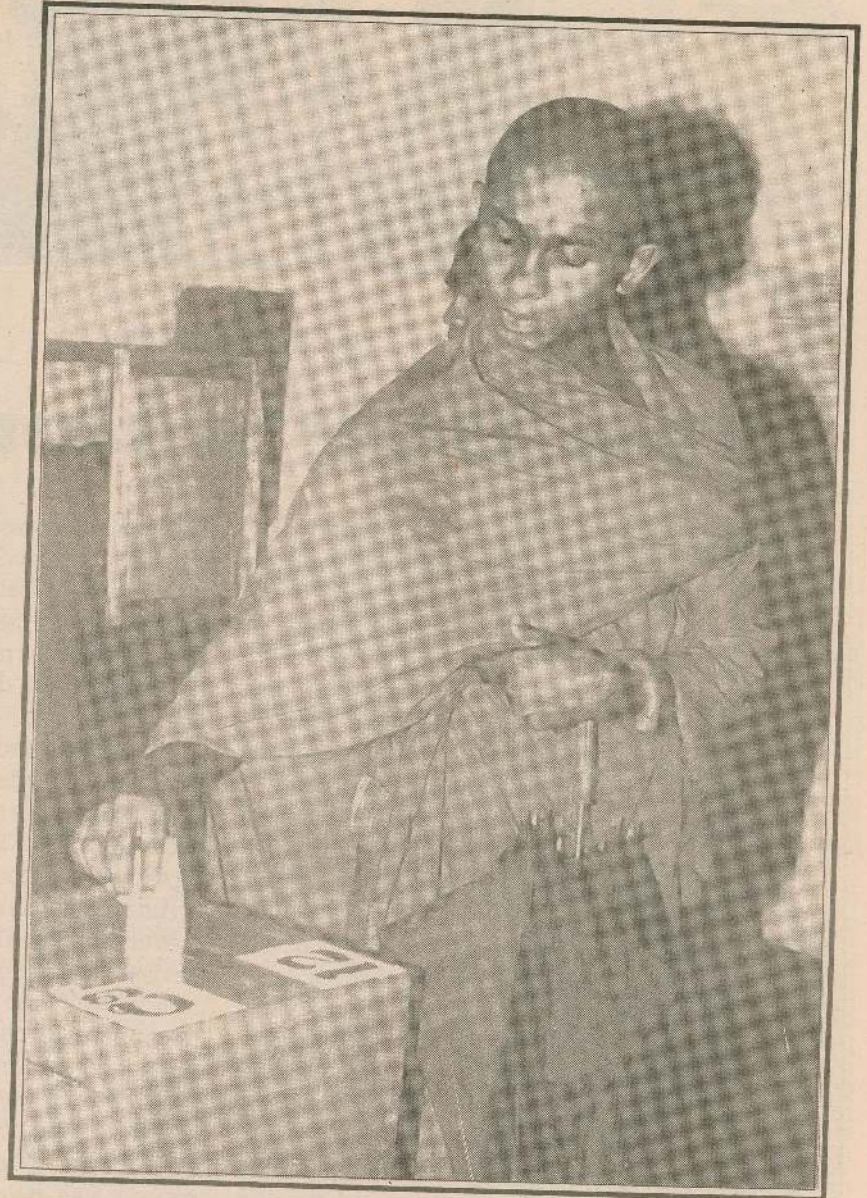
It was a welcome change from the hitherto deadly combination of ballot and bullet both held in the same hands to this perspective of the police protection of voters in the South on election day.

The UNP concentrated on fanfare and tinsel spiced with rhetoric to woo the Southern voter who, hindsight has shown, was looking for more concrete, tangible evidence of a change of heart.





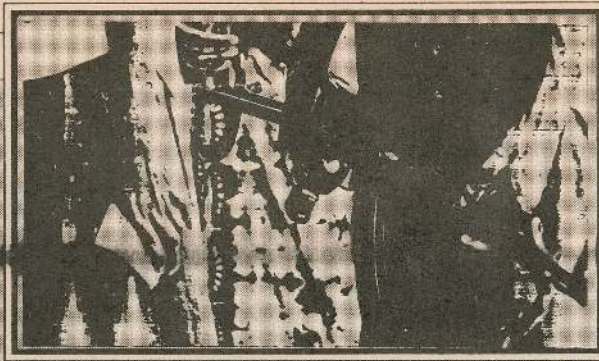
This young Buddhist monk exercising his sovereign right to vote at the Southern Provincial Council election held on March 24, 1994; though not exactly a study in other-worldly contemplation, achieves an air of detachment.



The President's jingoist appeal to voters for their support to preserve the country's unity backfired on him and the party, as if the Southern electorate felt this issue was irrelevant or of secondary importance.







The Southern landslide

## The UNP's nemesis

**T**he Southern Provincial Council election is now over. The ruling UNP has suffered an ignominious defeat at the hands of the People's Alliance led by the new force in Lankan politics, Chandrika Kumaratunga. Though this election was for small stakes in terms of control of a provincial council with little real power attached to it, the result is widely seen as a harbinger of the winds of change, particularly in the year in which the all-important Presidential Election must be held. Perceptions of UNP infallibility carefully nurtured through the extensive and efficient party mechanism as well by the ubiquitous use of force, have been irrevocably invalidated. Analysts are claiming that the South represents a national trend, and in the face of this annihilation cracks in the hitherto seamless UNP have appeared. In-fighting which was the SLFP prerogative for so long has infected the Government, so much so that attempts to scotch the rumours of internal dissent by disclaimers in the press have failed to dampen public speculation. Yet, the UNP machine will soon get rolling, and the momentum of one small victory alone will not suffice to ensure a change at the helm of the country.

Another casualty of this election is the established left. The NSSP's performance at the elections was symptomatic of what has happened to the orthodox marxists in this country. It is indeed a sad indictment that the NSSP could only poll as many votes as an ad hoc bunch of chauvinists, led by the naval rating who assaulted Rajiv Gandhi in 1987, whose party was cobbled together on the very eve of the election. Is the left tradition dead in this country? It is arguable that the Sinhala populist **Janatha Mithuro** with ideological affinities to the **Jathika Chinthanaya** group can claim a larger following than the combined left. Within the People's Alliance (PA) too the old leftists like Tudawe didn't do well at all. In fact, Chandrika Kumaratunga was

constrained to assure the business community that her party proposed no changes in the so-called open economy. If she represents the left-of-centre tendency within the SLFP, charisma aside, her task in future elections remains all the more uphill given the unequivocal disenchantment expressed by Southern voters to dogmatic marxist rhetoric.

The Lankan electorate in the Sinhala-majority areas remains fundamentally a two-party one where even in its poorest showing in a long time the UNP could count on 43% of the total polled. The DUNF proved beyond doubt that without the leadership of Athulathmudali and the arch-enemy Premadasa they are nothing. The SLFP-led PA has come out of its death-wish and self-imposed apathy, and this shot in the arm is the best medicine to revitalize them for the elections ahead. The UNP is, therefore, justified in its panic about the future elections, particularly about the potential of Kumaratunga to garner votes against them.

The key questions are whether the mainstream minority vote, hitherto the UNP's private property, can be wooed away from them in a Presidential election. If anyone can do this it is Chandrika Kumaratunga who has remained steadfastly immune to the populist anti-Tamil rhetoric, whose most celebrated exponent is President Wijetunga himself. It is, in fact, to tarnish her reputation with the Sinhala electorate that the UNP is contemplating a referendum on the North-East merger in the hope that she will alienate them by appearing pro-Tamil or, alternatively, lose the sympathy of the Tamils by not actively supporting the merger. The plan, which smacks of desperation, will not work if Chandrika Kumaratunga refuses to rise to the bait either way. All this, of course, presupposes a government that is committed to the democratic process itself, and the extent of the UNP's extra-parliamentary, even extra-legal, involvement does not bode well for the next eight months in Sri Lanka. ■



# Reversing roles with a vengeance

**T**he 24-year-long drought for the Sri Lanka Freedom Party ended on March 24th with its first substantial electoral victory in the one-time stronghold of its leftist allies -- the South. The unexpected landslide victory has given a new lease of life to a party written off as deadwood. The underdog for decades is now the hot favourite to win back power at the next Presidential election in just seven months. The all-powerful UNP is in disarray with various factions fighting for control of the party.

The irony of the situation is that it is the United National Party, which ruled (or misruled) the country for the past 17 years mainly due to the weak opposition rather than due to good governance, that gave the SLFP the chance to re-emerge as a vibrant political party.

The UNP's first mistake was helping to end the long-running

Bandaranaike family feud which had crippled the SLFP. Anura's exit from the SLFP ended the battle between brother and sister which was exacerbated by their mother favouring one or the other at given times. His entry into the UNP as a Cabinet Minister and the way it was done without even informing his supporters in the party, ended any chance of a break up of the SLFP. By doing so the UNP undermined its biggest strength -- an opposition discredited by its pre-occupation with the family feud and with its party organisation in disarray with disheartened supporters staying at home.

The sheer arrogance of the UNP then led to the toppling of the Southern Provincial Council through the now infamous "Fransiscu method", believing that the people would once again look the other way as their democratic will was

subverted and that the disorganised opposition could be trounced comfortably. That would have set the stage for an easy victory in the national elections. The UNP calculations were based on the premise that Anura Bandaranaike plus the greatest turncoat of all time in Sri Lankan politics Ronnie De Mel and his understudy Gamini Dissanayake would produce the 2 percent extra votes they needed to capture power in the South and that such a victory would have demoralised the Opposition to such an extent that even a weak leader like D.B. Wijetunga could be a winner in the Presidential election.

The final nail in the coffin of the UNP was in the strategy adopted at the election campaign. The only chance the PA had of persuading its voters to go to the polls was to make it nationally important. The PA's main campaign thrust was the

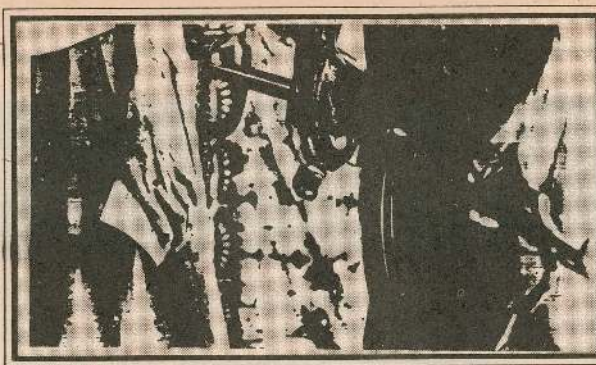




slogan that this election was the beginning of the end of 17 years of misrule. The UNP should have made the election just another regional poll and made the point that it would be controlling the 'spoon'. By that it could have taken up the position that the South will not develop under a opposition cheilious because they would win the national elections anyway. This method used in the 1993 PC election was effective enough for the party to win four out of seven provinces in spite of the DUNF. Instead, the UNP took the PA bait and campaigned on the same platform -- a vote of confidence for their policies with the threat that an opposition win would dry up foreign investment. That did not strike a chord in the South which has seen little foreign investment and had benefited even less from the open economy.

The PA on the other hand realised early in the game that this was an election that they could not afford to lose. While the UNP were squabbling among themselves (a traditional illness of the SLFP), the PA set aside their differences and fielded the best team they could come up with. The election was also a perfect opportunity to test the party's re-organisation effort and the newly set up machinery. The campaign was hard and noisy with both sides throwing their best campaigners into the fray.

As the campaign gathered momentum the UNP was stunned to find that their usual strong arm tactics were being countered by even harsher violence. The thugs transported from Colombo by senior ministers were on the retreat long before polling day. The youth of the area were in no mood to allow outsiders to run the show. The most interesting aspect of this is to discover who was behind organising village-level groups to counter government violence. In most cases these groups cut across



party lines. The UNP has been talking of a mysterious force in the South (of course, only after they lost the poll) hinting that the remnants of the JVP were behind these moves. Whether they were JVP or not, both parties agree that the

youth played a high-profile role in the Opposition's election campaign. Their presence was much more evident than in other recent polls. One possible explanation for this is that the youth who were a major support base of the DUNF backed the PA.

Another factor is that the youth are coming out of the fear psychosis of the 1989 period. During the infamous military crackdown on the JVP, thousands of youth who were supporters of recognised opposition political parties and had indulged in

### PROVINCIAL COUNCIL ELECTIONS 1993

DISTRICT		NO: OF VOTES	% OF VOTES	NO: OF SEATS
MATARA	UNP	145,093	44.99	8
	PA	129,693	40.21	7
	DUNF	44,873	13.21	2
GALLE	UNP	190,478	44.32	10
	PA	189,114	44.00	10
	DUNF	39,036	9.08	2
HAMBANTOTA	UNP	101,590	49.85	7
	PA	62,920	30.98	5
	DUNF	32,882	15.93	2

### PROVINCIAL COUNCIL ELECTIONS 1994

DISTRICT		NO: OF VOTES	% OF VOTES	NO: OF SEATS
MATARA	UNP	147,301	43.10	7
	PA	192,853	56.43	10
GALLE	UNP	200,004	44.67	10
	PA	238,770	53.33	12
HAMBANTOTA	UNP	96,118	43.61	6
	PA	118,889	53.95	8



legitimate political activity were killed by goon squads run by ruling party politicians who claimed that they were JVP activists.

Despite all this the result was expected to be close with both parties predicting a narrow victory for themselves.

In the event, the result was a disaster for the UNP and a massive boost for the Opposition. The One seat majority the PA secured with the help of the DUNF in the toppled Provincial Council was turned into a nine seat majority for the PA.

In the last Provincial Council election the divided UNP polled (46%) winning 27 seats including the two bonus seats awarded to the biggest single party. The victory, despite the inroads made by the DUNF, was a solid performance coming weeks after the assassination of DUNF leader Lalith Athulathmudali and UNP leader President Ranasinghe Premadasa. However, just ten months later the tables were turned.

At the Last PC election the UNP did best in Hambantota where the biggest percentage of Janasaviya recipients live. The UNP won almost 50 percent of the votes polling 6000 votes more than both the PA and the DUNF put together. With Prime Minister Ranil Wickremasinghe leading the UNP with a new campaign method borrowed from President Clinton, the UNP was confident that they would perform even better this time adding at least one third of the 33,000 votes the DUNF polled in 1993. However, the PA turned their 39,000 deficit in 1993 into a 23,000 majority. The entire DUNF voter base stayed with the Opposition bringing an end to any doubts that a vast majority of the people who

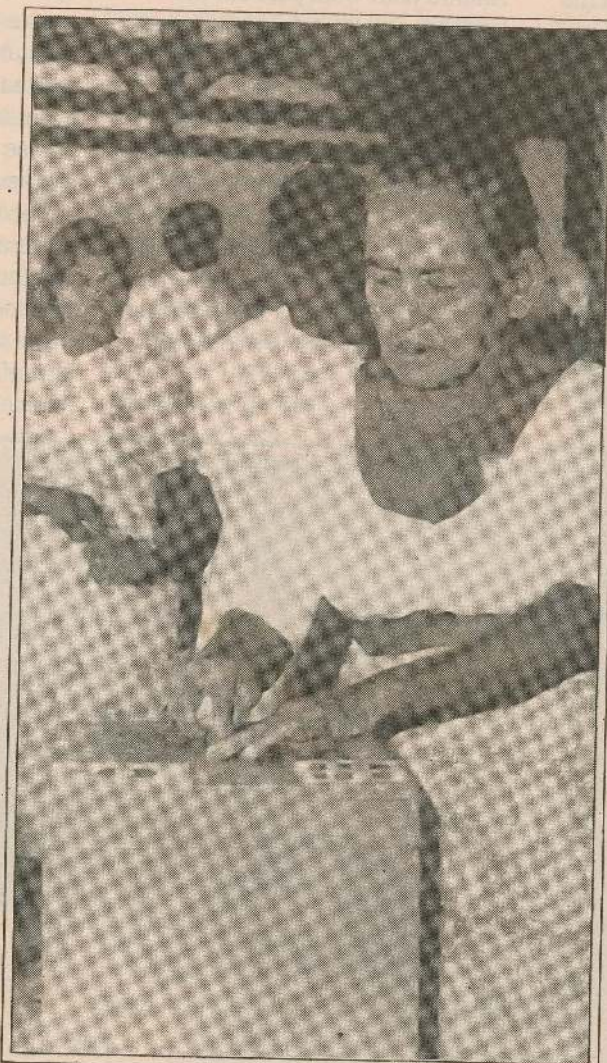


voted for the DUNF in 1993 were anti-government forces and not disenchanted UNPers. This is the only district that the UNP lost votes compared to the previous PC election. It polled 5000 less. The young Prime Minister's image as a vote getter took another major battering: this debacle coming in the wake of losing his own Biyagama seat in the last Provincial Council election will not do much

good for his Presidential ambitions. The PA improved their vote percentage from 30.98 percent to a mammoth 53.95%. Even taking account of the strong list of candidates put forward by the PA and its most efficient campaign of the three districts it is still difficult to explain the 22 percent increase the PA scored in just ten months in a UNP stronghold. Only a groundswell of discontent against the entire ruling party and not confined only to the problems of the area can produce this kind of swing in an election -- specially at a regional election voting against the party controlling the central government and the purse strings.

The ruling party has never lost support by such huge margins since 1970. Most analysts believe that if the UNP had been able to bring the Premadasa family into the campaign specially in Hambantota the party would have done much better. Even this is not clear since Prime Minister Wickremasinghe has been trying to project the image of the man who inherited the Premadasa legacy, wooing the Premadasa vote bank since his death.

Another reputation shattered in the South was that of Housing Minister Sirisena Cooray. Credited with creating the super-efficient party machinery under Premadasa he was expected to produce the goods 'one way or the other'. In the event, he lost the district that the UNP had been counting on to give it the extra votes to take control of the Southern Province. The UNP added only 2000 votes to its 1993 total of 145,093, despite the fact





that the Communist Party's Tudawe had alienated a large section of the people because of political harassment during his ten months as the Education Minister of the Provincial Council. The PA collected a massive 63,000 additional votes, despite Tudawe who got just 20627 preferential votes.

The UNP's percentage of votes in Matara fell to 43.12 while the PA's rose to 56.43, a 16% increase compared to 1993. Even if all DUNF votes in the 1993 PC election -- 44,873 are included in the PA tally it has added 18,000 more votes in the Matara District in this election.

The most interesting battle was in Galle where the machiavellian UNP gave Anura Bandaranaike the responsibility of containing the SLFP in their strongest district. The campaign was understandably bitter with Anura constantly firing broadsides at his sister and bitter enemy Chandrika Kumaratunga who was leading the PA campaign. However, Anura did not learn the lesson of the Gampaha campaign in the last PC election and continued to launch personal attacks on his sister. Chandrika on the other hand was clever enough to dismiss her



brother in one line, thereby winning the sympathy battle. The SLFPers in Galle took great pleasure in causing embarrassment to Anura at every opportunity. The battle became so bitter that Anura, known for his love for cricket and who has never missed the 'big match', gave it a miss this year knowing that the heartless UNP would have no regret dumping him if he failed to produce results. Anura's hard work paid off, the landslide was somewhat curtailed in Galle. The UNP received 190,000 votes -- 44.32% -- in 1993. In the March election it added 10,000 more and increased its percentage share to 44.67, the only district the UNP showed a percentage increase compared to ten months ago. More importantly, the UNP won the ten seats in the council it had won last time -- a result that would boost Anura's image as a good campaigner. The PA, on the other

hand, increased its votes by 50,000. However, Anura Bandaranaike's new found enthusiasm for work may come too late to save his adopted party. It would be ironical that Anura, who gave as one of his reasons for joining the UNP the fact that he was

tired of being unable to do anything constructive while in the opposition for 17 years, may end up spending at least 6 more years in the same place after a brief spell in the Cabinet.

The significant feature of the election was that it was one of the least violent hustings in recent times. The UNP along with its official campaign ally -- senior Police officers -- were checkmated by counter-action by the PA, the people and most importantly constables who by and large refused to indulge in electoral malpractice on the orders of their bosses with a Presidential election just seven months away.

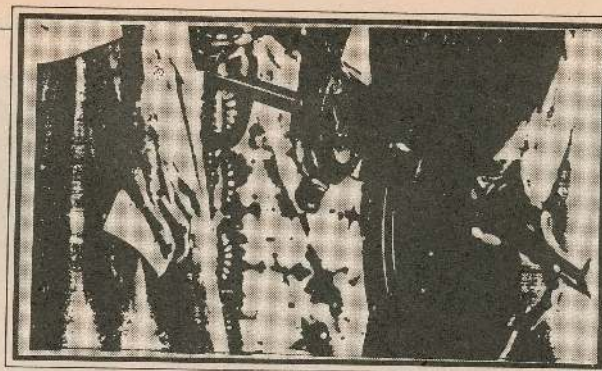
The UNP's ultra-efficient machinery which goes in to top gear on polling day was sent packing with some of the big name thugs of the party fleeing in the face of counter-violence. It is ironical that for once it is the UNP





that is complaining about violence against them. When the tables turn they seem to turn in more ways than one. It was a strange sight to see the top campaign managers of the UNP, for instance the likes of Anura and Cooray, leaving the South in a hurry as it became obvious that the PA was heading for a landslide. However, old habits die hard. Once the election was lost and a curfew declared some of the UNP heavyweights of the South used the curfew to attack opposition supporters. In most cases the officers-in-charge of the closest police stations were with these politicians when the attacks took place. In one of the most cowardly acts by a police chief, IGP Frank Silva advised the PA leadership to file fundamental rights cases when they requested him to put an end to the violence. With an IGP who does not have the courage or the authority to discipline his own officers, the Police force with its reputation in tatters after its conduct in the Eastern elections, will be the biggest obstacle to holding free and fair elections in this country.

The poll also ended the hopes of President Dingiri Banda Wijetunga to ride to another presidential term on a Sinhala chauvinist battle cry. The electorate considered most nationalist in the country rejected the President's version of "Sinhala Kandyan Buddhists Only" cry out of hand. In speech after speech during the campaign the President



screamed and screeched that he would not allow Eelam and that the minorities will not be given their rights at the cost to the majority. His hysterical speeches against the minorities embarrassed some of the UNPers and their allies on the stage but even diehard UNPers in the South looked amused listening to this 78-year-old man trying imitate a Sinhala hero, a performance more suitable in a third grade film than what one expects from a national leader.

The only result was that a small but important quantum of Tamil estate and Muslim votes, traditionally UNP vote banks, left the party en-masse. The result is a clear signal that a vast majority of Sinhala people are not Sinhala chauvinists or racists. The Gamini Jayasuriyas, Nalin de Silvas and Gunadasa Amarasekera of this world will now find it impossible to get President Wijetunga to carry their message. It is only a matter of time before President Wijetunga drops his Sinhala chauvinist line and starts to woo the minorities. It is no accident that some of the demands of CWC leader Thondaman that were rejected out of hand two months ago were

accepted without debate at the first Cabinet meeting after the defeat. Even if the President's minority-bashing comes to an end for sheer political expediency,

**Counterpoint** would welcome it for the simple reason that minority-bashing has led this

country into its biggest crisis and once racism is let loose specially with government backing it invariably goes out of control resulting in massive loss of life.

The poll has repercussions that go beyond the mere local level. The massive landslide comparable with that of the SLFP in 1970 and of the UNP in 1977 is a clear indication that a groundswell of discontent exists in the country. The SLFP won 58.1% in the South in 1970, and the UNP 55% in 1977. The PA polled 54.57% despite the lower turn out. In every local and national level election since 1977 (The 1988 Presidential and 1989 General elections are not taken into account since they do not represent normal vote patterns due to the widespread violence at the time), the UNP and the Opposition have ended in tight contests in the South. What is clear is that the 1993 Provincial Council election result may have also been a freak (like the 1988 Presidential and 1989 General) since it followed the assassinations of two national figures -- that of DUNF leader Lalith Athulathmudali and President Ranasinghe Premadasa. The 72% turn out in March and the 68% last year are

District	1970(General)		1977 (General)		1982(presidential)		1991(Local Govt)		UNP	1993(Provincial)		1994(provincial)	
	UNP	OPP	UNP	OPP	UNP	OPP	UNP	OPP		PA	DUNF	UNP	PA
MATARA	39.59	59.78	55.29	41.89	48.85	42.89	48.34	0.6	44.99	46.21	13.91	43.10	56.43
GALLE	40.90	58.20	54.09	40.24	49.61	42.43	48.44	0.5	44.32	4	49.08	44.76	53.33
HAMBANTOTA	31.80	56.33	55.62	39.68	45.48	38.37	48.5	46.1	49.85	30.98	15.93	43.61	53.95





low compared to the over-80% turn out in a national election. Higher turn outs invariably help the Opposition, the reason why the UNP made certain in both 1988 and 1989 that turn outs were low. A key factor will be the large number of traditionally anti-government youth who will be entitled to vote in the Presidential Election which will be held on the 1993 voter register rather than the 1992 register under which the Southern PC election was held. A majority of these voters were in their infancy in 1977 and the queue era holds no fears for them. Instead, what they have seen is the same corrupt inept group of politicians running the country for 17 years.

The new star in the political horizon is Chandrika Kumaratunga Bandaranaike. The lady with a long name once described as 'the last **pink** hope' has proved beyond doubt that she is a vote getter. A record preferential vote in the Western Provincial Council Election of 1993 followed by a record victory in the South has given her national stature. The large crowds that flocked to see her wherever she went '**late**' in the South was the first indicator that the SLFP has a new charismatic person capable of

succeeding Mrs. Bandaranaike who has led the SLFP for the past 34 years. The crucial question that would decide not only the future of the SLFP but also the future of the country will hinge on when the succession will take place. The Southern victory has given the SLFP a much needed shot in the arm but how it is going to maintain the momentum for the next five months before the Presidential Election campaign begins, is going to be an interesting question. It missed the first crucial opportunity to build on its southern victory just ten days after the election. After announcing that Chandrika and party Secretary Dharmasiri Senanayake will attend the Sri Lanka Muslim Congress Convention in Kalmunai, the party decided at the last moment to send K.B. Ratnayake instead. Chandrika, with her long record of having a fair and balanced stance on the ethnic crisis would have quite easily outdone all other party leaders assembled there. While other politicians will take different views on the ethnic crisis depending on political expediency Chandrika has stuck to her position at all times, giving her credibility among the minorities. If the SLFP continues to miss golden

opportunities to build bridges with the minorities then they can look forward to an extended term in the opposition. Mr. Ashraff whose support will be crucial in a presidential election will not take the down-grading of the SLFP representation lightly.

The UNP has just seven months to come up with a new look, an almost impossible task for a jaded party that is fully involved in intense rivalries and other squabbles. The internal power struggle among the many factions will become more bitter and would further weaken the UNP in the coming months. However, the slight advantage it has is that despite D.B. Wijetunga it can still win over the minorities. Since the party wields power it can deliver, while the Opposition can only give assurances. However, The only sliver lining in an otherwise dismal sky for the UNP is its professionalism and the Opposition's tendency to commit suicide just before elections. The UNP has pulled itself out of disasters just in time thanks to the Opposition's ability to grab defeat from the jaws of victory. This has happened far too many times and the Opposition is quiet capable of repeating the performance. ■



# Chandrika's coming of age

## Oracle

**T**he resounding victory the people of the South have bestowed on the Peoples' Alliance is very much a double edged sword. On the one hand it provides that extra momentum that was necessary for a dormant opposition to face-up to the multi-faceted challenges that are likely to be placed before it as it takes on an entrenched, ruthless, power-hungry, corrupt regime in an election year. But on the other hand, there is also the danger that while these results may lull the Opposition into a sense of complacency, it would serve as a forewarning to the ruling party which has a proven capacity to resort to measures even extra-parliamentary, in order to hang on to power.

Being still the best organized political machine in the country, no doubt there would be a serious post mortem to ascertain why the UNP was humiliated in this manner in an unnecessary test they brought upon themselves 'A la Franciscu'. The convenient thing might be to try to hang the blame on the cost of living, local factors or the apparent disunity within the party which was caused by the induction of the likes of Anura and Gamini. But whether the party will take the issue to its roots and reprimand the keeper of the "Ambalama" who through his cocky handling of affairs has brought the country into turmoil and also alienated important sections of the UNP's support base, particularly those loyal to former President Premadasa, remains to be seen. Whichever way the party chooses to deal with him, one valuable outcome of the southern verdict is that it has helped call Wijetunga's bluff particularly

on the national question, and thwarted the possibility of the country being dragged into another communal frenzy to which Wijetunga was leading us in his blissful ignorance. Given that the UNP's main campaign theme was "to strengthen the hands of the President to safeguard the unity of Sri Lanka" the inference that can be derived from the verdict of the traditionally patriotic South, is that the electorate is wiser than the President in facing up to the reality that the problems in the North-East cannot be resolved military. In this sense, as was anticipated in this column previously, the Southern PC election has in fact been Wijetunga's

'Waterloo'. But no one who has an iota of understanding about the way in which the UNP operates will doubt one thing -- that the party will close ranks and fight, and may even emerge stronger as a result.

While the electoral debacle of the UNP must essentially be viewed as an anti-government vote rather than one which reflects any conviction in the programme of the Opposition, an important outcome of this election has been the coming of age of Chandrika Bandaranaike Kumaratunga as a national political personality. Almost single-handedly spearheading the Peoples' Alliance electoral campaign, Chandrika has shown that she has the political stature, the brains and the guts to be the first opposition figure to pose a significant challenge to the unassailable UNP after 17 long years. Her inspiring campaign and ability to capture the imagination of the people at large, also finally vindicates the elder Bandaranaike's judgement that it was Chandrika and



*Chandrika Kumaratunga has won the first round against all corners, but that one was easy compared to what lies ahead.*



not Anura to whom the future of the party could be entrusted. In order to strengthen the Opposition's chances in the coming elections, Mrs. Bandaranaike would do well to now turnover the leadership of the party to Chandrika and give her the opportunity to develop her own team and to re-organize the party.

However, in joining the big league Chandrika must surely realise not only the tremendous expectation people seem to have placed on her shoulders but also that henceforth she will come under greater scrutiny than ever before. No longer is there Amma's 'sari pota' to hang on to or the 'Bandaranaike' name to take cover behind. Whether it be her habitual disregard for punctuality or prolonged disappearances, no longer is it likely to be laughed off by poking fun at the 'late Chief Minister'.

In short, Chandrika will have to prove that she is more than a lone campaigner with the common touch. In order to consolidate her position as challenger of the present regime, it is imperative that Chandrika develops her skills as a effective team manager, rather than continuing to rely on her instinctive personal ability. A comprehensive programme, a professional team of strategists rather than 'yes-men' and a revamped party machinery at the grass-roots level are imperative if she has any intention of coming to power.

As for an alternate programme: up to now the Alliance has had little to offer, and although economic policy may have been of marginal importance in this provincial poll it is unlikely to be so in the event of a national election. The Opposition faces an uphill task in persuading local and foreign investors of their good intentions, and it is these sections more than any other who will have a vested interest in keeping the UNP in power. At the same time while criticizing 'Janasaviya' the public would expect the

Opposition to be more explicit in the alternative it intends to offer. 'Capitalism with a human face' may seem a catchy slogan, but in effect it means little.

Also, given the context that the recent elections have demonstrated that war-mongering does not have the anticipated public support, Chandrika has the necessary credentials to make a more considered assessment of the 'ethnic problem', and to show courage in seeking a mandate to implement a realistic solution which would meet the legitimate aspirations of the Tamil speaking people. If she can resist the

temptation of making horse-deals with vote blocs like the CWC and the SLMC who are in the process of shopping for linkages, and can instead bring such groups as well as the numerous Tamil parties within a broader framework in order to restore law and order, then she may be hard to beat.

A further issue on which Chandrika must urgently pronounce herself concern measures to restore a sense of public accountability and morality. Given that the Alliance is pledged to return the country to a parliamentary executive form of government, Chandrika whose hands are not tainted in blood nor has been accused of financial scandal would be prudent to place restrictions upon her own group very early. After all, having been out of power for 17 years, and having watched the money-making habits of the UNP MPs and supporters, more than moral suasion will be needed to keep the cadres of the party from further mortgaging the country.

Getting professional advice relating to various areas of development and strengthening the party machinery at the periphery is another area where the alliance may need to focus attention. Unlike in the recent election where the entirety of the SLEP MPs and activists were able to target one area and there too almost entirely depend on Chandrika for leadership, a nationwide election will spread the financial and human resources of the party rather thin. Confronted with the more sophisticated UNP apparatus, this probably will be the biggest challenge the Alliance will have to grapple with in the months to come.

A further danger, of course, would be the increased security threat that Chandrika now faces in the context of her being isolated as the most likely challenger to the UNP. While in the crude political calculations of some such an eventuality may figure as one way out, and there are many including

the LTTE who may be eager to oblige, memories of the public wrath that followed the slaying of Lalith Athulathmudali should make the Government realise the tremendous responsibility cast upon it in protecting political personalities, particularly those in the Opposition.

In the meantime, the ruling party would no doubt be hoping that such a situation might not be necessary, given the SLEP's track record of committing 'hara-kiri'. The onus will be on Chandrika to prove that this round might be different. ■

***As for an alternate programme: up to now the Alliance has had little to offer, and although economic policy may have been of marginal importance in this provincial poll it is unlikely to be so in the event of a national election. The Opposition faces an uphill task in persuading local and foreign investors of their good intentions, and it is these sections more than any other who will have a vested interest in keeping the UNP in power.***



# No *kiri-peni* at the Ambalama

**T**he traditional home of curd and treacle must surely be enjoying the recent treat it gave to all of Sri Lanka. There is every reason for a new swagger in the walk of the Southerner, and a new meaning to the boast that he or she is from the South.

Tales of glory of the Old Ruhunu Rata will certainly be repeated, and many are those who will tell us how the South has a had a tradition of producing the heroes of the land, when the time is ripe for such heroism.

The East did set the initial trend, by giving the UNP a minority of Pradeshiya Sabhas and other local authorities, however much it was sought to be played down, as a pretended victory for democracy. A victory now beginning to sound hollow in the light of the Elections Commissioner's own inquiries, despite the chorus of praise from foreign magazines, which were duly copied by the local Press, both State-owned and independent. But the South went clearly beyond. It underlined the trend, and what's more, showed that our people are not ready any more to be cowed down by the blood, bombs and bludgeons of a subverted democracy.

The South has made it clear, in the numbers polled and how they polled, that the deliberate distortion of the sweeping mandate of 1977, extended by a fraudulent referendum and wholly undemocratic polls in 1988 & 1989,

## Lucien Rajakarunanayake

has come to its unlamented end. No more could those who romped home on a wave of disgust, hope to fool the people with their contempt of the values of democracy and the rights of the people.

The campaign in the South saw a hotch-potch of issues. For a provincial

People's Alliance was largely silent on the issue in a region which has supplied the bulk of the cannon fodder in the decade long war. The overall neglect of the South through the decades was often referred to, but one failed to see any serious suggestions to solve the problem.

Listening to the election meetings in the South, or reading about them, often made one wonder if the South had no issues at all. Yet, as the campaign moved on, there was more than a thread of continuity observed: The fact that the people and the country have had enough of UNP misrule. The trend began with the opening shots in the battle. The Franciscu fiasco. The UNP's disgusting effort, with the help of its new recruit Anura Bandaranaike, to subvert the verdict of the people in May 1993. That is where the worm began to turn.

In essence, the UNP's thrust in the South was a record badly tarnished by its own folly, and a future it could not offer any serious hope, or proof, of delivering.

Here was a government brazen enough to topple a Provincial Council through the cheap gimmickry of an alleged "abduction", complete with the frills of farce, in heart attacks being treated in tourist hotels by political consultants. And, in the crowning insult to the people, the President, upholder of law and the justice, in



*Anura Bandaranaike's cross over, like Franciscu's volt face, may have done more harm than good.*

election, matters provincial were the least highlighted. The President addressed the ethnic issue by asking the people to strengthen his hand to deal with terrorism in the North. There was hardly anyone, except the NSSP from its own exotic corner, which sought to address the Northern problem with any seriousness. The



conversation at Janadhipathi Mandiraya with a man whom the Police were looking for on a complaint of abduction.

If that ignited the public contempt in the South, there were many more things to follow. In like vein was the Kuliyapitiya Pardon, in absolute disregard for all norms of decency and utter disrespect for the Courts. The normal deceit of politics, the use of all the tricks in the UNP's crook book of vote gathering, soon added to the tide of contempt. Hospitals upgraded without running water. Schools elevated in status without science labs. Common amenities, neglected for decades, suddenly arrived in a short pipeline. Foundation stones mushroomed. Ceremonial openings, with nothing to open, were galore. The voters were fed on a constant diet of deceit, which only nourished their determination to defeat the deceivers.

If the curd and treacle of the South is more enjoyable today, it is because the UNP itself made it so. It made sure the Southern election was no provincial affair. From the outset it was made a national campaign. It made no secret of the fact that they were looking for a national trend, or at least a Sinhala trend. This was election year, and the South was expected to set the trend. To that end the entire machinery of government was set in motion.

Sittings of Parliament were put off for the battle of the South. The President's appeal to strengthen his Sinhala hand against Tamil terrorism, ensured that the impact of any result would spill beyond the South. The full complement of 83 ministers, complete with official security and unofficial armed cadres, or thugs as they are more accurately called, took up the battle. They pitched their tents in every hotel, rest house, guest house, estate and circuit bungalow. When traffic jams of Pajeros were insufficient to impress, power descended from the air, in helicopters. On the ground the police became the minions of UNP politics. It was power in its crudest manifestation.

Yet, there was a grave miscalculation. The UNP, fed on its

own folly and the power of 17 years, believed that the people of the South could be intimidated by imported political violence. It gave little thought to the reality that the South had a strong tradition of political activism. That it was once the strongest base of the left, and later when disillusion with the left set in, it was also a very powerful base of the right. In whatever direction they looked, they were a people ready to act. Intimidation whether it came in a Pajero armed to the teeth, the charmed names of Colombo's underworld or the gross thuggery in police uniform, saw a response in a determination to resist.

In the event, 83 ministers and their armed cadres, official and private, failed to drive sufficient fear into the people of the South as to make them keep away, or vote the way the UNP's ballot croupiers would have wanted them to. The result was the biggest swing in Sri Lanka's much chequered electoral history. Since it was mooted as a trend setter, it is worth recording that the swing beat both 1956 and 1977.

Many are the victims of this unprecedented swing. The UNP in its current rudderless position, pushed into a leadership struggle of the first magnitude, is the first. The politics of the unprincipled cross-over is the next. Mr. Anura Bandaranaike in particular must learn that the people know well the difference between his late father's crossing-over from the UNP and his long jump into it. The former had principle and clear political purpose. The latter the settling of family vendettas and overall cowardice.

There is also the myth of the DUNF which has finally been exploded, despite the brave efforts of newspaper psephologists to show otherwise. There was no DUNF vote as such in May 1993 and March 1994. The DUNF, in May 1993, did draw in votes from the SLFP and other parties of the PA, at a time when they were weak, indecisive and largely unconvincing in the challenge to the UNP. That was it.

After the murders of Lalith Athulathmudali and Ranasinghe Premadasa, there was no sizeable vote bank that Gamini Dissanayake

and G.M. Premachandra could take back to the UNP. It was all back there already.

The UNP is a party which knows well the game of politics. There is little doubt that sooner, rather than later, it will set up its own inquiry into the debacle it faced in the South, and look deeper than its whimpering apologists at Lake House. When that happens it will be interesting to see what assessment it makes of the new crop of long-jumpers that joined the Green Ambalama. The unprincipled poli-twisters, whether from old walauwwas or new parties; the returnees and hangers-on; those who promised to deliver members and votes by the thousands; those who saw in a ruling UNP, the means to work out their family vendettas or personal ambitions, must now understand that the political long-jump has long lost its relevance.

The campaign in the South was not without its curiosities, especially the Sinhala Mahasammatha Bhumiputra Pakshaya. A people who held their breath in genuine shame, when the late Rajiv Gandhi was assaulted by a member of an honour guard, did deliver the lesson of that shame. A worthy lesson, despite the attempts by the self-appointed saviours of the Sinhala people, to make a hero of a cowardly rating who insulted his uniform. So much for the politics of the fringe.

The verdict of the South, in its sheer size, is certainly a heady one. It is one which calls for more humility in acceptance than an initial statement would assure. It is a verdict which, if not taken with the seriousness of the giver, could push us all into a worse abyss than we have been. It is now up to those who worked for this verdict to draw out its full meaning and help take Sri Lanka out of the vale of cronyism and chicanery.

That is when the curd and treacle served by the Southern voters will have real flavour in the upcoming politics of Sri Lanka.

Those who invited all and sundry to join the UNP Ambalama, would do well to realize that Kiri-Peni is never served in an Ambalama. ■



## THE PRIYANI SOYSA CASE

# A DAGGER AT THE DOCTORS' BACK ?

Rohan Edrisinha

**T**he case of *Rienzie Arasakuleratne v Priyani Soysa* has thrust the complex and difficult subject of medical negligence into the centre of public debate and discussion in Sri Lanka. The somewhat hysterical and myopic reaction of certain sections of the medical profession to the judgment does not augur well for a rational and balanced response to the important issues involved. The prophecies of exorbitant medical fees as a result of defensive medicine, the dire warnings of doctors hamstrung and intimidated by the fear of "the opening of the floodgates" and widespread, reckless litigation, the portrayal of the medical profession as the victim or the martyr, demonstrate, in the Sri Lankan context, a massive and unjustified overreaction. Whatever sympathy one might feel for Professor Priyani Soysa and the trauma she has had to experience as a result of the trial, and whatever reservations one might have about the judgment of District Judge Mahanama Tillekeratne, some of which will undoubtedly be considered on appeal, it is clear that the emergence of medical negligence jurisprudence in this country was long overdue.

It is important to remember that in medical negligence litigation, there are three interested parties. First, there are the aggrieved patients who seek redress for what they believe was unnecessary damage. Second, there are the health care providers, for whom an action for negligence can be a devastating blow. Third, there are the members of the public who ultimately are affected by such actions in a variety of ways. Law is invariably concerned with a balancing of competing interests. Perhaps, as has been argued by sections of the medical profession who have overreacted to the *Priyani Soysa* case, developments in the United States have not struck the correct balance and are too "pro-patient" which ultimately is "anti-patient", and Sri Lanka must not ape such developments. It is important, however, to view the *Arasakuleratne v Priyani Soysa* judgment in perspective and in the Sri Lankan context.

The absence of a rights consciousness on the part of patients and the inadequate appreciation of medical ethics particularly with reference to doctor-patient relations on the part of both doctors and patients, suggest that the situation in Sri Lanka is totally different to that of the United States or even the United Kingdom, where judges like Lord Denning often cautioned against following the "American way". The emergence of medical negligence litigation in a country

which has hitherto had but a handful of such cases, and where doctors have generally been unquestioned and used to "playing God" must therefore be viewed as a positive development and an opportunity to strike a more acceptable balance among the three main competing interests involved. This trend must also extend to the other professions as well, including the legal profession, where there is a need for the consumer's/client's rights to be vindicated more effectively.

It thus becomes clear that there are complex policy considerations in the law governing medical negligence. Judges in both the United Kingdom and South Africa have taken the policy dimension into account in developing the case law of these countries. The superior courts of Sri Lanka will have to take the developments in these two jurisdictions into account as they fashion the law to meet the needs of the country.

### What constitutes medical negligence?

The courts in these two countries have adopted the general test applicable in other negligence claims as well; did the conduct of the doctor/hospital amount to a breach of the duty of care owed to the injured plaintiff? Was the standard of the treatment given below the standard of treatment expected of the doctor/hospital by the law? The burden of proving negligence lies with the plaintiff. However studies both in the United States and the United Kingdom have shown that in practice, judges are reluctant to award damages against doctors. An English judge has stated that it would be:

To shut one's eyes to the obvious if one denied that the burden of achieving something more than the mere balance of probabilities was greater when one was investigating the complicated and sophisticated actions of a qualified and experienced doctor than when one was inquiring into the inattention of the driver in a simple running down action.

The requisite standard of care expected of a doctor has been laid down in the case of *Bolam v Friern H.M.C.*:

The test is the standard of the ordinary skilled man exercising and professing to have that special skill. A man need not possess the highest expert skill; it is well established now that it is sufficient if he exercised the ordinary skill of an ordinary competent man exercising that particular art.

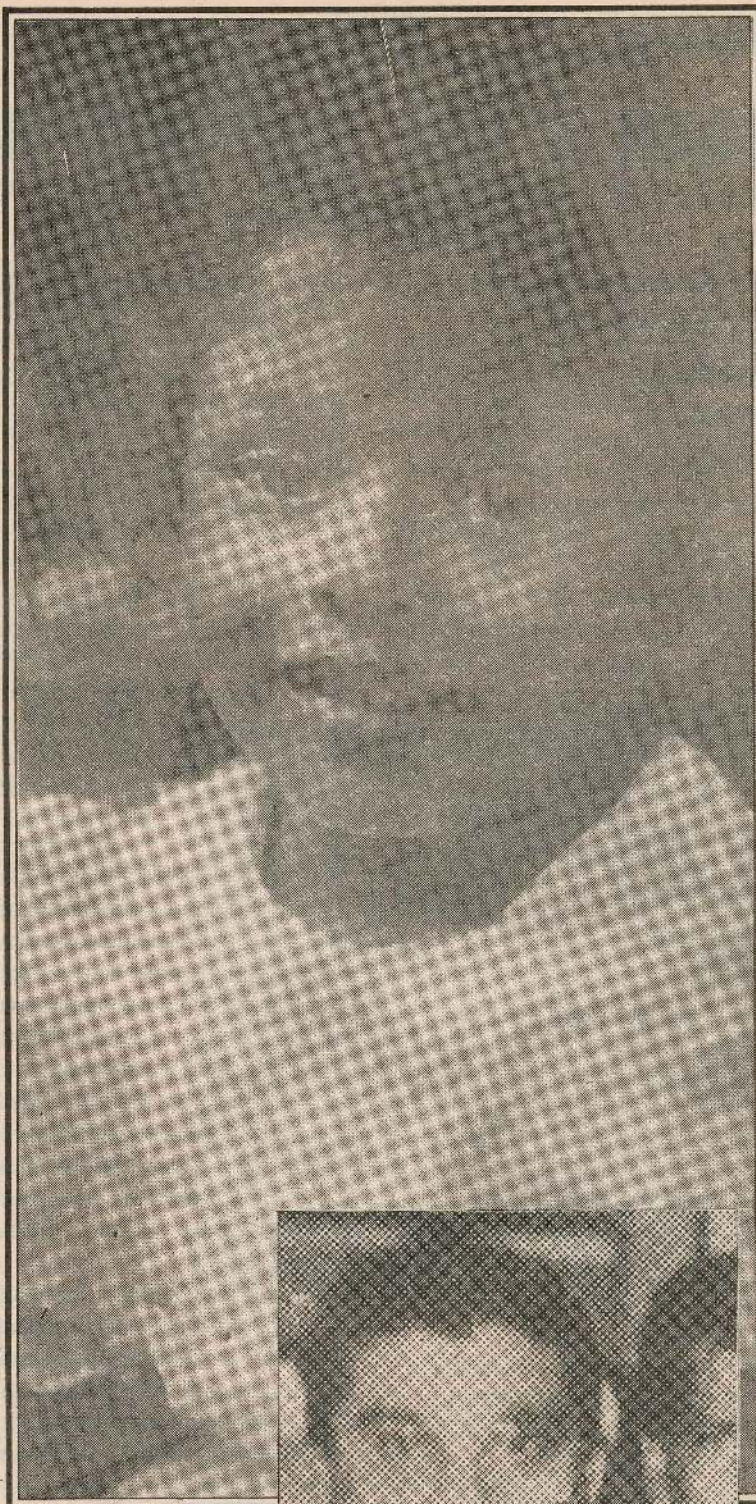
In the South African case of *Van Wyk v Lewis*, Innes C.J. expressed similar sentiments:



The court will have regard to the general level of skill and diligence possessed and exercised at the time by the members of the branch of the profession to which the practitioner belongs.

In the case of a specialist the standard would be that of the average competent specialist of his/her speciality. The same standard would apply to both diagnosis and treatment. The issue of misdiagnosis arose in the Priyani Soysa case and is likely to be considered on appeal. It was alleged that Professor Soysa treated her patient for Rheumatic Chorea but that she had, and ultimately succumbed to, a Brain Stem Glioma. A mistake in diagnosis is generally not considered per se negligent if the standard of care is observed as the law recognises misdiagnosis as a non-culpable and inevitable risk or hazard of medical practice. However, a doctor may be held liable if a misdiagnosis is made because s/he failed to conduct tests which a competent doctor would have considered appropriate or failed to identify a condition which would have been discovered by a competent doctor.

The case law seems to suggest that the doctor should at the very least, examine the patient and pay adequate attention to the patient's medical notes and history. Apart



from these broad principles, much would depend on the circumstances of each case. For example, in the English case of *Langley v Campbell* a doctor failed to diagnose malaria in a patient who had developed the symptoms soon after returning from Africa. A relative had in fact suggested such a condition to the doctor. The doctor was found guilty of negligence. In *Tuffil v East Surrey A.H.A.* a doctor who failed to diagnose amoebic dysentery in a patient who had spent a long time in a tropical climate, was held to be negligent. However, in *Whiteford v Hunter*, where a doctor had incorrectly diagnosed carcinoma of the bladder, an important issue in the case was whether the doctor should have used a cystoscope. As it was established that it would have been difficult to obtain, and the doctor had used methods which were in common use

at the time, the court held that the doctor was not guilty of negligence.

In the recent South African case of *Pringle v Administrator, Transvaal*, the court took a similar flexible approach with regard to



treatment. During an operation to remove a tumour from the patient's chest cavity, the doctor tugged at the pincers in order to remove the growth. A blood vessel was ruptured causing massive bleeding, which in turn, caused brain damage. The court cautioned against "the insidious subconscious influence of ex post facto knowledge" and stated that negligence is not established by showing how something could have been prevented after the event. The court also noted that the damage that was caused was one of the rare but recognised complications of the type of surgery performed and declared that it was mindful too of all the pressures and the tensions which operated on a surgeon in situations of that nature. However, in the light of all the evidence, the court found the surgeon guilty of negligence.

### The Standard of Care: Diversity in Application ?

The *Arasakuleratne v Soysa* case also highlighted the problem of the standard of care being determined by judges, based on the evidence of peers in the medical profession. The evidence of several doctors played a crucial role in influencing the decision of the District Judge. Studies have indicated that this can work either to the benefit or the detriment of doctors accused of negligence. On the one hand where there has been an "error of judgment" on the part of a doctor, it is unlikely that an expert witness would go into the witness box and admit that s/he could have made the same mistake. On the other hand, however, it could be argued that it would be extremely difficult for a lay person to find an expert who would be willing to testify against a fellow professional. One of England's most well-known judges, Lord Denning, often gave the doctor the benefit of the doubt in medical negligence cases. He always left a large margin of discretion for their clinical judgment arguing that if a doctor's fellow professionals did not condemn him judges should refrain from doing so too. He was particularly conscious of the risks involved in medical practice. In one case he stated that,

In the case of an accident on the road, there ought not to be any accident if everyone used proper care; and the same applies in the factory; but in a hospital, when a person who is ill goes in for treatment, there is always some risk, no matter what care is used. Every surgical operation involves risk. It would be wrong and, indeed, bad law to say that simply because a misadventure or mishap occurred, the hospital and the doctors are thereby liable.....

A doctor examining a patient, or a surgeon operating at a table, instead of getting on with his work, would be forever looking over his shoulder to see if someone was coming up with a dagger- for an action for negligence against a doctor is for him like unto a dagger.

Several other judges and many legal academics have faulted Lord Denning, however for his "special treatment" of the medical profession. While

acknowledging the undesirability of holding a doctor to be negligent merely because s/he makes a mistake, they have argued that the Denning approach would make it exceedingly difficult to establish that a doctor was negligent. They have argued that a less favoured, general approach to medical negligence will help develop better doctor-patient relations, where doctors are reminded that it is precisely because doctors hold themselves out as possessing special skills in diagnosis and treatment that the public consult them; that they have to be held responsible for their decision-making; that the autonomy of the patient requires that a doctor explains to patients the risks involved in different forms of treatment.

It will be seen, therefore, that even within the same jurisdiction, there are different attitudes and emphases with regard to the law governing medical negligence. The nature of the disease, the scope for differences of medical opinion, the surrounding circumstances, whether the hospital was state-run or private, are some of the factors that the courts will probably consider apart from the fundamental issue of causation in determining whether a doctor/hospital should be liable for negligence. Thereafter, if negligence is established, there remains the further difficult question of the quantum of damages. This is likely to be another key area which the Court of Appeal will have to consider in the *Arasakuleratne* case.

Medical negligence is an area where there are no easy and obvious solutions. Proving medical negligence is a difficult and costly task. It can prove a traumatic and devastating experience for the medical personnel involved. Ultimately it has a profound impact on society as a whole. In countries such as Sweden and New Zealand attempts have been made to mitigate the hardships involved by introducing "no-fault" schemes where aggrieved patients do not have to establish negligence on the part of doctors to claim compensation for damage suffered. But while they deal with some of the shortcomings of the traditional approach, they too have been criticised on the ground that only a few patients benefit from such schemes. In Sri Lanka, at least for the moment, the burden of laying down principles and standards which strike a desirable balance in this field of the law, lies with the Court of Appeal, as it ponders the legal issues which are bound to surface on appeal, in the landmark case of *Arasakuleratne v Soysa*. ■

**Join the professional**  
**ERIC FERNANDO**  
 Be one of the successful ones  
 study with the best

**WEEKENDS - WEEKDAYS**  
**22, Dangolla Road,**  
**KANDY.**

**CIMA**  
**IAB** International Association of Book-keepers  
**THE BEST INSTITUTE IN THE CITY**



# Calling a spade a rose won't reduce the stink

Arjuna Parakrama

**W**e need good translations. We need translators with aptitude and commitment. We need to build bridges between the Sinhala writers and English writers, between Tamil audiences and English audiences, between Tamil readers and Sinhala readers. We need, urgently, translations and adaptations of literary texts, of technical books and theoretically important works. But, give me a break, you must be saying: this is platitudinous stuff. Hardly anyone will object to this sentiment, though Nalin de Silva has gone on record to say that the bilinguals are to blame for all Sri Lanka's troubles.

In fact, one answer to the *Sinhala Jathika Chinthanaya* of de Silva, Gunadasa Amarasekera and their ilk is precisely to make accessible to the large majority the best of what has been written abroad. For instance, de Silva's brand of vituperative xenophobia will be hard pressed to explain itself after Paul Fayerabend has been translated and thereby the derivation of de Silva's "homespun" theory of science uncovered.

For instance, isn't it a symptom of the political predicament of our country that hardly any book originally written in Sinhala is translated into Tamil, and that even less that originates in Tamil sees the light of day in Sinhala? A greater number of these texts can be read in English by the less-than-5% of the population that is sufficiently literate in English, but this too may be no more than one or two books per year.

Let's face it: English (at least as it is spoken/written today) is never going to be the language of the people in Sri Lanka. It is not even the "link language" among the various ethnic groups, except in the rarified atmosphere of the urban upper and middle classes. Sinhala hegemony has ensured that

the Sinhala language links the urban underclass and practically everyone else where such links do exist. There is also a tacit conspiracy among the English establishment -- the university system, the Education Ministry, including its teacher training appendages, and the network of other guardians of the language -- which ignores utterly the non-formal English teaching industry or tuition class phenomenon. A few years ago I did a survey and found out that more than 50% of those between the ages 18 and 35 attend some kind of English class or the other, even in rural areas.

Now, if a private tutor in Chemistry taught a crockload of shit, he (they are overwhelmingly men) would be kicked out by the system; there are

*Yet, English teachers who give bullshit a bad name, who can't tell their backsides from holes in the ground, are allowed to teach thousands of students each in hundreds of tutorials throughout the country, making millions to the bargain. There's a sense in which this may be fine, but for that we must work towards accepting and using this "broken" English as in no way inferior to the so-called standard -- we must actively campaign towards destabilising English as an elite prerogative in terms of its rules and acceptable usage.*

some checks and balances within the other disciplines though there is an emerging field of quackery in the "aptitude" and "general knowledge" test preparations advertised by seasoned old campaigners. I'm not for a moment suggesting that all is well in the other disciplines, Sociology, for instance -- for hogwash Nandasena Ratnapala is hard to beat -- but that within the conservative space of the discipline as it has been constructed there is an internal logic that lays claim to consistency if nothing else.

Yet, English teachers who give bullshit a bad name, who can't tell their backsides from holes in the ground, are allowed to teach thousands of students each in hundreds of tutorials throughout the country, making millions to the bargain. There's a sense in which this may be fine, but for that we must work towards accepting and using this "broken" English as in no way inferior to the so-called standard -- we must actively campaign towards destabilising English as an elite prerogative in terms of its rules and acceptable usage. This is really hard because these arbitrary and classed (this means that they favour the usage of a certain class, or did so at some time in the past) norms appear "natural" and inherently good to us. What happens, however, is that the standards are maintained intact and these "inferior" products of these inferior tutorials are rejected with smug sniggers. The class threat is thereby finessed for the time being.

It is much more honest and certainly more responsible for some monitoring and certification of English tutorials to be undertaken. There is such a huge demand for the study of English because it is the passport to upward mobility, to employment, to scholarships and higher education in general, as well as to social status. The class-marker in Sri Lanka which



long was the ability to speak English fluently has become fuzzy, no doubt, but within this class a sub-category still uses pronunciation as a means of identification of the "upstarts" and *nouveau riche* from the old "aristocracy" or elite who are "cultured". So, aside from the practical problems of policing English teaching, there seems to be another less innocent reason which has to do with a reluctance to assist in what is perceived as the indiscriminate spread of English. It's almost like casting pearls before swine, to them. This is what prompted Professor D. C. R. A. Goonetilleke to write that English should be taught only to those who pass a special aptitude test!

But whatever be the status of English in the country, the indisputable importance of Sinhala and Tamil must necessitate the service of translations to nurture each of these literatures, not to mention knowledge bases. We should, therefore, be having translation projects, seminars and workshops on translating, perhaps even university-level courses in translation. Instead, we have a tendency, at least in Sinhala translations of literary works, to attempt uncomplicated (ie: simplistic) classics or books that are over 40 years old; in novels the plots must be linear, chronological and the issues black-and-white. Complexity is taboo, and this affects the cultural diversity of other contexts that are being translated. Anything that is greatly different is cheerfully expunged. Self-censorship is rampant, with the dominant notion being that the Sinhala language cannot cope with any kind of overt sexuality. I have demonstrated this elsewhere in an examination of an acclaimed translation of Achebe's **Things Fall Apart** as well as other texts, though I won't ask you to take my word for it.

The utter prudery of the Sinhala literary establishment has to be seen to be believed. I've heard eminent critics and writers of great stature say blithely that "it's a matter of cultural values" or that all this "crudity" and "vulgarity" is a result of unsavoury "western" influences which must be

***It is a wonderful irony that the traditionalists appear to be protecting an outside influence in the name of the sanctity of indigenous tradition. But then, colonial knowledge production inevitably plays tricks with us like this. That there was no squeamishness about sexuality in classical Sinhala literature can be established by simple reference to the texts. Yet, I'm not sure that this is an important argument either way because classical (or any other, for that matter) values are neither good nor bad purely in terms of their vintage.***

resisted. Translators and bilinguals of the calibre of Sugathapala de Silva freely admit to a consistent self-censorship of sexuality found in the original text in the name of Sinhala literary and cultural traditions. I have no doubt that this is the internalisation of so-called Victorian morality, courtesy colonialism. It is a wonderful irony that the traditionalists appear to be protecting an outside influence in the name of the sanctity of indigenous tradition. But then, colonial knowledge production inevitably plays tricks with us like this. That there was no squeamishness about sexuality in classical Sinhala literature can be established by simple reference to the texts. Yet, I'm not sure that this is an important argument either way because classical (or any other, for that matter) values are neither good nor bad purely in terms of their vintage. Each age must re-negotiate its own paradigms and norms in terms of the circumstances that surround it. The blind adherence to tradition can only

be an excuse for insensitivity to the urgency of current social demands.

This arch-conservatism of the Sinhala elite is more than matched by the neocolonial English literary establishment and the "general readership" (whatever this is) who closed ranks in horror at the award of a share of the Gratiaen Prize to Carl Muller's **The Jam Fruit Tree**, on the grounds that it was pornography. Others who admitted to being amused by the writing had doubts as to the "literary value" of the book. But this must be the subject of another piece, so I shall let it rest for the time being.

Last year saw **Sarisarana Siththara**, a translation of Narayan's **The Painter of Signs**, winning the state-sponsored award for the best translation of 1993. The panel of judges comprised some of the most eminent establishment intellectuals who certainly cannot plead ignorance of Narayan's original nor of English. Yet, Kulasena Fonseka's text is a very poor translation of a second rate original. Fonseka's knowledge of basic literal English is suspect, and in every case where the original conveys some complexity or even the nuance of irony, he has either left it out completely or distorted it beyond recognition. Thus it is that from the very first page, the different tones, the differences in voice of the various characters, are reduced to their lowest common denominator. The detached narrative voice which is distinct from those of the protagonists is expunged altogether. A much longer analysis is needed to point to these failings of Fonseka's translation. Here I can merely identify a handful of the many glaring errors of ignorance and irresponsibility that characterise this award-winning translation:

Preventing conception is the only subject of importance, I suppose! Raman reflected, but did not utter it. [130] මට හිතෙන හැටියට නොහැටි සිටීමේ ප්‍රතිපත්තිය තමයි එක ම වැදගත් කාරණය. රාමන් මෙසේ සිතූ තමුත් කිසිවක් කීවේ නැත. [192] Superstition, faith, the working of real incalculable forces, all three operate in our country, but we can never be certain where one begins and the



other ends. . . [89] මිථ්‍යා විශ්වාස, හක්කිය, කල් කියා කිව නොහැකි බලවේග වල යැබූ ක්‍රියාකාරිත්වය යන මේ කාරණා තුනම අපේ රටේ ක්‍රියාත්මක වෙනවා. නමුත් අපිට ස්ථිරව කියන්න බෑ කෙනෙක් පටන් ගන්නෙ කොහෙත්ද අනික් කෙනා අවසන් කරන්නෙ කොහෙත්ද කියල. [132]

"Coveted spot" [115] has been rendered as "ආරක්ෂිත ස්ථානයක්" [168], "continue" [88] as "පටන්ගන්න" [131], "masculine jokes" [131] as "කවට කතා" [89], "anxious" [89] as "අපේක්ෂා" [132], and so on, ad nauseum.

The responsibility of the critical establishment is to provide an example both by their own direct intervention, as poets, novelists, translators, as well as in their critical writing and evaluation. Professor Sunanda Mahendra is a case in point. He is (too!) much published and always in the public eye, a five star role model in general and guru in particular to numerous undergraduates. His recently published translation of Ibsen's **A Public Enemy, Jana Hathura**, is an insult to his readers: simple surface meaning has been distorted, coherence and continuity have been sacrificed on the altar of carelessness and/or incompetence. Of course, the nuance and subtlety of a text that has prophetic contemporaneity in our immediate context, is lost irrevocably. Sunanda Mahendra is, by reputation and sheer volume of output at any rate, one of our "best" translators, indeed, one of our literary virtuosos, if his admirers in the universities and elsewhere are to be taken seriously. My contention is that the play **Jana Hathura** is hopeless as a play in its own right and pure murder as a translation. I shall be happy to debate this one with Dr Sunanda Mahendra and his supporters. If he is a standard bearer, then, alas, what of the standards that he bears/bares? What, then, can be expected from those have benefitted from his vast expertise and erudition?

Here are some examples taken from this book which are offered as food for thought for those of us who realise the need for a concerted translation programme but have so far been

**BILLING [spitting]: Pah! The turncoat!**  
[page 156]

Mahendra has rendered this into Sinhala as follows: බිලින්ග්: (කොල ගනිමින්) ගහ: මිනිහ ඉන්න ඇති අර කොට් එක එහෙම ඇදගෙන [page 80]  
You may think that this is perhaps an outrageous example, an exception to the rule. Here's another of the same calibre.

**THE MAYOR [dropping his voice a little]:**  
It's extraordinary how these people who come from peasant stock never seem to overcome their tactlessness [109].

නගරාධිපති: (සිය කටහඬ අඩුකරමින්) මහා පුදුම වැඩක් තමයි මේ. ගොවිතැන් කරන පවුල් වලින් පැවත එන මිනිස්සු තම තමන්ගේ දස්කම් මුදුන්පත් කර ගන්න වෙහෙසෙන්නේ නැහැනේ [14-15].

apathetic on doing something about it.

The Peter Watts English translation of **A Public Enemy** cited by Mahendra as the basis of his Sinhala translation (not adaptation) contains the following line in Act Three:

**BILLING [spitting]: Pah! The turncoat!** [page 156]

Mahendra has rendered this into Sinhala as follows: බිලින්ග්: (කොල ගනිමින්) ගහ මිනිහ ඉන්න ඇති අර කොට් එක එහෙම ඇදගෙන [page 80]

You may think that this is perhaps an outrageous example, an exception to the rule. Here's another of the same calibre.

**THE MAYOR [dropping his voice a little]:** It's extraordinary how these people who come from peasant stock never seem to overcome their tactlessness [109]. නගරාධිපති: (සිය කටහඬ අඩුකරමින්) මහා පුදුම වැඩක් තමයි මේ. ගොවිතැන් කරන පවුල් වලින් පැවත එන මිනිස්සු තම තමන්ගේ දස්කම් මුදුන්පත් කර ගන්න වෙහෙසෙන්නේ නැහැනේ [14-15].

Surely, no translation can be this bad? Yet, nothing can be further from the truth. Not only is this translation appalling by any standard, this

translation is by a standard-setter and teacher, an expert on translation. Let's take a sizeable chunk picked at random from the text. Oops! This too shows beyond the shadow of a doubt Sunanda Mahendra's incompetence, charlatanism and utter disregard for his readership. The conversation is between the brothers, Dr Stockmann and the Mayor, and focuses on life in the seaside town they live in. Of course, where surface meaning is trashed beyond recognition, nuances of tone and the display of character traits such as the mayor's pomposity are lost forever.

**DR STOCKMANN:** Of course you wouldn't appreciate it as much as I do -- you've lived in it all your life, and that blunts the impression. But after all those years stuck away in that wretched hole up north, hardly ever seeing a soul to exchange an intelligent word with, all this affects me as if I'd been transported into the heart of a teeming metropolis!

**THE MAYOR:** 'Metropolis?' Hm.

**DR STOCKMANN:** Of course I know there are plenty of places that make it look small -- but there's *life* here, there's promise, there are innumerable causes to work and fight for -- that's the thing that matters! ... [111] දොස්තර: මට හිතෙන තරම් හොඳට අයිියට තේරෙන්නේ නැතිව ඇති. අයිියලගෙ කාලෙ අයිියල හොඳින් ගත කෙරුව. නමුත් මට ඒකට ඉඩක් ලැබුණේ නෑ. මම ඔය උතුරේ ගත කරපු කාලෙ මට එකම එක බුද්ධිමත් වචනයක් කතා කරන්න මිනිහෙක් හොයාගන්න බැරිවුනා. මට නත් දැන් හිතෙන්නෙ මාව හිටි ගමන් වයිවාරන්න මිනිස්සු ඉන්න නගරෙකට වැටුන කියලයි.

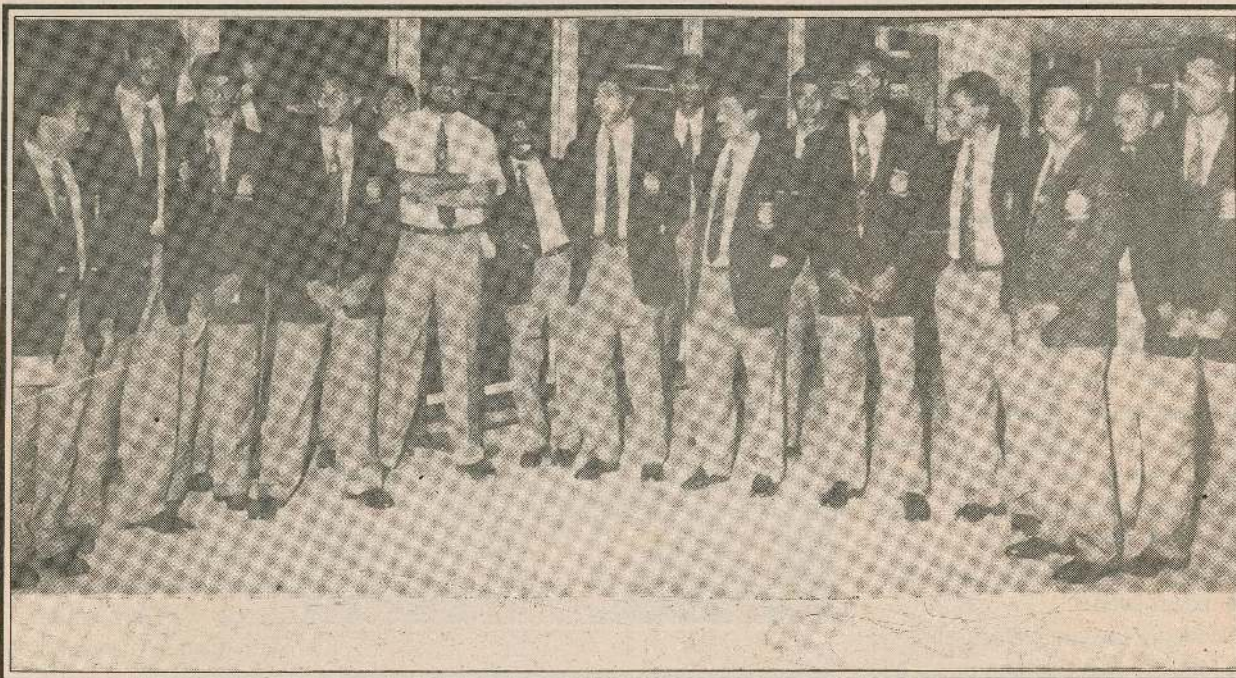
නගරාධිපති: නගරෙකට වැටුනා?

දොස්තර: ඔව්, මම දන්නවා අපි ඉන්න මේ නගරේ හරිම පුංචියි. ඒත් මෙහේ ජීවිතයක් තියෙනවා. බලාපොරොත්තු තියාගෙන ඉන්න පුළුවන්. වැඩ කටයුතු කෙළවරක් නැහැ. ආත් ඒවා ගැනයි මම මේ කියන්නෙ.....

This may not be the only place in the world where irresponsible idiots like Fonseka and Sunanda Mahendra are heaped high with laurels for their erudition and/or sustained contribution to literature, but our style in such matters is hard to beat!!



## PRESIDENT WIJETUNGA IS UNANIMOUS "MAN-OF-THE-MATCH" IN FITNESS FIASCO



President Wijetunga, whose popularity has been slipping daily in recent times -- especially after the reversal in the South, boosted his flagging reputation immensely when he padded up in the cause of justice and fairplay against the Cricket Board.

President Wijetunga has no claims to being a cricketer or even a follower of this "colonial" game but his timing and effectiveness was as good as one of Aravinda's slashing cover drives as he moved swiftly to end an impasse which could have boiled over into something very ugly.

Sports Minister Nanda Mathew appears to have his ears tuned to only one segment of the sports enthusiasts of this country. Unfortunately, Mr Mathew is often misled by those around him and he has found himself in the hot seat as a result. His recent experience on the Tennis scene ought to have made him a wiser man but he repeated almost the same mistakes in the cricket fiasco.

Tennis is still nowhere near the popularity of cricket and so Arjun Fernando had to suffer in silence and the entire Tennis Selection Committee

which resigned were relegated to the sidelines.

Aravinda de Silva is no innocent darling! He is arrogant, indisciplined, and a businessman at heart. Yet, when he steps onto a cricket field he is a genius and his contribution to Sri Lanka both as an ambassador and as a cricketer must not be forgotten. At the very least he deserves fair treatment.

Nobody likes indiscipline and no cricketer should be considered indispensable but if Aravinda needed to be punished for indiscipline he could have been dropped on disciplinary grounds! After all, we did the same to Arjuna Ranatunga a couple of years ago, didn't we?

Why did the Cricket Board and the Sports Ministry try the farcical route of Aravinda failing a fitness test as a solution to a knotty problem?

There is no way the Sports Ministry or the Cricket Board can convince the cricket enthusiasts of this country that Arjuna could pass a fitness test which Aravinda had failed.

The manner in which the Sports Ministry officials behaved indicated

there was some sinister plot to exclude Aravinda from the team. The statements issued by the Cricket Board, the Sports Ministry and the Medical team all contradicted each other.

When first contacted by the Selectors, Dr Geethanjan Mendis had indicated that he could give the five cricketers a second fitness test but after consulting the Ministry he changed his mind.

The good doctor also gave an interview to the press stating that the fitness tests were conducted properly and that the test was something that could not be held overnight and took at least two or three days. How come then that when the orders came from the top for a second test it was carried out that very day? Dr Mendis, on these grounds alone you should resign!

When President Wijetunga wielded the willow the Sports Minister and Cricket Board bent over backwards to try and convince the media that it was they who ordered the second test.

Neither of them apparently recalled their damning statements given to



the media saying "there is no need for a second test", "we will even send schoolboys to Sharjah", and "we have 17 million people to choose from".

Five of the seven-member Selection Committee resigned over the refusal of the Sports Ministry to conduct another fitness test for the five players who had failed the first test. They had also made several requests to see Minister Mathew but were not accorded the courtesy of a hearing. All five members who resigned were eminent cricketers who had served the country well both as players and administrators and surely they deserved better treatment?

The Sports Minister instead spent his time trying to fill the vacancies in the Selection Committee, and after ten "invitations" managed to come up with two names! Most of those contacted flatly refused to have anything to do with the game after the recent events.

Suddenly, in a complete turnaround the Ministry was claiming that it had ordered a second fitness test for the five players who failed the first test saying it was a request from the two surviving members of the original Selection Committee. If this was the case then WHY DIDN'T THE MINISTER RECALL THE FIVE SELECTORS WHO RESIGNED ON THIS VERY SAME ISSUE? His action of calling for another test was merely proving the Selectors point wasn't it?

Just as matters seemed to have been resolved it turns out that the second fitness tests which were taken by Aravinda and three others were only to appease the public. Things looked suspicious when the results of the second test were delayed by 24 hours -- just long enough to make additions to the Sharjah squad almost impossible. What was the purpose of the second test if its results were not going to have a bearing on the composition of our squad?

Was the Cricket Board worried that if any players from the squad of 14 were replaced they would have more problems? Should the CB have been a bit more careful before rushing to get all the 14 members of the squad to sign contracts? ■

## DULEEP CRIES FOUL!



Sri Lanka's former Cricket Captain, Cricket Manager and Cricket Selector Duleep Mendis has finally decided to speak out.

After passively accepting all the dirt that has been heaped on him right throughout his career both as player and administrator Duleep Mendis delivered a broadside at all his detractors.

The reason for the sudden loosening of Mendis' tongue was the report of the Skandakumar Commission which was entrusted with the task of looking

into all aspects of Sri Lanka's disastrous tour of India.

In this day when bickering, slandering and dirty faxes are all part of the Cricket Board's games and with the AGM around the corner, it is extremely rare to find someone acceptable to both sides.

Somasunderam Skandakumar, the former Secretary of the CB, is one such person and most of those hoping to enter the Presidential stakes have wooed "Skanda" for his support.

Unfortunately, the genial Skandakumar walked right into a trap set by the CB officials themselves to discredit him. Making sure there was no representative from the CB in the commission the Board gave Skandakumar a carefully picked "committee" which had just the right balance to convince Skanda of the CB's bona fides and also just weighted so that any mud slung at the committee would be sure to stick.

We do not wish to comment on the findings of the Skandakumar Commission which have already raised a hornet's nest among officials and cricket followers alike. We are saddened, however, that a confidential report of this nature leaked to the media so quickly -- even before the CB had the opportunity to study it.

Mendis has threatened to sue Skandakumar over the contents of the report and we only wish that he does not do so as he could do himself more harm. Mendis was not known for any dynamism and he was almost always used by the administrators -- something Mendis allowed with hardly a whimper of protest!

It is strange to see this same Mendis writing "...Over the last decade or so we have seen cricket administration in this country in the hands of those who have hardly played the game at the lowest level let alone the highest, and whose motivation and motives for holding and remaining in office had nothing to do with the interests of cricket".

Mendis is not likely to have much support from the administrators in any of his lawsuits and some of them might have damaging evidence against him. ■



# THE PEACE-GAME

'Peace' as a game we liked to play  
as kids of six, or maybe seven,  
it needs some players to divide  
into two teams, of Odds and Evens  
The Odds were the children down the street  
and miscellaneous scraps and strays,  
the Evens were my brothers and  
our friends, swell, upright, regular guys.

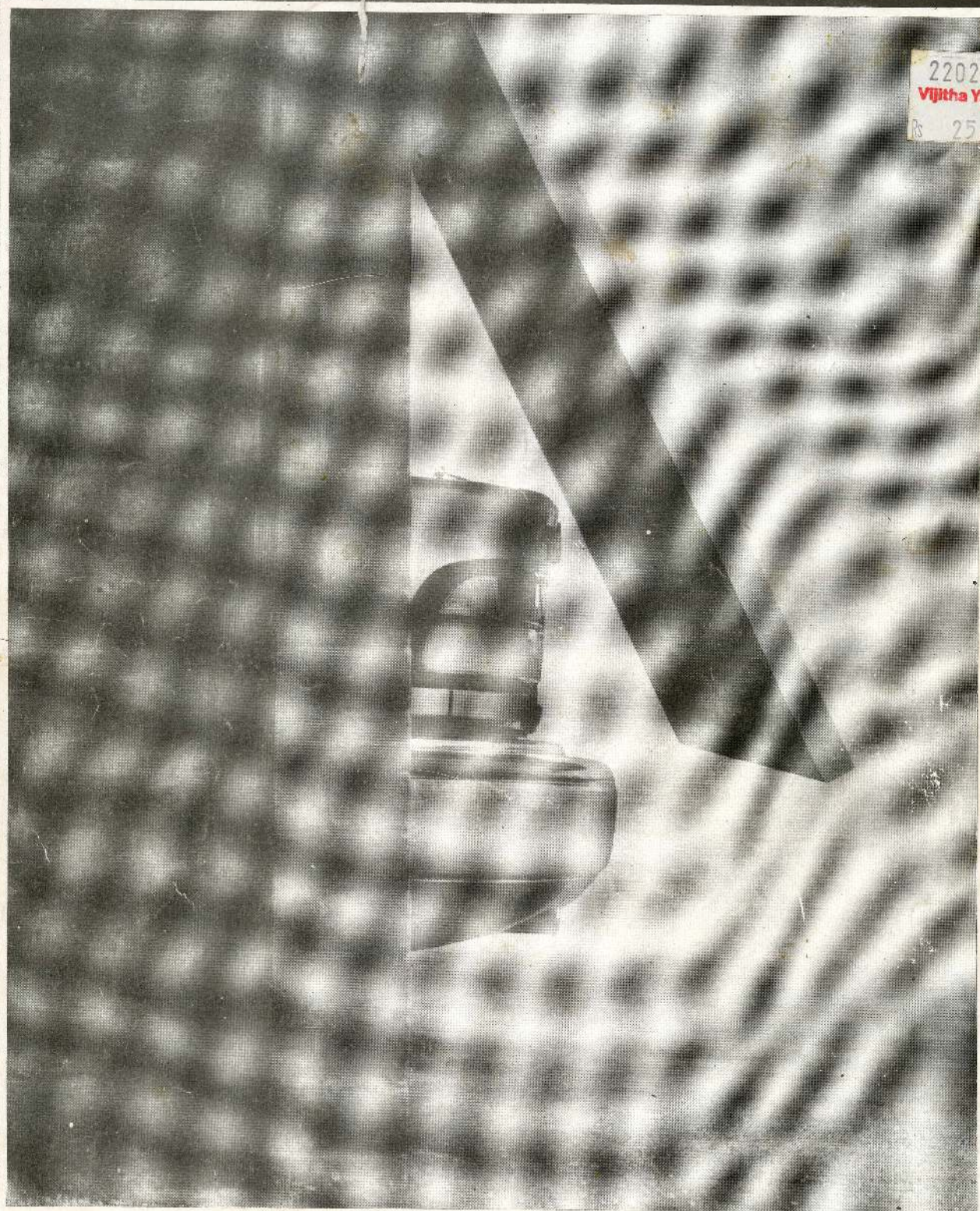
'Peace' was the prize the game was fought  
(or played, perhaps I mean) to win.  
Their object was to keep us out  
and ours to get, and then stay, in  
for since our fathers didn't want  
rough-housing near the orchid sheds,  
we fought our battles over their  
parents' vegetable beds.

We Evens were a well-fed lot  
and tough, so that the little patched  
and scrawny Odds would never dare  
to say the teams were not well matched.  
That was the beauty of the game,  
we chose the ground and made the rules,  
they couldn't really do a thing  
about it, stunted little fools,

Except to put up quite a fight  
sometimes, against out guns and such.  
We called the entertainment 'Peace'  
or 'War' -- I can't remember which...

**Yasmin Gooneratne**





**IF YOUR NEW ROVER DOESN'T FIT INTO YOUR LIFE,  
WE'LL GIVE YOU YOUR MONEY BACK.**

We recognise that when you choose a new car, you're making a real commitment.

Which is why, when you buy a new Rover, you'll find we're making a real commitment ourselves.

If you're not completely satisfied with your car within thirty days or a thousand miles, whichever occurs first, simply return it to your dealer.

There you'll be offered a replacement or your

money back, without so much as a murmur.

For full details call 0800 030303.

We're very happy to make this commitment because we're sure that you and your new Rover will, in fact, live happily ever after.



**THE ROVER COMMITMENT**