

THE IDEAS GUARDIAN

NORTHERN IRELAND

Sean Byrne

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L'AFFAIRE COORAY

Tisarane Gunasekara

JR RE-REVISITED

V. P. Vittachi

PAKI CIA-BASHER

Nadeem Iqbal

POLITICS TODAY

Mervyn de Silva

ESTATE ALERT

M. S. A. H. Mohideen

CHANGING CONSTITUTIONS

Lakshman Jayatileke

INTERNATIONAL CENTRE FOR ETHNIC STUDIES
KANDY
PUBLICATIONS

Four books - essential reading for every Sri Lankan who wants to know why our national institutions from Parliament and Bureaucracy to Universities and the economy are in a state of dysfunction if not crisis.

- *Sri Lanka: Problems of Governance* by K M de Silva (editor), G H Peiris and Radhika Coomaraswamy, 1993. (Rs 850/=)

The authors try to answer the question "Why has post-independence Sri Lanka not lived up to the promise of its early years of independence?" The political system and political economy of the country, civil liberties, language and religion, defence and external affairs are among the wide range of themes that are dealt with in this publication.

- *The University System of Sri Lanka: Vision and Reality* edited by K M de Silva & G H Peiris, 1995. (Rs 600/=)

Written at the time when Peradeniya University celebrated its 50th anniversary, the monograph appraises the achievements and failures of the University System in general, and Peradeniya University in particular, and its contribution to Sri Lanka's development. Contributing authors: Professors Asoka Ekanayake, K N O Dharmadasa, S A Kulasooriya, S N Arseculeratne, B L Panditharatne, Drs. Wijaya Jayatilake, Neelan Tiruchelvam, Messrs. D L O Mendis and W M A Wijeratna Banda.

- *Development and Change in Contemporary Sri Lanka: Geographical Perspectives* by G H Peiris, 1996. (Rs 850/=)

This is the most comprehensive analysis of post-independence socio-economic development available today. The author presents a rich variety of quantitative and qualitative data, much of it not readily accessible to the average reader, to support the discussions on a large number of major themes ranging from, Physical Resources Base, Environmental Hazards, Development of Peasant Settlements in the Dry Zone, Plantation Crop Production and Social Welfare Services to Macro-Economic Change: Problems and Prospects.

- *Regional Powers and Small State Security: India and Sri Lanka 1977-90* by K M de Silva, 1996. (Rs 850/=)

This is a comprehensive and incisive case study of international relations in a cold-war/post-cold war context. It provides an authoritative study of India's relations with Sri Lanka since the 1970s, and especially of the Indian intervention in Sri Lanka in the 1980s. This book is largely based on a study of unpublished documents relating to the Indian intervention. The author has also interviewed most of the principal figures involved in policy-making at the highest levels at that time in India and Sri Lanka, including Rajiv Gandhi, J R Jayewardene and J N Dixit.

ALL ORDERS DIRECT TO:
International Centre for Ethnic Studies,
554/1, Peradeniya Road, Kandy
Tel/Fax: 08-234892

Editor, *Lanka Guardian*,
Professor K.M. de Silva, and
Mr. D.L.O. Mendis.

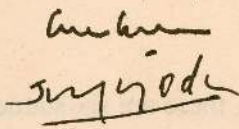
Dear Sirs,

We read with interest an apology tendered to Professor K.M. de Silva by Mr. D.L.O. Mendis, which appeared on page 05 of *Lanka Guardian* on June 01, 1997. The apology, we gather, relates to two articles that appeared under Mr. D.L.O. Mendis' name in the *Lanka Guardian* of February 15 and March 01, 1997.

As Editors of a journal which provides space for debates on intellectual and political issues relevant to current situation, we are concerned with this 'apology'. Our immediate reaction is that it has implications for free expression and comment on seemingly controversial themes.

Therefore, we would be thankful to you if you could let us know the events that led to this apology and the circumstances under which it was made.

Yours faithfully,



Charles Abeysekera
Jayadeva Uyangoda

Editors, *Pravada*.

Note by Editor Our own immediate reaction to this seemingly inane letter is :“ You’ve gotta be kidding, folks!”



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THE IDEAS MAGAZINE

PLURALISM ENDANGERED

(1)

The Homagama Pradeshiya Sabha, it is reported, had acquired a block of land belonging to the Catholic Church and was ear-marked for building a Church even without giving the usual notice to the owner, the Church, required by the law, on the basis that the land is required for a Water Supply Scheme, a public purpose.

The Water Supply Scheme could be sited in any other place in the area. The property of the Catholic Church ear-marked and building operations already begun, is not the only place in the area available for the Water Supply Scheme.

Acquisition of a property belonging to a religious organisation is a sensitive issue, and such acquisitions should be avoided, without causing unnecessary frictions among the community.

The hasty acquisition, under section 38, I believe of the Land Acquisition Act, and that too without due notice to the owner as required by the law, without the normal procedure of inquiry, payment of compensation and so on, smacks of a wilful act against the Catholic Church. The Pradeshiya Sabha resorting to the action of acquiring the property and then to have the inquiry is, to say the least, an abuse of power in this instance.

The government should look into this matter and see that justice is done and that no heart burning or friction is caused by the action of some individuals or body of persons of any limbs of the government. Little sparks like this are the ones that become conflagrations. We have had enough frictions, divisions and blood baths in other spheres like this, as small sparks were not put out at the initial stages. Let us not give room for any other cause for further blood baths.

(2)

In the lawn in front of the President's office, which is the old Parliament building, there are six statues of prominent personalities of our country. But all these statues are of personalities of only one of the communities of our country - the Sinhalese.

For the independence, progress and welfare of Sri Lanka, people of all communities, the Sinhalese, the Tamils, Muslims and Burghers, contributed equally. Shouldn't statues of persons of other communities be also erected in this place?

When the talk is about bringing all the communities together and creating one Nation, and when we are going to celebrate fifty years of independence, should the minority communities, who also contributed equally for the country's independence, be kept relegated and made to feel they mattered nothing and matter nothing?

Arul
Colombo 13.

DEMOCRACY

Mervyn de Silva

It was nice of the DAILY NEWS to give the news the full five column banner treatment. For loyalty, full marks.

'PRESIDENT ORDERS SUSPENSION OF WORK ON KOTTE RESIDENCE'

In a grand gesture President Chandrika Bandaranaike Kumaratunga had ordered an immediate suspension of work on the proposed official residence ("Complex") of Sri Lanka's Head of State ... meaning President Kumaratunga and her successors. Quite by coincidence the same day the Hon. Minister of Housing and Urban Development Mr. Indika Gunewardena answered a question raised by the UNP member Dr. Karunasena Kodituwakku on the reasons for the acquisition of land in order to establish Colombo City as "the commercial capital" of the island and Sri Jayawardhanapura as "the administrative capital".

'(Q) What are the building to be constructed under the proposed complex, their square areas and the road estimated costs?

(A) The official residence of the Head of State will consist of two floors and the Secretariat will be of three floors. The square areas: official residence, Secretariat, Accommodation for Security forces and officials, Land acquisition and infrastructure in an around the project site'.

The last item will cost 600 million rupees; the official residence 350 million and the secretariat 400 million!

News Flash - No, the President's House

project is not shelved says Minister Mangala Samarawickrema. It will be viewed when the President returns to the country within the next few days.

There was a time when the all-knowing political correspondent of the DAILY NEWS, D.R.Wijewardena's flagship, would start his Saturday column with the words. "In the buses and the trains they are saying ..." Today, no political affairs commentator could possibly begin his commentary with the words. "In the buses and trains leaving Fort station they are talking about the new official residence of President Chandrika ..." The writer would know that a direct quote from the average commuter returning home from work would have so many four-letter words that his or her candid opinion would be UNPRINTABLE ...! Why? First, there *is* a war on. Second, the soaring cost of living has made the daily hardships of the middle-class salariat and the working class unbearable. Third, this is no capitalist or conservative party administration but the regime of a grand coalition known as the PEOPLES ALLIANCE, which includes the main Leftist parties, led by former "Comrade" Chandrika, a pinko radical not so long ago. Comrade Chandrika, widow of the much-loved Vijaya Kumaratunge moving into an official residence that has cost the country 1,500 million rupees? Impossible. Lies of the capitalist press, Lake House most of all. Ah. But Lake House is run by the PA, a PA that solemnly swore to "broadbase" its ownership in the event of a PA polls victory. A hard blow to credibility ... with more blows to come. Thus the everyday scene in Colombo of strikers and

demonstrators ... One part of the PA's popular support base has collapsed. Trade union agitation in the city has soured the mood ...

COORAY CONVOLUTION

And then the COORAY COCK-UP, an unpredictable, extraordinarily damaging "Sirisena Cooray affair".

The former General secretary of the UNP and Cabinet Minister was grabbed by the police and detained under Emergency Regulations. Why? On suspicion that he was "involved in a conspiracy to assassinate the President at Horagolla, Attanagalla or Nittambuwa".

An affidavit of the Secretary of Defence, Mr. Chandrananda de Silva had stated that the DIG CID had informed him he had "reliable information" the detenué had sought assistance of certain members of a group involved in the commission of dangerous criminals acts to cause harm or assassinate Her Excellency the President". He was "also informed that Soththi Upali or members of his gang had purchased land in close proximity to Horogolla Walauwe and two houses had already been constructed as part of a plan to cause physical harm to the President". Mr. K.N.Choksy, PC, counsel for Mr. Cooray told a Supreme Court bench comprising Justices Dr.A.R.B.Amerasinghe, A.S.Wijetunga and Dr.Asoka de Z.Gunawardena that the fundamental rights of Mr. Cooray had been violated.

However, the Additional Solicitor - General declared that IF the court were

to hold that there had been a violation of fundamental rights he would submit that the detention order was in good faith and not mala fide. "Therefore there should NOT be any order for damages or compensation".

The average newspaper reader with little or no knowledge of the law, may have concluded that the Additional Solicitor-General was more or less prepared for the worst! *He was already arguing for an order that did not include damages or compensation* — which would be in effect a donation to the Premadasa - Cooray cause!

The "plot" apparently, was an elaborate plan to assassinate President Kuinaratunga at Attanagalla, Bandaranaika "territory".

Mr. Choksy argued that the Defence Secretary and the IGP in their affidavits had presumed that Mr. Cooray and Soththi Upali were "close associates", but they did not explain how they came to that conclusion. On the other hand, Mr. Cooray had explained how he had come to know Soththi Upali. Evidently, the acquaintance was quite casual. Mr. Upali had bought land in Attanagalle — very suspicious, if one took the State's officials seriously. But *when?* To a laymen, the question posed more sense than any argument urged by the State. For instance,

'Justice Wijetunga : When was the land acquired? (our emphasis)

Justice Wijetunga : Cannot a private citizen own land at Horagolla?

Court: If it had been acquired ten years ago, would there be any relevance?

Justice Gunawardena: Did the Intelligence Unit get the information from the gangs in Gampaha?'

Readers and this journal are of course concerned most, about the political implications of this much publicised affair. Would this extraordinary move to nail the former UNP Minister, former party General Secretary and Chairman of the Premadasa Centre, with the help of references to an underworld character, Soththi Upali, blow up in the PA's face?... In short an *athay paththu* as Soththi's pals would probably describe its embarrassing outcome.

Waiting 40

Kundasale (Postscript)

Forgive me, love

I have this gentle reminder

That neither poetic licence nor the exigencies

Of Rhyme or Romance

Or any other reason

Can allow Goa, however legendary

In places that should read, Madras

Madras sounds so tame and neighbourly

Hardly an Imperial outpost

But claims its place in our story

As the command post of British intervention

Foiled so well and so long by our peasant chieftans

And also as an early exporter of Royalty

When Narendrasingha failed issue.

So when Lisbon ordered its tyrants home

Madras not Goa spoke the Imperial tone.

U. Karunatilake

PULP FICTION

Tisarane Gunasekara

'A false accusation is as deadly as a sword, a club or a sharp arrow'
Proverbs 25

Throughout human history, false accusation has been one of the most potent weapons used by men against their real or perceived enemies. Pagans accused the early Christians of cannibalism in order to justify the persecution of the adherents of this new faith. Centuries later the Jewish people were accused of performing human sacrifices as a justification for the Inquisition and the auto-de-fes. For millennia, false accusation has been a favoured weapon of the unjust and the venal, because it is so devastatingly effective - at least in the short term.

False accusation was an important stock in trade of the SLFP/PA opposition for many years - particularly in the early 90's. The favourite target was of course Mr. Premadasa. No charge was too absurd or too fantastic; murder, kidnapping of virgins, human sacrifice - he was accused of them all. It became such a habit that some even accused him of engineering his own death!

Soon after his assassination by the LTTE, the then Opposition found a suitable replacement, namely, B.

Sirisena Cooray. This displacement was understandable and perhaps even inevitable. For forty years Cooray had been at Premadasa's side, his closest comrade - in - arms. Once again no charge was too absurd - he was even accused of conspiring to kill Premadasa, his leader and closest friend for four decades!

When Sirisena Cooray was detained by the PA regime on the 16th of June, there was much speculation as to the reason/s for it. The detention order said that he was being detained to 'prevent him from engaging in activities prejudicial to national security and the maintenance of public order'. Since his return to Sri Lanka on the 28th of April after a ten month sojourn abroad, Mr. Cooray busied himself with the twin tasks of organising the membership drive of the Premadasa Centre (of which he is the Chairman) and the 79th Birth Anniversary commemoration of President Premadasa scheduled for June 29th. How these two activities could have been prejudicial to either the national security or the maintenance of public order is hard to comprehend.

'Gossip is so tasty! How we love to swallow it!' (Proverbs 26). Catalysed by the sudden detention

of Sirisena Cooray, the rumour mill began to work overtime. According to the different versions in circulation in the print media, the reason for Cooray's detention was given variously as : involvement in the plot to assassinate Lalith Athulathmudali, conspiring with Anura Bandaranaike to impeach the President and/or to overthrow the PA regime by changing the Palimentary balance; involvement in the Central Bank blast; involvement in the attack on the Kolonnawa oil tanks; and involvement in the plot to assassinate of President Premadasa. Then came the newspaper reports based on government sources - Sirisena Cooray was detained because he was conspiring to assassinate President Chandrika Bandaranaike Kumaratunge! This of course added further grist to the rumour mill which began working with renewed vigour. Just the sort of thing Sirisena Cooray would do, right? Of course it didn't matter one bit that *Sirisena Cooray was not questioned about this extremely serious conspiracy until he brought the newspaper reports to the notice of his interrogators himself and demanded clarification*

...

All would have gone smoothly for

the regime if the Supreme Court refused to hear the fundamental rights case filed by Sirisena Cooray's lawyers, as the state requested. Then it would have been simply a case of detaining Cooray as long as it was perceived by the rulers to be politically necessary (probably until the upcoming electoral contests are over) and periodically issuing statements about new and more damning evidence against him. Find a few Kelum Rohini Hathurusinghe types who will parrot any concoction and throw in a few anonymous letters and mysterious documents for good measure - and you have your conspiracy, with Sirisena Cooray as its dark and sinister mastermind.

The affidavit presented by the state giving reasons for Sirisena Cooray's detention had all the necessary ingredients - criminals who obligingly provide unsolicited and damning evidence against themselves or other criminals, armed gangs, former top brass, super secret meetings and of course the perennial favourite, Soththi Upali. The evidence seemed sensational - Cooray having discussions with Soththi Upali's gang and retired service personnel; Soththi Upali or his agents purchasing land and building houses in Horogolla; Cooray planning to commit various acts of violence to discredit the government and more, much more ...

The case was taken up for hearing by the Supreme Court on the 21st of July before a three judge bench comprising of Justice Dr. A.R.B. Amarasinghe, Justice A.S.Wijethunga and Justice Dr.Asoka de Z.Gunewardene. As the hearing progressed one began to get the impression that the state's case was not quite cast iron. For example it transpired that the State had no notion as to *when* the much touted land purchase in Horogolla took place - whether it was subsequent to Ms. Chandrika

Bandaranaike Kumaratunge becoming the President or not. And there was no evidence as to who sold the land and who actually purchased the land. (In fact the State counsel finally admitted that Soththi Upali may have had nothing to do with the alleged conspiracy!). The State is also unaware as to the identity of even a single member of Soththi Upali's gang, those dangerous criminals were supposed to have had discussions with Sirisena Cooray about assassinating the President. No wonder the Secretary of Defence sought clarification from top police officials on the 14th of June as to how there would be a threat to either national security and the maintenance of public order on the basis of available evidence. Then came the outrageous discovery about a commoner daring to purchase land and building houses in what PM Sirimavo Bandaranaike once termed (in a TV documentary) the 'Bandaranaike Kingdom'! That seemed to have clinched the case as far as the state was concerned. Either that or someone got worked up when they heard about the incipient rapprochement between the UNP leadership and Sirisena Cooray.

COORAY, RANIL, UNP

The obvious question is, what next? The regime is understandably keen to prevent the re-entry of Sirisena Cooray into the UNP. A UNP strengthened by the presence of Sirisena Cooray would not suit the PA's agenda. The regime would rather have the UNP the way it is - weak and vacillating and consequently unable to pose a challenge to the increasingly unpopular PA. In this endeavour the PA has an unexpected but a staunch ally - the current leadership of the UNP. It is undeniable that the induction of Cooray into the UNP would organisationally strengthen the party and enable it to more successfully take on the PA, electorally. However, Ranil

Wickremasinghe may feel threatened by the presence of a stronger, more able personality in the UNP; one who will be seen as the inheritor of the Premadasa social constituency. Faced with making a choice between the real interests of the UNP and its members, and his own, narrowly perceived interests, there seems little doubt as to what Ranil Wickremesinghe would opt for. The result is likely to be one or more electoral defeats for the UNP in the foreseeable future.

A good test will be the 150 public meetings the UNP is supposed to organise simultaneously and island-wide on Aug 15th, to mark the 3rd Anniversary (i.e. the mid-term mark) of the PA regime. If Ranil Wickremesinghe works half as hard as he did in trying to sabotage the Premadasa commemoration meeting of June 29th (towards this end he met more party people and made more promises than he did in the last 3 years), the Aug 15th meetings are likely to be successful. But if one goes by the past record, the unavoidable conclusion is that taking on the PA, effectively, expeditiously and electorally is not something that keenly motivates Ranil Wickremesinghe. Therefore the possibility of the success of the round of meetings is as bleak as the electoral prospects of the UNP, under the present leadership. The day may not be distant when the UNP collectively realises that the greatest obstacle to its electoral victory is not the PA but its own exceedingly selfish, socially alienated and uninspiring leadership. Until that day dawns, all Sirisena Cooray really has to do is to wait patiently in the wings and play it cool.

FBI grabs CIA-Zapper :

The Arrest of Mir Aimal Kanshi

Nadeem Iqbal

The arrest of Mir Aimal Kanshi, who was one of the FBI's top-ten most-wanted fugitives, from Pakistan and his production in a Virginia Court in the US is still shrouded in mystery, with the Pakistani government tight-lipped in disclosing details of the whole episode, and the Americans' version not making any sense.

The 33 year old Kanshi, a Pakistani national hailing from Quetta, a Pakistani city bordering Afghanistan and Iran, fled the US after the January 25, 1993 incident in which he allegedly opened fire with a Chinese-made AK-47 assault rifle on the CIA employees boarding a car, waiting at a traffic signal outside the CIA headquarters at Langley, Virginia, killing two and injuring three. The US State Department had posted a US dollar 2 million reward for information leading to the arrest of Kanshi. But he could only be arrested after four and half years.

Different theories are coming from different quarters, quoting anonymous official sources. According to American press and media the arrest took place in a town in Afghanistan near Pakistan's border city of Quetta. They say that on last Sunday at 4 am, after being tipped off by

some Afghan informants who were allured by the reward, five FBI agents sneaked into a hotel where they found Kanshi sleeping in his bed. On Thursday a White House official said that President Clinton personally approved and supervised the operation which led to the capture of Mir Aimal Kanshi by forging an agreement with the leader of a (un-named) foreign government and the Afghans. The US official, however, conceded that the operation could not have been carried out without the help of Pakistani government and intelligence officers. Ostensibly, by withholding the precise information about the location of the arrest, the impression the Americans want to give is that the arrest was materialised by some paid informants among some Afghan tribal headsmen, freedom fighters, religious leaders and village elders the CIA had cultivated during a US dollar 3 billion covert operation against the Soviet occupation of Afghanistan in the 1980s. The Taliban government in Afghanistan, however, has unequivocally denied any involvement in capturing Kanshi saying it had more serious business to deal with.

The hush-hush treatment of the circumstances of Kanshi's arrest can be put together to conclude that it was a Pak-US joint intelligence operation. On June 15, some Pakistani newspapers reported that on Tuesday, in Dera Ghazi Khan, located in the centre of Pakistan and the home district of Pakistan's President Farooq Leghari, at 3:30 am a mysterious commando action was carried out to pick up a tribesman from Shalimar Hotel in Farid Bazar. The newspapers quoting Civil Aviation sources wrote that about a dozen armed men arrived at the airport in two helicopters. In five jeeps they went straight to hotel and took away a beard man, named in the hotel register as Hafizur Rehman. Later when the Kanshi arrest was made public and his photographs appeared in the newspapers the manager of the hotel identified Kanshi and confirmed the operation. The Pakistan government has yet to confirm or deny this operation.

The reaction of Hamidullah Kanshi a younger brother of Kanshi living in Quetta about 500 km away from DG Khan adds credibility to this because he was in Quetta and due to strong tribal affinities he would have known the arrest of his brother within no time - but

he said that he and his family members were unaware as to how it happened. They only came to know about it when the news was flashed on Cable News Network (CNN).

Earlier a similar attempt to nab Kanshi had flopped despite tireless effort by US intelligence agencies. Some FBI agents even had to wear burqa (a veil worn by Muslim women) to locate Kanshi around Quetta, where Kanshi kept on shuttling in his tribal affinities. In 1994 there was a bad tip that Kanshi had flown to Thailand and then on an FBI tip there was a botched raid by Pakistani military and intelligence authorities at the homes of Kanshi family - but that only offended political sensibilities of the area.

WHY PAKISTAN IS NOT OFFICIALLY CONFIRMING THE KANSHI'S ARREST

Pakistan has handed over two, Mir Aimal Kanshi and Ramzi Yousaf, out of ten FBI's most-wanted fugitives allegedly involved in heinous crimes in US, to the US since 1992, when during the first premiership of Nawaz Sharif Pakistan was on the verge of being declared as a terrorist country. The Pakistani authorities have compromised the Pakistan's Extradition Act 1972 to US pressure. This time the law crumbled to an 1995 US presidential secret directive by which US resolved to induce cooperation from foreign nations where suspected terrorists and criminal reside.

There are manifold reasons for Pakistan government's utter silence over the Kanshi's whisking away to the US. Pakistan, which has no extradition treaty with the US, yet it has been doing a unilateral favour to the US. Earlier in February 1995 in a similar fashion, Ramzi Yousaf, arrested from a guest house in Islamabad, a World Trade Centre New York,

bombing suspect was hurriedly carried away to US, in violation of country's law. This the Pakistani authorities have done by underplaying the relevant laws, which say: (quote)"The fugitive offender shall not be so delivered until after the expiry of 15 days mandatory period from the date he has been taken in custody". According to the Act when a foreign country make a requisition of a fugitive, "the federal government may, if it deems fit, issue an order of inquiry to 1st class magistrate with the jurisdiction to inquire into the extradition offences to which the requisition relates". The Act reads further "when fugitive is brought before the court after arrest, the magistrate shall inquire into the case by taking evidence from both the offender and the prosecution". In addition, the Pakistani government would be in an awkward position because the brusque handing over of Kanshi to US law enforcement agencies could not be reconciled with the on-going tension between Pakistan and US authorities. A Drug Enforcement Administration's (DEA) a couple of month ago, team is shortly expected to visit Pakistan, to sort out things. The souring of the relationship between the two countries started soon after, the arrest of a Pakistani Airforce Squadron Leader Farooq Ahmed Khan in New York by DEA in a sting operation on the charges of drug smuggling. Pakistan terming the arrest an attempt to malign the defence forces of Pakistan arrested Ayaz Baloch, an Pakistani employee of DEA, working in the US embassy in Islamabad. The US considered it a retaliatory measure and demanded the release of Baloch. But Pakistan is adamant and instead is asking for the extradition of Farooq to try him according to Pakistani law. Qasim Bhatti, another PAF personnel and an accomplice of Farooq had been

arrested and convicted by a military court in Pakistan. The trial of Ayaz is expected to start soon. Pakistani diplomats are in fix - to avoid the questioning of journalists the Foreign Office in Islamabad had even terminated the routine Thursday's press briefing.

A CHRONOLOGICAL VIEW OF KANSHI'S LIFE BEFORE ARREST

What awaits Mir Aimal Kanshi is either a lifetime in jail or the death sentence. He was produced in a Virginia court on a Wednesday morning, Kanshi was arraigned on 10 counts - two counts of capital murder, three counts of maiming and five counts of using a firearm in commission of a felony. But what was the motive for killing CIA employees? This may be found in having a chronological sketch of his life.

What about Kanshi's life before coming to the US? Mary Anne Weaver in the New Yorker of November 13, 1995 wrote that at the height of the Cold War, the CIA used the tribesmen of Balochistan (a Pakistani province bordering Afghanistan) as guides and scouts. From these people many were later inducted in the Afghan militant groups fighting Soviets in Afghanistan. Kanshi and his father Abdullah Jan along with others were assisting in the transport of arms and in securing the routes out of Quetta and the north through the border towns of Pishin and Chaman and across the rugged, often snow capped Toba Kakar mountain range.

Kanshi was born on February 10, 1964. In 1989 his father died - a death that many think has left him mentally unstable. He entered the US on February 27, 1991 at John F.Kennedy Airport in New York. April:-May: Kanshi works for Ace Moves in Arcola in Loudoun Country and moved into a room above the business on Route 50.

During July-August, he worked for Budget Moves in Arcola. About a year later since entering the US he applied for political asylum at the Arlington, Virginia office of the INS. On Feb 12, the Immigration and Naturalisation Service granted Kanshi a one-year work permit. In May-June: Kanshi began working for a gas station in Northern Virginia. In August-September, he worked as a courier at Excel Courier Inc., in Herndon and moved into a Reston apartment with Zahid Ahmed Mir. Jan 10, 1993 -Kanshi bought a Colt AR-15.223-calibre assault rifle and an East German Makarov 9mm semi-automatic pistol at David Condon Guns, in Chantilly. Jan 16-Kanshi returned to the gun store to pick up the Makarov pistol. He also bought a Beretta .25-calibre semi-automatic pistol. Jan 18-Kanshi again went to the gun store so that he could talk with a salesman about exchanging the Colt AR-15 for an AK-47 type assault rifle. Kanshi ordered a bullet-proof vest from a company in North Carolina. Jan 22- Kanshi, accompanied by Mir, purchased a Chinese-made Norino AK-47 type assault rifle and ammunition at the gun store trading in the AR-15. He went to A&A Guns in Fairfax, City to buy five unloaded magazines for the assault rifle. Jan 25-Five people were shot, two fatally, outside CIA headquarters in Langley. Kanshi bought a one-way ticket to Karachi. Jan 26-Kanshi catches a fight from National Airport to Kennedy Airport, where he boards his connecting flight to Pakistan. Jan 28-Mir reported Kanshi missing to Fairfax police and told police that he last saw Kanshi on the day of the shootings. Jan 29-Kanshi arrives at his family's home in Quetta, Pakistan. Jan 30-Kanshi called Mir to say that he would not be returning to their Reston apartment and that someone would come to collect his

belongings. Feb 7-Kanshi left his family home in Quetta. Feb 8-Kanshi Police searched the Reston apartment. They found an AK-47 type rifle, which Mir had told them about, and several other weapons. Feb 9- Authorities announced that ballistics tests showed Kanshi's AK-47 type rifle is the weapon used in the shootings and that Kanshi has been charged with capital murder. Feb 17-Two FBI agents left for Pakistan to assist in the Pakistani authorities search for Kanshi. Mid June-Kanshi arrested and whisked away to the US.

After Aimal Kanshi's arrest the next target of the US FBI in Pakistan is Abdul Rehman Yaseen, the last fugitive accomplice of Yousaf Ramzi - who along with other seven arrested for their involvement in bombing the World Trade Centre (WTC) in New York in 1993, had been sentenced to death by a US court in 1996. The only one left is Abdul Rehman Yaseen, an Iraqi by nationality, reportedly hiding somewhere in Pakistan's tribal belt bordering Afghanistan. The US State and Justice Department has already offered a reward of US Dollar 2 million for information leading to the apprehension and prosecution of Yaseen. The advertisement campaign bearing Yaseen's photograph and reward, launched by the US, has already appeared in Pakistani newspapers in November last year.

But as the previous two cases substantiate that it is very difficult to arrest a fugitive in the Pakistan's tribal belt along with the north and north western porous border with Afghanistan. It is almost impossible for the law enforcement agencies to monitor the movement on the border. Yaseen would also be allured out of his hide out as Yousaf Ramzi who was arrested in capital Islamabad's guest house in Feb 1995 and Kanshi in a Dera Ghazi

Khan's hotel. Both were trapped out of the tribal belt and arrested in different cities of Islamabad and DG Khan. Interestingly both the cities are located around 300 km from the tribal belt. In the tribal area the law of Pakistan is an outlaw and local customs regulate the lives of the people.

The US Diplomatic Security Service's letter received by the Pakistan's Ministry of Interior about Yaseen says: (quote) At approximately 12 noon on February 26, 1993, a massive explosion rocked the World Trade Centre in New York, causing million of dollars in damage. The terrorists who bombed the centre murdered six innocent persons, injured over 1,000 and left terrified school children trapped for hours in smoke-filled elevators. Yaseen has two passports - American (No. 27082171) and Iraqi (No. MO- 887925). Born on April 10, 1960, Yaseen has a medium built with black hair and brown eyes. Height 5/10, weight 160 pounds and a possible chemical burn on the right thigh.(unquote) Seven of the eight extremists involved in the WTC blast were nabbed by FBI from different parts of the world and later convicted during the last four years. They are: Muhammad Ameen Salma, a Palestinian, the first one to be arrested from a New Jersey mosque on March 5, 1993, almost a week after the blast; Sheikh Omer Abdul Rehman, an Imam Masjid who too was captured from New Jersey; Nidal Ahmed Ayyaz, a Kuwaiti engineer; Ibrahim Al Beruni, an Egyptian taxi driver; Abu Haleem, an Egyptian extradited to US; Abdul Hakeem Murad and Wali Shah, both Afghan Nationals and Yousaf Ramzi, an Iraqi national.

AGAIN, JR

V. P. Vittachi

Though I think the recent spate of eulogies showered on JR in the Lanka Guardian should not go uncontradicted, I do not wish to fall foul of the polemical skills of his adulators. So I have decided to offer your readers a selection of quotations from the great man himself so that they may assess him on his own words.

REBIRTH AND NIRVANA

To begin on a pious note here is what JR told the Weekend newspaper on 26 August 1990.

"My hope is to give up all wealth, posts and property and follow meditation according to the teachings of Lord Buddha and achieve Nirvana in this birth itself. I don't believe in rebirth".

JR continued to live for six years more without realising his 'hope'. The concept of Nirvana without rebirth is of course pure JR. Buddhists will be bemused.

THE ESSENCE OF POLITICS

We move on to something JR said in an interview with Lanka Guardian (1st July 1990).

"The elected government must safeguard its position, its power. That is the essence of politics, to acquire power democratically, to retain it, and if lost to regain it. It was wisest to retain with the help of the devil if necessary, rather than lose and then seek to regain it".

To JR then, "the essence of politics is to gain power democratically", (which he did in the 1977 general election held by Mrs. B, a clean election, the cleanest we were going to have for a very long time) and "to retain power with the help of the devil if necessary", which he did for more than 11 years.

The help of the devil, readers may recall, included inter alia, the SPC which deprived Mrs. B. of her civic rights, and the referendum which the Commissioner of Elections held to have been conducted illegally with intimidation of voters.

THE VITAL NEED FOR ELECTIONS

That same issue of Lanka Guardian has the following:

"There must be elections. Elections must be held. That is the only way to fight terrorism, terrorists who want to suppress democracy, personal liberties, fundamental rights. So many elections have been held and my party has won them all. I have led my party from victory to victory, battle after battle".

Mirabile dictu, it is JR who is saying these things! The very JR who ruled this country for over 11 years during which (1) not a single parliamentary general elections was held; (2) by - elections to parliament were generally done away with (except in cases where the original election had been set aside by the courts), the vacancies being filled by nomination; and (3) the Jaffna DDC

elections, which the ruling party hijacked, replacing the elections staff sent by the Commissioner of Elections with its own men from the JSS, but which elections the ruling party nevertheless lost badly.

CORRUPTION

Speaking at the Sucharitha Hall on 25 January 1982, JR said:

"If any actions of my ministers and members of the government parliamentary party is (sic) brought to my notice which deserves (sic) inquiry, I will inquire first before accepting the allegation. Any denial or explanation I will accept forthwith. In all these I seek to follow the English legal principle that one is presumed to be innocent till found guilty".

The reader may find it difficult to understand what he is saying. The same word is used in two different senses. 'Inquiry' here means investigation and 'inquire' means ask. After several readings the reader will find out that what JR is saying is that the English legal principle he refers to means that on a plea of "not guilty" the charge is dropped without proceeding to inquiry!

Whatever JR's confused diction meant, it was certainly understood by his ministers and party men to be carte blanche to be corrupt, and that if accused, a mere denial was all that was needed to ensure no further action was

taken. A quantum leap in corruption at the highest levels of government followed this speech which marked a watershed in the history of governmental policy regarding corruption. No doubt this speech was one of the indicators which prompted Howard Wriggins (so-disant co-author of the JR biography) to write of JR in an obituary note: "He seemed curiously oblivious to corruption".

PARLIAMENTARY PRIVILEGE

Readers will recall the occasion when the Ceylon Observer carried a picture of film actors Peter Fonda and Susan St. James in a boat, under an erroneous caption which said it was a picture of the foreign minister Mr. Hameed being shown round a South Korean industrial complex.

The editor and the associate editor of the paper were summoned to parliament and fined for breach of parliamentary privilege. The world press had some devastating things to say about this episode but I am here concerned only with what JR (then prime minister) had to say:

"We do not know exactly what crime the two suspects have committed because we did not go into the details of it and the merits of the defence. The reasons why we have decided to impose a fine are that, firstly, we want to give a donation to the Deaf and Blind School, secondly, we want to show that this bill in now law with teeth in it, and in future anybody who comes before this House may not escape with a fine, thirdly, the Associated Newspapers of Ceylon, of which I am a shareholder, is not an indigent organisation. It has enough money to pay the fines of these two editors. As a shareholder, not as prime minister, I will see that the organisation pays the fines".

I leave it to the reader to form his own opinion of this flummery. This was the prime minister of our country that said these things!

I AM (ALMOST) A KING

"I am a king all right, with all the powers of a king, but I shall never exercise these

powers". (Daily Mirror of 16 October 1978).

"Parliament has given me the powers of king, but I am not a king". (Daily Mirror of 17 October 1978).

Addressing the Commonwealth Summit in Nassau in October 1985 JR said:

"Our recorded history's ancient and goes back in an unbroken sequence to the arrival from North India of King Vijaya in 543 BC. There have been ruling our country since then, kings and queens of various races and dynasties - Sinhalese, Indians, Cholas, and Telegus, British Hanover and Windsor, and two presidents, one selected in 1972 and myself elected in 1977, the 193rd in this long and unbroken line of heads of state, possibly the oldest of its kind and unique in the world".

Of course he got it wrong. Sri Wickrema Rajasinghe was the 191st. SO JR could not be the 193rd unless he omits the nine British monarchs from 1815 to 1972.

On 20 October 1986, addressing the students of Richmond College JR said: "I am trying my best to be a just ruler".

Imagine how long President Clinton would remain unimpeached if he were to tell the American people that he was their "ruler"! In February 1986, speaking at a farewell ceremony for one of his secretaries JR spoke of his days at the bar.

"H.V.Perera was there, so was L.A.Rajapakse and E.B.Wickremenayake. All of them became King's Counsel except myself. But I became president who could make King's Counsel".

But the poor man could not make King's Counsel. He could only make President's Counsel.

On 31 May 1987 JR Speaking at the Biyagama Export Processing Zone said:

"For 2000 years we have held our own with the biggest countries in the world. In 1815 we gave over our Kingdom and exchanged the King of Sri Lanka for the king of Great Britain. I am the successor to that monarchy".

From the day he came into "power" on 22 July 1977 JR was afflicted with the Muhamed Ali syndrome: I am the Greatest. Other heads of governments too, like Thatcher, Yeltsin, Chirac, Mubarak, Nixon etc. perhaps had similar notions but they had the good sense not to run off at the mouth about them.

FREEDOM OF THE PRESS

On 12 January the Sunday Island carried an interviews with Mrs. B. in which she said that parliament was an illegal body because the referendum which had extended its life by 6 years had been won by intimidation, thuggery and impersonation. The newspaper was fined Rs.5000 by the Parliamentary Committee on Privileges and required to publish an unconditional apology. Two weeks after this JR, speaking at a school in Hiniduma said:

"The UNP will never stifle the press because freedom of the press is very essential under a democracy".

Soon after this amending legislation was passed removing the statutory ceiling on the penalties parliament could impose on offenders against parliamentary privilege.

JR'S OPINION OF MRS. B.

In 1972 JR wanted to leave the UNP and join Mrs.B's government. He said:

"If the prime minister invites the UNP to join the government and her proposal is rejected by the UNP I may have to join the government together with those who support my views. It had to be granted that Sirima Bandaranaike ushered in more socialist reforms during the seven years she was prime minister than anyone else or all the others had done before her".

But Mrs. B. did not take the bait.

In July 1977 JR invited Mrs. B. to join his government. Mrs. B. declined. This was followed by the appointment of the SPC in August 1978 which recommended that Mrs. B. be deprived of her civic rights.

STRIKES WHEN SOLDIERS ARE FIGHTING FOR THE COUNTRY

On 5 April 1986 JR said:

"people are striking and demanding higher salaries in the South while in the North and the East soldiers are dying for the country's sake".

On the very same day that this bit of flag-waving was done by JR, the Weekend, a paper not controlled by the government, carried the following:

"A brand new fleet of luxury Mercedes Benz limousines will be acquired by the government for use by politicians and visiting VIPs. At least five are on order and one for use by a very important politician has just been landed and cleared. Last year the government ordered 16 Mercedes Benz cars; five of them were 380s, eight 280s and the others 300s. Among the cars ordered is a fully bullet-proof Benz 500 which is custom-built, but has been sent to England for special modification".

THE EXTENSION OF THE LIFE OF PARLIAMENT BY 6 YEARS

On 3 November 1982 JR issued a government communiqué.

"I had information on 21 October 1982 (the day after the presidential election) that the group of the SLFP which led the presidential election campaign and were in the majority in the executive committee had decided to assassinate me and a few other ministers, Mr. Anura Bandaranaike, the chiefs of the armed services and others; and to imprison Mrs. Bandaranaike. In other words, on the strength of their victory, to establish a military government, tearing up all constitutional procedures, as they announced at their election meetings".

JR is saying that Hector Kobbekaduwa and Vijaya Kumaratunga at their election meetings openly announced they were going to kill JR and some of his ministers, Anura Bandaranaike, the chiefs of the armed services and others! Mrs. B. was going to be jailed! All this mayhem openly announced at a meeting at which they were seeking the people's votes!

The communiqué continued:

"I had to decide whether to let this happen or ask the people whether in addition to my being allowed to govern our country with a democratic parliament ensuring peace and progress through a stable government or to permit a set of political hooligans to enter parliament in large numbers and while wrecking democratic procedures to strengthen themselves to form their Naxalite government at the next general election".

Read that over carefully. Even an accomplished grammarian will find it impossible to figure out the syntax. But it was JR's justification for his decision to prolong the life of parliament by six years.

JR AND THE PEOPLE OF JAFFNA

In September 1982 JR was interviewed by S.Venkat Narayan, senior editor of India today.

SVN: In Jaffna people are very upset. The policemen set fire to the 50-year old library and burnt 97,000 valuable books. They also set fire to a TULF MP's house.

JR: That is because they think he is touch with the terrorists.

SVN: It seems they were trying to catch him so that they could kill him.

JR: Terrorists do that too.

SVN: So it's tit for tat?

Kindly note this is the president of Sri Lanka talking to a foreign journalist.

In July 1983 JR gave an interview to London's Daily Telegraph in which he said:

"I am not worried about the opinion of the Jaffna people. Now we can't think of them. Not about their lives or of their opinion about us".

One week after this, the LTTE ambushed and killed thirteen soldiers at Tinneveli. This was followed by the July 1983 massacre of innocent Tamils in Colombo.

THE HEN AND ITS EGG

On 27 February 1986 JR speaking at a Buddhist temple in Mt.Lavinia said:

"Administrators should lead clean lives. Democracy should be preserved and protected in the same way a hen looks after its egg".

He said this when announcing the appointment of a special Presidential Commission with Justice Colin Thome as chairman, to probe allegations of bribery and corruption against Ministers, MPs, government officials etc.

The Commission was flooded with complaints. Altogether 1973 complaints were received of which 634 were being investigated when JR wound up the Commission. JR offered no explanation for this extraordinary behaviour. His ministers were safe.

THE CASE OF B.J. FERNANDO

The late Mr. B.J.Fernando was our Ambassador to the UN. There as a scurrilous pamphlet being circulated called "The Treacheries of J.R.Jayewardene", which for some reason JR thought was authored by B.J.F. He got him down to Colombo and with full publicity in the government-controlled media accused him. B.J.F stoutly denied the accusation. But JR would not believe him. He sacked him from the post of Ambassador. In 1991 February, JR learnt that the document had not been authored by B.J.F. He sent a letter to B.J.F, the wording of which is worth studying:

"After the inquiry I was satisfied that you were not the author of the document referred to. I deeply regret any pain of mind that may have been caused to you by this misinformation".

Note that JR is not accepting any blame, the pain of mind was caused not by him but by "misinformation". JR never could concede he was wrong.

SITUATION REPORT :

THE PLANTATIONS

M. S. A. H. Mohideen

The plantation workers arrived in Ceylon in the early Nineteenth Century with a lot of hope. The Head Kanganies who were the agents of the plantation bosses lured them here by making them innumerable promises of a bright future.

From that day onwards these poor workers have been exploited. This state of affairs continues even after the formation of the present "Plantation Companies" which have been given special privileges and concessions by the governments from 1992 to date.

I will proceed to analyse, under various sub-headings, the malpractices which occur in the plantation sector - the *systematically calculated over-loading of the workers daily work norms, systematic reduction of their daily earnings, robbing of the State of its legitimate income etc.*

WORK

The plantation workers are daily paid. Their earnings depend on the number of days work offered by the Management; it also depends on the climatic conditions and crop intake in the plantations. The pluckers were previously given a day's task or norm of 15 to 30¹ (Minimum to Maximum) pounds. This has now been systematically increased to 20 to 24 kg. per day for a day's wage.

This process of increasing the daily norms came into existence in two stages - 1st stage was in the year 1952 when the unions demanded an additional over-pondage rate and went before the

Commissioner of Labour. They were awarded of 18 to 30 lbs for a day's norm and any additional pounds as over-pounds.

The 2nd stage came with the introduction of the metric system of weights and measures in Sri Lanka by the Weights and Measures Ordinance No. 24 of 1974. The daily intake which was 20lbs at the time of this conversion was systematically increased to 20kgs of Green tea leaves. These increases did not take place overnight, but occurred gradually from 1974 to 1994.

The plantation companies use the argument that the daily intake of green leaves in Sri Lanka has to be comparable to the daily intake of other tea exporting countries. Table 1 will show how the workers of other countries earn their daily wage and their norm.

Table 1

India : Tamil Nadu	14kg.
Karnataka	14kg.
Assam	21kg.
Nepal: Nepal	16kg.

Land Labour Ration-1 Labour Per Acre.

The Sri Lankan pluckers daily intake of green leave is above the average Indian and Nepal daily intake.

The Profile of Indian Tea Industry 1950 to 1994 (table 2) gives a clearer picture of the Indian situation.

*See table 2

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LABOUR

The plantation company chiefs are complaining that there is an acute shortage of labour in the plantations and that they are unable to harvest the crop. The following table (3) will show the labour handed over to each company in or around June 1992 and the labour as at 31.12.1994.

* See table 3

The table 3 shows that the plantation workforce has reduced by about 110,000 workers within a period of one and a half years (1992 June to 1994 Dec.). This reduction, though not on such a large scale, is evident even today.

The plantation chief executives and some Plantation Ministerial officers holding very high positions openly state that there were ghost names in the payroll when private management took over the estates. But the fact remains that the same managerial and subordinate staff who maintained the payrolls with these ghost names remain in their seats even today. None of these staff member was ever taken to task for carrying these "ghost" names on the payroll. They should have submitted EPF and ETF returns to the Labour Department and to the Central Bank, with relevant signatures of these "ghosts". Can they submit these details to the public and to the government?

This reduction of workforce started with the private companies taking over the estates. They first increased the norm

Table 2.

Profile on Indian Tea Industry : 1950 to 1994.

Year	Area	Output Auc.	Yield	Price	Total labour	Labour per ha.	Revenue	Output per Labour (kgs)
1	316	278	881	4.23	949	3.0	3727	293
2	317	285	901	3.74	934	2.9	3370	305
3	318	279	877	3.10	970	3.1	2719	288
4	319	279	875	4.26	970	3.0	3728	288
5	319	296	925	6.12	994	3.1	5681	298
6	320	308	961	4.35	990	3.1	4180	311
7	321	309	953	4.94	1005	3.1	4708	307
8	323	311	961	4.39	1004	3.1	4219	310
9	325	325	1000	4.55	980	3.0	4550	332
10	326	326	988	5.04	919	2.8	4980	355
11	331	312	971	5.28	845	2.6	5127	369
12	331	354	1070	4.86	823	2.5	5200	430
13	333	346	1043	5.26	816	2.5	5486	424
14	334	346	1037	5.27	847	2.5	5465	409
15	338	372	1102	5.25	819	2.4	5786	454
16	342	366	1072	5.35	806	2.4	5735	454
17	345	376	1089	5.53	804	2.3	6022	468
18	343	385	1107	6.17	775	2.3	6830	497
19	351	402	1146	5.77	756	2.2	6612	532
20	353	394	1114	5.71	748	2.1	6361	527
21	354	419	1182	6.47	760	2.1	7648	551
22	357	435	1221	6.73	767	2.1	8217	567
23	359	456	1271	6.64	762	2.1	8439	598
24	360	472	1311	6.59	766	2.1	8639	616
25	362	489	1353	9.51	772	2.1	12867	633
26	363	487	1341	10.59	775	2.1	14201	628
27	364	512	1405	11.61	776	2.1	16312	660
28	366	556	1519	15.70	789	2.2	23848	705
29	369	564	1527	12.95	805	2.2	19775	701
30	373	544	1458	13.01	841	2.3	18969	647
31	381	569	1494	13.60	847	2.2	20318	672
32	384	560	1461	13.94	849	2.2	20366	660
33	394	561	1422	15.59	862	2.2	22169	651
34	396	581	1468	23.91	864	2.2	35100	672
35	398	640	1606	28.58	881	2.2	45899	726
36	399	656	1645	23.34	892	2.2	38394	735
37	408	621	1523	23.45	892	2.2	35714	696
38	411	665	1617	25.12	906	2.2	40619	734
39	414	700	1689	24.38	983	2.4	41144	712
40	415	688	1658	36.62	979	2.4	60716	703
41	416	720	1731	43.23	987	2.4	74831	729
42	420	754	1794	40.31	997	2.4	72316	756
43	420	732	1742	38.88	992	2.4	67729	738
44	422	758	1975	48.93	1000	2.4	87829	758
45	424	744	1752	40.61	1000	2.4	71149	744

Notes:

Area" Area in thousand hectares ; output : Output in million kgs.
Yield: Yield in kgs. per hectare ; Revenue in Rs.
Auc. Price - Auction price in Rs. Per Kg.
Labour - Labour employed in thousands.

systematically and for every four workers one was removed without any loss in the intake of the daily norm. The "bait" they offered to the workers was the immediate payment of the Service Gratuity and an Authorising Letter to the Commissioner of Labour to obtain their

The companies have started to blend Sri Lankan tea with India tea which is imported to our country. Afterward this blended tea is repacked and sold as Sri Lankan tea. Likewise in India our tea is blended with India Tea on a large scale and sold to other countries as "Sri Lanka

Table (3)

Plantation	1992/June	1994/Dec.	Reduction
01. Agalawatte	13,514	10,154	3,360
02. Agrapatana	23,948	17,041	6,907
03. Balangoda	20,465	14,799	5,666
04. Bogawanthalawa	22,516	15,076	7,440
05. Flpitiya	15,838	8,761	7,077
06. Elkaduwa	(NA)	2,803	-
07. Hapugastenne	22,100	20,043	2,057
08. Horana	11,500	7,715	3,785
09. Kahawatte	19,584	(NA)	-
10. Kegalle	10,708	7,188	3,520
11. Kelaniwalley	19,872	13,573	6,299
12. Kotagala	16,565	14,290	2,275
13. Madulsima	12,740	11,189	1,551
14. Maturata	19,500	14,996	4,504
15. Malwatta Valley	20,580	14,838	5,742
16. Maskeliya	20,591	14,801	5,790
17. Namunukulla	16,114	6,670	9,444
18. Pussellawa	16,634	13,158	3,480
19. Talawakelle	16,867	13,651	3,236
20. Udapussellawa	13,859	9,646	4,213
21. Watawala	20,109	16,054	4,055
22. Chilaw	1,556	(NA)	-
23. Kurunegala	1,848	(NA)	-

(3) The SPC/JEDB 1992 statement and the CEF Return.

EPF dues prematurely. The "young" workers too left the plantations. This is the main cause for the present acute shortage of labour in the plantations.

Now the companies are trying to introduce new technology to overcome this difficulty. By this act they are going to spoil the good name of "Ceylon Tea, the best Tea in the world", as no machine in this world can pluck the "tender two leaves and an unopened bud".

Unfortunately the government and the authorities are blind to these deceptive practices which tarnish the good name of Sri Lankan tea.

Contract Labour is the new trend in the plantations. Certain companies encourage contract labour in some estates. The managerial staff encourage the estate leaders to take over these contracts. This is a way of handling labour problems. These contractors do permanent work such as plucking, tapping, pruning etc. If this practice spreads unchecked, then before long there will be no permanent workers in the estates. As a result there will be no EPF contributors to the state from estates!

STATE MANAGEMENT

The Plantation Companies, government officials and even the general public criticise the period of state management by the Sri Lanka State Plantation Corporation and the Janatha Estate Development Board. The following Tables will show how the SLSPC and the JEDB performed for about seven years while employing a large number of workers. Not only was the new planting of crops undertaken; the SLSPC even made profit in some years after paying taxes to the government.

The S.L.S.P.C and the JEDB Performance Statement for 1984 to 1990

	1984		1985		1986		1987		1988		1989		1990	
	SPC	JEDB	SPC	JEDB	SPC	JEDB	SPC	JEDB	SPC	JEDB	SPC	JEDB	SPC	JEDB
Cost of production														
Tea	35.37	30.50	35.58	36.25	35.24	34.95	37.79	40.11	44.53	48.10	50.89	52.68	58.29	58.85
Rubber	15.03	13.01	16.79	17.75	18.95	18.45	20.08	20.12	24.04	24.82	28.49	29.95	29.65	29.38
Cocount (1000Nuts)	-	1.960	-	1,173	-	1,097	-	1,490	-	2,683	-	1,850	-	1,995
Nett Sales Average														
Tea	44.89	43.78	32.61	32.27	32.13	30.26	38.77	35.99	41.39	41.20	58.34	55.54	64.91	61.70
Rubber	15.14	15.51	17.39	17.77	21.28	21.81	20.02	20.38	26.52	27.85	24.87	26.11	24.56	26.04
Cocount		2,940		1,249		1,130		2,195		3,091		2,140		2,104
Men Power	224,380	231,894	220,296	238,321	210,750	236,174	201,888	227,001	201,871	223,450	200,537	218,649	192,744	213,853
Wages (Daily)														
Adults	24.41	24.41	24.50	24.50	26.21	26.21	27.83		36.52		40.60		48.32	
Children	20.65	20.65	20.71	20.71	21.85	21.85	22.93		30.64		33.70		39.49	
Extent Cultivated (Hect)														
Tea	60,906	(NA)	56,763	65,135	55,323	61,706	53,310	58,835	52,612	57,766	53,033	56,619	51,501	56,688
Rubber	36,778	(NA)	37,205	25,352	34,912	25,027	36,220	24,799	35,308	24,853	35,833	24,528	35,776	24,390
Cocount		(NA)		15,122		14,534		13,191		12,901		12,741		11,848
Extent in bearing														
Tea	54,424	(NA)	52,629	56,171	49,764	55,858	48,823	54,394	47,442	52,941	46,191	51,758	45,842	52,136
Rubber	24,771	(NA)	24,685	16,827	23,598	16,576	24,286	16,403	24,492	16,627	25,061	16,667	24,875	16,540
Cocount				13,689		12,973		12,837		11,924		11,733		10,877
Quantity produce Kgs: millions														
Tea	72.70	(NA)	73.10	79.2	70.90	73.8	67.90	72.5	69.50	74.4	63.40	69.4	66.42	72.1
Rubber	25.20	(NA)	22.10	18.9	23.30	18.6	22.10	17.5	22.10	79.9	19.40	15	22.35	17.1
Cocount (Nuts) in million		(NA)		65.8		60.5		41.2		30.9		50.3		46.6
Yield per (Hact) kg														
Tea	1,062	(NA)	1,125	1,284	1,170	1,238	1,144	1,249	1,200	1,314	1,117	1,243	1,138	1,315
Rubber	993	(NA)	879	1,126	936	1,064	887	1,039	894	1,039	768	872	889	998
Cocount		(NA)		4,865		4,684		3,219		2,601		4,288		4,149
Total Profit (Loss) for the year (Rs. million)														
Tea		(NA)		(315.3)		(567.6)		(298.8)		(514.1)		198.5		205.5
Rubber	731.00	(NA)	(98.10)	0.4	(198.00)	62.6	15.90	4.5	(233.60)	54.3	217.40	(58)	(142.60)	(57)
Cocount		(NA)				2.0		29.1		12.7		14.6		5.1

* See table 4

Extent Replanted by the SLSPC (Hect.)

	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
Tea	1,289	747	487	664	638	602	661	805	632	613
Rubber	1,560	812	1,030	895	991	1,101	1,224	1,128	917	864

Extent Newly Planted by the SLSPC (Hact)

Tea	200	181	239	165	144	110	146	97	111	61
Rubber	570	378	235	496	372	276	179	327	223	152

(The JEDB figures are unavailable)

The above figures shown that when the state was managing the plantations they were replanting and opening new fields. But since the private management took over the estates there has been no replanting and no new field of perennial plants. Instead, they have planted few cash crops, fruits, vegetable etc. to bring in quick money.

I am not holding a brief to the state management period of 1972 to 1992. But the fact remains that during this period taxes worth millions of rupees accrued to the government.

The following Tables will show that the Plantations were paying large sums of

money as taxes to the government a certain sum of which was spent on for the welfare of the workers.

The Ad-Valorem Salaries Tax which was introduced in the year 1959 was abolished in December 1992 just after 6 months of the handing over of the plantations to the private companies. (E1)

The Export Duty on Tea which was introduced on 1st October 1951 too was abolished on (E4) 21.12.1992. Only the Tea Cess levy remains to-day (E6).

In the last one and half year before handing over to the private sector, the SLSPC and JEDB failed miserably. This forced them to borrow large of money from the state banks every month. This enabled various interested politicians to criticise the state management of the plantation sector and to justify the

privatisation of the plantation management.

What is most surprising is that the same old managerial staffs continue to **manage** and **administer** the companies which were "mismanaged" by them when they were under the state management! Now some companies even praises there managerial staffs.

The above mentioned tax exemptions bring in large profits to the companies, but the managerial staff play the old record of "high cost of production due to higher labour pay". On the other hand a share is sold over night from Rs. 10/- (to Rs. 30/-) or more by the same companies, making a profit of billions of rupees without any payment to the government.

Some of the companies default the statutory requirements of the payment

of Employee Provident Fund (EPF) and the Employee Trust Fund (ETF) and the payment of Service Gratuity (SG). Only the Labour Department can bring there unscrupulous employers to book but unfortunately they move at snail space. By the time the department comes round to the point of taking same action the companies have accumulated billions of rupees which should have been paid to the workers or to the government and they either sell the company's shares in the share market or to some other company. Time and again the Trade Union brought this to the notice of the authorities, who have not taken meaningful steps to check these frauds.

According to certain reports even the money paid by the Trust to do repairs, reerooging and new constructions of latrines etc. are been used by these companies for their day to day expenses instead of fulfilling the stipulated

requirements.

Therefore, now is the time for the government, the plantation trade unions, the plantation workers and even the general public to assess the present situation in the plantations and apply correctives - before it becomes too late.

Footnotes

¹. I D court awad 82, 143, of September 1959 and April 1961.

². Tea Digest 1994. The Tea Board of India, Calcutta. The trade unions now have agreed with the Employers Federation of Ceylon that only with the consent of the Labour/Estate Committees - (the Youth, Women & General Committees) there can be any change or increase in the daily norm (I am not sure how this system is going to work in each plantation).

³ The Tables are published by the Sri Lanka Tea Board Statistical Bulletin 1994.

Table - E1

AD-VALOREM SALES TAX RATES

The Advalorem sales tax was introduced on 1st June 1959 for the tea sold at the Colombo Auctions and the London Auctions. The variation of tax rates until the abolition of the tax in 1992 are given below.

Effective Date	Rate
1st June 1959	50% of the excess over Rs.1.85 per lb. (Rs.4.08 per kg) subject to a maximum of Rs.0.70/lb (Rs.1.54/kg).
12th Nov.1972	50% of the excess over Rs.2.00 per lb. (Rs.4.41 per kg) subject to a maximum of Rs.0.70/lb (Rs.1.54/kg).
22nd Feb.1974	50% of the excess over Rs.2.20 per lb. (Rs.4.85 per kg) subject to a maximum of Rs.0.70/lb (Rs.1.54/kg).
07th Nov. 1974	50% of the excess over Rs.2.50 per lb. (Rs.5.50 per kg) subject to a maximum of Rs.1.00/lb (Rs.2.20/kg).
20th Apr. 1976	50% of the excess over Rs.6.15 per kg. subject to a maximum of Rs2.20/kg.
21st Mar/1977	50% of the excess over Rs.6.60 per kg. subject to a maximum of Rs3.30/kg.
19th May 1977	50% of the excess over Rs.7.70 per kg. subject to a maximum of Rs4.40/kg.
16th Nov. 1977	50% of the excess over Rs.10.15 per kg.
04th Jul.1979	50% of the excess over Rs.12.00 per kg. based on the Monthly Factory Average.
15th Nov. 1979	20% of the excess over Rs.16.00 per kg. based on the Monthly Factory Average.
01st Mar. 1981	20% of the excess over Rs.18.00 per kg. based on the Monthly Factory Average.
12th Nov. 1981	35% of the excess over Rs.22.00 per kg. based on the Monthly Factory Average.
08th Mar. 1983	35% of the excess over Rs.26.00 per kg. based on the Monthly Factory Average.
01st Jan. 1984	For Factory Average between Rs.28.00 to Rs.55.00 per kg - 50% of the excess over Rs.28.00 per kg. upto Rs.55.00 per kg. plus 40% f the excess over Rs.55.00 per kg.
01st Nov. 1984	50% of the excess over Rs.32.00 per kg. based on the Monthly Factory Average.
01st Nov. 1985	50% of the excess over Rs.40.00 per kg. based on the Monthly Factory Average.
01st Mar. 1988	50% of the excess over Rs.44.00 per kg. based on the Monthly Factory Average.
01st Feb. 1989	50% of the excess over Rs.48.00 per kg. based on the Monthly Factory Average subject to a maximum of Rs.10.00 per kg.
01st Aug. 1989	Advalorem sales tax was suspended.
01st Sep. 1989	50% of the excess over Rs.60.00 per kg. based on the Monthly Factory Average subject to a maximum of Rs.15.00 per kg.
01st Jul. 1990	50% of the excess over Rs.65.00 per kg. based on the Monthly Factory Average subject to a maximum of Rs.15.00 per kg.
13th Nov. 1991	40% of the excess over Rs.65.00 per kg. based on the Monthly Factory Average subject to a maximum of Rs.15.00 per kg.
06th Nov. 1992	30% of the excess over Rs.70.00 per kg. based on the Monthly Factory Average subject to a maximum of Rs.15.00 per kg.
21st Dec. 1992	Advalorem sales tax was abolished.

Table - E2

AD VALOREM SALES TAX COLLECTIONS

YEAR	COLOMBO AUCTIONS & PRIVATE SALES (RS MN)	LONDON & OFFSHOR AUCTIONS (RS MN)	TOTAL (RS MN)
1960	43.50	28.50	72.00
1961	35.30	26.40	61.70
1962	40.50	31.2	71.70
1963	30.70	29.40	60.10
1964	33.60	27.20	60.80
1965	31.30	25.20	56.50
1967	28.70	21.80	50.50
1968	27.60	23.20	50.80
1969	29.80	8.40	38.20
1970	25.00	16.80	41.80
1971	30.00	9.00	39.00
1972	38.80	7.10	45.90
1973	32.00	7.10	39.10
1974	139.40	21.20	160.60
1975	144.30	21.40	165.70
1976	262.50	19.50	282.00
1977	535.70	38.30	574.00
1978	466.50	41.60	508.10
1979	200.40	21.20	221.60
1980	96.00	1.00	97.00
1981	87.10	0.90	88.00
1982	149.40	0.40	149.80
1983	943.20	10.30	953.50
1984	3,193.90	41.00	3,234.90
1985	1,024.70	25.70	1,050.40
1986	61.40	0.50	61.90
1987	262.00	0.04	262.04
1988	266.90	0.01	266.91
1989	429.70	1.80	431.50
1990	1,228.60	16.80	1,245.40
1991	294.50	0.40	294.90
1992	223.95	1.57	225.52

NOTE: Ad Valorem sales tax was abolished in November 1992.

TABLE -E3

EXPORT DUTY

The Export Duty on Tea was introduced with effect from 1st October 1951, and was abolished in 1992. The variation of the duty over time is given below.

Effective Date	Description	Duty (Rs./Lb.)
1-10-1951	For Bulk Tea FOB value < Rs. 2.20	0.35
	FOB bet. 2.20 - 2.70	0.35+40% excess over 2.20
	FOB bet 2.70 - 3.20	0.55+50% excess over 2.70
	FOB bet 3.20 - 3.70	0.80+60% excess over 3.20
	FOB values > Rs. 3.70	1.10+70% excess over 3.70
	For Packets/Tea bags	0.40
30-10-1953	Fixed Duty	0.45
14-05-1954	Fixed Duty	0.60
24-09-1954	Fixed Duty	0.75
19-11-1954	Fixed Duty	1.00
21-01-1955	Fixed Duty	1.30
1956	Fixed Duty	0.65
25-03-1958	Fixed Duty	0.70
01.06.1959	Fixed Duty	0.35
23-11-1967	Fixed Duty	0.40
08-05-1968	Bulk Tea 0.40 Tea Packets	0.25
09-10-1968	Bulk Tea 0.40 Tea Packets Instant Tea	0.25
01-11-1969	Bulk Tea 0.39 Tea Packets Instant Tea	0.24
	With the introduction of the metric system Export Duty was expressed in Rupees per/kg.	(Rs./Kg.)
	Bulk Tea 0.86 Tea Packets Instant Tea	0.53
16-11-1977	Bulk Tea 15.50 Tea Packets/Bags & Green Tea Instant Tea	13.50 40.00
13-06-1978	Bulk Tea 15.50 Tea Packets/Bags & Green Tea Instant Tea	13.50 20.00
04-07-1979	Bulk Tea, Tea Packets Bags & Green Tea Instant Tea	10.50 13.50
01-07-1980	Bulk Tea, Green Tea & Others Tea Packets Tea Bags 1.00 Instant Tea	10.50 8.50 13.50
12-11-1981	Bulk Tea, Green Tea & Others Tea Packets Tea Bags 1.00 Instant Tea	8.00 6.50 13.50
04-07-1983	Bulk Tea, Green Tea & Others Tea Packets Tea Bags 2.00 Instant Tea	9.00 7.50 14.50
15-11-1984	Bulk Tea, Green Tea & Others Tea Packets Tea Bags 1.50 Instant Tea	7.00 5.50 12.00
14-11-1985	Bulk Tea, Green Tea & Others Tea Packets Tea Bags 0.50 Instant Tea	5.00 3.50 10.00
18-11-1987	Bulk Tea, Green Tea & Others Tea Packets Tea Bags - Instant Tea	3.50 2.00 8.50
16-06-1988	Bulk Tea, Green Tea & Others Tea Packets Tea Bags 1.00 Instant Tea	3.50 3.00 8.50
05-11-1988	Bulk Tea, Green Tea & Others Tea Packets Tea Bags 0.50 Instant Tea	1.50 1.00 6.50
09-03-1991	Bulk Tea, Green Tea & Others Tea Packets Tea Bags 0.25 Instant Tea	1.00 0.50 6.00
06-11-1992	Bulk Tea, Green Tea & Others Tea Packets Tea Bags 1 Instant Tea	0.50 0.25 2.25
21-12-1992	Export duty was abolished	

TABLE - E4

EXPORT DUTY COLLECTIONS - TIME SERIES DATA

Year	Total Exports Mkg.	FOB Price Rs./Kg.	Export Earnings Rs.Mn	Export Duty Collections Rs.Mn	Duty as a % of export earnings
1959	1787	6.00	1,072.2	197.50	18.42
1960	181.6	5.89	1,069.6	138.90	12.99
1961	193.7	5.78	1,119.6	145.40	12.99
1962	200.9	5.60	1,125.0	155.30	13.80
1963	206.2	5.51	1,136.2	155.40	13.68
1964	203.6	5.53	1,125.9	151.70	13.47
1965	214.3	5.39	1,155.1	171.80	14.87
1966	200.2	5.13	1,027.0	154.30	15.02
1967	217.5	4.89	1,063.6	168.30	15.82
1968	202.3	5.56	1,124.8	182.60	16.23
1969	189.3	5.27	997.6	164.80	17.52
1970	210.8	5.38	1,134.1	176.40	15.55
1971	207.0	5.67	1,173.7	169.20	14.42
1972	190.2	6.11	1,162.1	163.30	14.05
1973	205.7	6.13	1,260.9	171.30	13.59
1974	175.4	7.76	1,361.1	155.60	11.43
1975	212.7	9.09	1,933.4	177.60	9.19
1976	200.0	10.49	2,098.0	166.60	7.94
1977	185.8	18.86	3,504.2	280.00	7.99
1978	192.6	33.72	6,494.5	2,781.40	42.83
1979	188.3	30.51	5,745.0	2,495.20	43.43
1980	184.5	33.41	6,164.1	1,920.70	31.16
1981	183.4	35.14	6,444.7	1,879.00	29.16
1982	181.0	35.03	6,340.4	1,444.30	22.78
1983	157.8	52.52	8,287.7	1,286.10	15.52
1984	204.2	77.20	15,764.2	1,768.30	11.22
1985	197.8	60.62	11,990.6	1,182.00	9.86
1986	207.8	44.52	9,251.3	934.10	10.10
1987	201.1	52.97	10,652.3	890.00	8.36
1988	219.9	55.95	12,303.4	608.00	4.94
1989	204.2	66.91	13,663.0	273.50	2.00
1990	215.6	91.78	19,787.8	290.70	1.47
1991	211.2	84.03	17,747.1	194.40	1.10
1992	178.2	81.57	14,535.8	135.20	0.93

NOTE : EXPORT DUTY WAS ABOLISHED IN DECEMBER, 1992.

TABLE - E5

TEA CESS RATES

Cess is a levy imposed on all teas exported from Sri Lanka to finance the research, fiscal, regulatory, marketing development and promotion activities undertaken in the tea sector.

Prior to 1st January, 1976 the rates were as follows:

Tea Subsidy act	-	cts. 4.00 per lb.
Tea control act	-	cts. 0.15 per lb.
Tea promotion	-	cts. 5.00 per lb.
Tea Research	-	cts. 1.50 per lb.
Medical wants Ordinance	-	Cts. 0.35 per lb.

With the establishment of the Sri Lanka Tea Board, all the above cess levies except the medical wants ordinance, were amalgamated and was known as Tea Cess.

The rates were as follows:

Effective Date

Rate

1st Jan.1976	cts. 10.65 per lb. (cts. 23.5 per kg.)
13th Jan.1976.	cts. 11.65 per lb. (cts. 25.7 per kg)
24th Dec.1976	cts. 19.00 per lb. (cts. 41.9 per kg).
16th Nov.1977	cts. 0.70 per kg.
4th July.1979	cts. 0.90 per kg.
8th March.1983	Rs. 1.00 per kg.
4th July.1983	Rs. 1.25 per kg.
15th Nov.1984	Rs. 1.50 per kg.
17th Oct.1989	Rs. 2.00 per kg.
12th Apr.1990	Rs. 3.50 per kg.
31st July.1991	Rs. 2.00 per kg.

TABLE - E6

COLLECTION OF TEA CESS

YEAR	CESS (RS.MN)	EXPORT EARNINGS (RS.MN)	CESS AS A % OF EXPORTS EARNINGS
1976	51.3	2,098.0	2.45
1977	80.0	3,504.2	2.28
1978	132.5	6,494.5	2.04
1979	149.9	5,745.0	2.61
1980	166.5	6,164.1	2.70
1981	170.6	6,444.7	2.65
1982	168.7	6,340.4	2.66
1983	175.4	8,287.7	2.12
1984	263.8	15,764.2	1.67
1985	273.2	11,990.6	2.28
1986	318.6	9,251.3	3.44
1987	311.0	10,652.3	2.92
1988	297.2	12,303.4	2.42
1989	317.9	13,663.0	2.33
1990	657.7	19,787.8	3.32
1991	592.8	17,747.1	3.34
1992	334.8	14,535.8	2.30
1993	445.5	19,180.7	2.32
1994	469.4	20,528.7	2.29

TABLE - E7

TAXES COLLECTED FROM TEA - (1980-1993)

Year	Export Duty (Rs.Mn)	Ad-Valorem Tax (Rs.Mn)	Total Tax For Govt. (Rs.Mn)	Cess (Rs.Mn)	Total Tax From Tea (Rs.Mn)	US\$ Mn
1976	166.6	282.0	448.6	51.3	499.9	59.1
1977	280.0	574.0	854.0	80.0	934.0	104.7
1978	2781.4	508.1	3289.5	132.5	3422.0	219.5
1979	2495.2	221.6	2716.8	149.9	2866.7	184.0
1980	1920.7	97.0	2017.7	166.5	2184.2	132.1
1981	1879.0	88.0	1967.0	170.6	2137.6	111.0
1982	1444.3	149.8	1594.1	168.7	1762.8	84.7
1983	1286.1	953.5	2239.6	175.4	2415.0	102.6
1984	1768.3	3234.9	5003.2	263.8	5267.0	207.0
1985	1182.0	1050.4	2232.4	273.2	2505.6	92.3
1986	934.1	61.9	996.0	318.6	1314.6	46.9
1987	890.0	262.0	1152.0	311.0	1463.0	49.7
1988	608.0	266.9	874.9	297.2	1172.1	36.8
1989	273.5	431.5	705.0	317.9	1022.9	28.4
1990	290.7	1245.4	1536.1	657.7	2193.8	54.8
1991	194.4	294.9	489.3	592.8	1082.1	26.2
1992	135.2	225.5	360.7	334.8	695.5	15.9
1993	-	-	-	445.5	445.5	9.2
1994	-	-	-	469.4	469.4	9.5

AN ALTERNATIVE TO REGIONAL COUNCILS: PROPOSALS FOR CONSTITUTIONAL REFORM

Lakshman Jayatileke

Any constitutional reforms should have the effects of:

- (1) Effective and prompt executive action even in the remotest parts of the country;
- (2) Speedy conflict resolution for ever Sri Lankan;
- (3) Ensuring of security and effective law enforcement;
- (4) Focusing of technical/professional and material help where it is most needed;
- (5) Ensuring that the benefits of belonging to a larger community especially to the Sri Lankan nation are afforded to every citizen;
- (6) Providing equal opportunities for every Sri Lankan to engage in a livelihood that matches his potential and aspirations.

The above mentioned effects can be attained through a devolution of **executive authority**, and through the better management of public works, public utilities and services. The level to which devolution is made should be **as close as possible to the village** *. In addition, the unit of devolution should be actively and directly linked to the Executive Presidency.

The Electorate as the unit of devolution has a number of advantages as compared to the

Province or any other unit of comparable size. The Province as the unit has the potential to be as problematic as the whole country with regard to ethnic and cultural composition. The electorate on the other hand has the ability to respond to the problems of individual electors or small groups. The leadership of the electorate will be more sensitive to their needs and problems and feel more responsible to them than a group at provincial level. Modern communication methods can be used to better effect if there is no intermediary between the electorate and the supreme executive. The national-level resources can be harnessed in a more efficient manner if the link between the electorate and the Supreme Executive Council and the State are direct.

The scheme of devolution and the institutional arrangement which is given below can satisfy these two requirements.

ELECTORATE COUNCIL

This will be an all-party group with executive authority over public works, public services and utilities in the electorate, with the M.P. in the Chair. The members will be appointed by the President on nominations from all political parties represented in the Legislature. This is an essential requirement if the needs of all Sri Lankans are to be effectively met irrespective party allegiances. If a Party does not want

to be represented in a particular Electorate Council it would be free to refrain from nominating a representative to that Council.

The electoral process and the associated reward system obtaining now, benefits the winners disproportionately. It also tends to politicise the society in a deleterious manner. The political polarisation of the community and organisations it brings about tends to affect productivity very adversely. As a result those who are in political authority and those who can influence them have to work solely with the objective of getting for themselves the lion's share of a diminishing cake.

On the other hand if people can apply themselves to industry and development without **burdening** themselves with having to settle political scores, vendettas, witch hunts and the like, there could be a cake of bigger size with more to share. Everyone, including the chosen and the favoured would be better off, eventually.

Therefore, the Electorate Council must be deliberately and positively depoliticised by making it an all-party group. It will be better attuned and more sensitive to the needs of all the people in the electorate. In turn the SEC will get more balanced reports and requests for initiatives from the entire country. It will be enabled to take decisions that

transcend narrow party interests. The maximum potential of an Executive Presidency will be realised only under such conditions.

The Electorate Council will have a secretariat composed of personnel who are educated and trained through the same processes as administrators in the central government.

VILLAGE PEACE COUNCIL

A conflict resolving body appointed by the National Judicial Authority for resolving and reconciling disputes, and with no punitive powers.

VILLAGE EXECUTIVE AUTHORITY

A village-level Executive Body, appointed by the Electorate Council which will attend to all public works and services at village level. This will attend to all operational details of programmes. It will be empowered to award contracts, employ human resources, own and operate physical plant, and to enter into agreements and contracts with outside agencies. It will derive funds through the Electorate Council to which it is affiliated. It will also be permitted to raise its own funds through approved procedures. It will be answerable to the Electorate Council.

NATIONAL LEGISLATURE

This is the equivalent of the present Parliament with the Speaker in chair. It is arranged on the Westminster model for enacting legislation including approval of the National Budget.

SUPREME EXECUTIVE COUNCIL (SEC)

This is the supreme executive body of the country with the President in the chair as Supreme Executive Officer. All the elected MPs will be members. They will be seated in a fan-wise formation with no party-based division. SEC will also include a group of representatives of major professions and chambers (with large memberships), and religious

orders. These representatives will be appointed by the President on recommendations of the respective bodies.

The SEC will have the authority to initiate projects and programmes in keeping with the needs and aspirations of people even in the remotest parts of the country, by virtue of its composition. It will also be able to determine targets and priorities in a just manner.

It will assign tasks to the Electorate Councils where the goals cut across Electorate Councils where the goals cut across electorate boundaries or are important from a national policy perspective. The SEC will also make decisions regarding the harnessing of resources of Ministries for activities anywhere in the country.

One of its principal tasks will be to monitor and review progress of the village level activities commissioned by the Electorate Councils. This will be mainly done through the analysis of reports submitted by the ECs. On a random basis a manageable number of ECs will be subject to closer and more detailed scrutiny on a regular schedule. The SEC will work through consensus but in the event of a vote the appointed members will not vote.

CABINET

The Cabinet will include a set of Ministers who are appointed by the President from among the MPs. It will be chaired by the President. All its members need not be drawn from the group that forms the majority in the National Legislature.

The Ministers will be the CEOs of Ministries which will undertake all national-scale public works and public services and utilities which cut across electorates such as Education, Health, Highways, Transport on long routes which cut across many electorates, Ports and Shipping, Import and Export Control, National Finance, and Defence.

The Cabinet will be empowered to initiate programmes of action which affect the entire country or large

parts of it, with the approval of the SEC. It will have more or less the same functions, responsibilities and authority as the Cabinet as constituted at present. It will be answerable to the Supreme Executive through the President. Individual Ministers will be answerable to the Cabinet.

NATIONAL COMMISSIONS (NC)

In national policy formulations the Cabinet and the Legislature will be advised by **National Commissions** which would perform policy studies, research etc. They will be corporate bodies with the authority to call for information, to obtain the services of specialists and to receive submissions from the public. The advice and recommendations of NCs will be subject to study and review by Sub-committees of the Legislature so that the essential political overtones can be brought into play in conformity with political imperatives.

NATIONAL AUTHORITIES (NA)

Elections, national level appointments to key posts, regulations of media, national audit and quality assurance, judiciary and law enforcement will be under National Authorities which report to the Legislature so that the laws can be periodically reviewed and revised. They will have the executive authority to operate throughout the island.

THE PRESIDENCY

The proposed reforms will enable the President to play the role of the nation's Chief Executive in a more effective manner. Under the present arrangement, the level, the sourcing and the quality of information that is at the disposal of the President and the Cabinet are highly restricted by the bureaucratic machinery and barriers. Information from the remotest areas and disadvantaged groups, and the opinions of the majority of elected representatives are often prevented from reaching the Chief Executive. Furthermore, the access the President has to the

executive and management actions even on a stochastic basis tends to be limited to a narrow range. Both these mechanisms tend to restrict the scope of Presidential influence and even to marginalise the role of the President.

The Schematic Arrangements of the Principal Organs of Government is given in the annexed diagram.

SOME RELEVANT CONSIDERATIONS

In contrast to the scheme proposed above we have the present arrangement of Provincial Councils and the arrangement of Regional Councils as envisaged in the Package of Devolution. The country's past experience of working with the Provincial Councils has amply demonstrated their ineffectiveness in attending even to the limited number of subjects assigned to them. They have, more often than not, become a barrier to the delivery of services. On the other hand they have added to the costs of implementation due to their own internal needs and overheads.

The individual elector does not need two parallel and independent representations in the creation of legislation and policy which affect him. On the contrary the representative he elects should have a combination of functions which compels him to become genuinely sensitive to the needs of his elector and to be accountable to the elector in a discernible, and possibly quantifiable, manner. This is best achieved by making him the Chief Executive Officer and Chief Accounting Officer in the Electorate as the Head of the Electorate Council. As a result he will also become a more effective contributor to legislation.

No particular ethnic group has a special set of problems which cannot be overcome by better management and not constitutional reform. The commonly felt problem of not being able to communicate both ways in the language medium of an individual's choice, especially

in Tamil, can be overcome by eminently feasibly and efficient means even under the present distribution of government offices.

An ethnic problem in which people of different ethnic origins cannot live and work in interaction and interrelationship with each other does not exist outside the Northern Province and some parts of the Eastern Province. The essential features of a multi-ethnic and multi-cultural society exist in even the remotest and poorest parts of the South. Intolerance going even beyond pure ethnic confines does, however, seem to exist in the minds of those who control aspects of public life in the North and East by the use of illegal and armed force. This is evidenced by their intolerance of any opposition and the hardships they wilfully continue to bring about on their 'subjects'.

Because a large section of the Tamil speaking people of differing ethnic and religious allegiances live outside the Northern Province, separation of the North and a part of the East into an ethnic region will not solve the communication problem of the Tamil speaking people. On the contrary it may be further aggravated. The state machinery under a central government will be able to handle the communication and equity problems far more effectively than Regional administrations that are to be established primarily on a sectarian basis.

The mobility of people within the country across the existing provincial boundaries and the operations of the central government and of trans-provincial companies have helped to maintain a two-way flow of resources to make life sustainable and bearable even in the remotest of areas. One remarkable result of this flow is the dynamically stable and mutually supportive urban-rural nexus which exists in our country. In this nexus we have the ingredients of a sustainable and fulfilling life-style.

Granting wide legislative powers to the Regional Councils, despite all the Constitutional safeguards, will

eventually marginalise the Central Government in practice. The constitutional and legal safeguards will not be enforceable because the Capital Territory will not be able to build up and sustain an enforcing capability. It will neither have the financial resources and the manpower base to counter any serious confrontational step taken by a Region.

If the Regions are allowed to have their own Police forces then it is conceivable that constraints and even barriers would be imposed by at least some of the Regional Councils in Members of Parliament to make them amenable to the Council's dictates. It is naïve to think that constitutional safeguards will prevent such acts when the Constitution is being blatantly violated at present when the Central Government has all the necessary legal authority and at least a semblance of law-enforcing capability.

The **village*** as envisaged in this proposal does not have to be the same as the traditional village which is disappearing in the context of modern transportation and communications, and the mobility of people driven by prospects of employment. It is rather an area which has resources shared by a group of people, has a limited number of families, can be served by a common set of amenities such as a school, a clinic, an agricultural extension office, a grama niladhari and religious centre. It is basically a convenient **operational** and **management** social unit.

The large urban centres which are inhabited by a mix of ethnic and religious groups can be treated as independently administered and managed metropolitan areas. They will be able to raise their own funds and provide social infrastructure as required by a dense population and intense economic activities. Although geographically smaller, the metropolitan areas will be carved out of the electorates in which they are situated, and will be separately represented in the Supreme Executive Council.

The country will have only one Legislature. The direct participation of its members in the Supreme Executive Council and the decentralisation of management of public services etc. to the level of the electorate under their chairmanship will ensure that the implementation of national policies and legal provisions are attended to with the due sense of responsibility and accountability.

A NECESSARY EXERCISE

A comprehensive process analysis and work study of the legislature as it functions as found now should be immediately undertaken to identify means of increasing its effectiveness and efficiency. Over the years of its functioning it may have unquestioningly collected many a

device and technically which is redundant in the contemporary context.

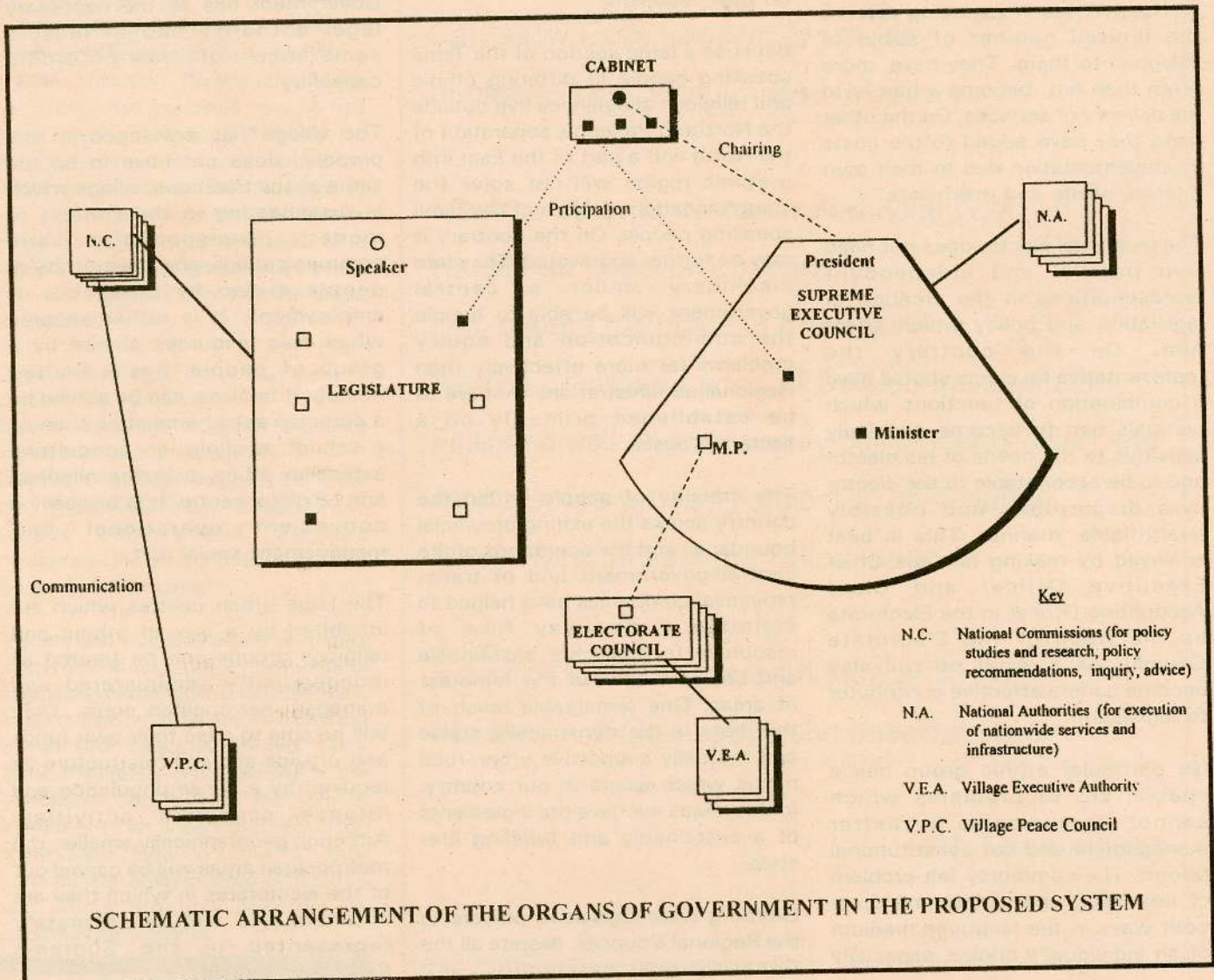
PRINCIPLES

1. Every Sri Lankan's effort must be harnessed for national development towards prosperity.
2. The infrastructure and public sector activities should be supportive of private enterprise irrespective of scale and location.
3. State interventions for regulation and control should always have the safeguarding of national interests, and the protection of the weak and underprivileged as their focus.
4. Education at all levels and the

management culture of all institutions should have as one their primary goals the weaning away of our nation from shackles of feudalism which seem to linger.

5. Political affiliations and polarisations should be only for elections and should be de-emphasised immediately thereafter.

6. Every public work/utility has political implications which must not be exploited for narrow personal gain of those with influence and authority.



- Key**
- N.C. National Commissions (for policy studies and research, policy recommendations, inquiry, advice)
 - N.A. National Authorities (for execution of nationwide services and infrastructure)
 - V.E.A. Village Executive Authority
 - V.P.C. Village Peace Council

CONFLICT REGULATION OR CONFLICT RESOLUTION:

Third-Party Intervention in the Northern Ireland Conflict; Prospects for Peace

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(Dr. Byrne presented an earlier version of this paper at the annual meeting of the American Political Science Association, New York).

ABSTRACT

This paper critically evaluate previous third-party efforts to impose a consociational power-sharing solution on the peoples of Northern Ireland. Instead, an original and dynamic community-based Track III problem-solving linkage system proposes corporation between Northern Ireland's grassroots constituents and political elites. This is a vision of how to create a mutual beneficial process linking psycho cultural and structural dimensions by promoting understanding, tolerance, and the sharing of commonalities in beliefs, identity, and behaviours among groups involved in protracted conflict situations.

1. INTRODUCTION

Tensions in Third World nation-status have imploded since the end of the Cold War. Although dramatic shifts in world power from geopolitical to geoeconomics have been well documented, attention has now turned to the rise in ethnic tensions in the post-Cold War period (Gottlieb, 1993; Kriesberg, 1994). Ethnic geopolitical conflicts are intensifying: Events escalate in divided societies daily, and tensions implode in states within Africa, Asia, and Eastern Europe. Various political cleavages have ignited local regional nationalisms, leading to violent conflict in states between central governments and separatist ethno regional movements (Horowitz, 1994; Vayrynen, 1984; Volkan, Julius & Montville, 1990). There are hundreds of thousands of refugees who have fled war-torn, partitioned, and segregated societies such as Rwanda, Bosnia, and the Kashmir.

The rise in ethnic conflicts is one of the critical avenues for scholarly research in the 1990s as the resurgence of micro-nationalism has compelled a drastic rethinking of the assumption that

modernisation and development would forge diverse ethnic groups into a single entity within the nation state (Thompson & Ronen, 1986; Williams, 1982). The renaissance of ethno-nationalism in Northern Ireland during the 1960s, for example, rejuvenated the development of separate ethno-territorial identities (Moxon-Browne, 1983; Whyte, 1990; Wright, 1987). However, the historic election of Nelson Mandela in South Africa and the recent peace accord signed between Israel and the Palestinian Liberation Organisation suggested to the analyst of political events that Northern Ireland would be the next world trouble spot to be the focus of efforts to reach a democratic and peaceful settlement.

The framework for Peace announced by the British Prime Minister John Major and his Irish counterpart, Albert Reynolds, last December includes a promise of no change to the current constitutional position of Northern Ireland without approval of a majority of its citizens. The process of pre-negotiation begun last year between the British and Irish governments and Fein (SF), the political wing of the Provincial Irish Republican Army (PIRA), and the resulting Joint Declaration has been instrumental in getting the PIRA leadership to declare a "complete cessation of military operations in Northern Ireland" (Ferrie, 1994, 3). However, the majority Protestant Unionist community has no idea whether *core or peripheral issues*, (Gross-Stein 1989; Kriesberg, 1991) included within the Framework for Peace, have been discussed by Republicans and both governments in the pre-negotiation stage. Unionists believe that the Provincial IRA has used violence to extract concessions from the British government on Northern Ireland's constitutional position within the United Kingdom(UK), and feel betrayed by the British government.

The Rev. Dr. Ian K. Paisley, leader of the Democratic Unionist Party (DUP) has even gone as far as to accuse both the British and Irish governments of creating a recipe for civil war because the PIRA has not declared a permanent cease-fire and the outlawed Loyalist paramilitary groups have indicated that they will use violence to resist being "coerced or persuaded into an all Ireland" (Ferrie, 1994, 10). There has been no reciprocal cease-fire from Loyalist paramilitaries who are in effect using the occasion to recruit new members and keep up their bombings and attacks against Republicans. With the spectre of a Loyalists backlash still hanging over the very fragile peace process, both governments have served to alienate the Unionist population of Northern Ireland. The conflict seems difficult to resolve and it perpetuates because national and religious identity issues remain unsettled and are day-to-day concerns (Agnew, 1989; Northrop, 1989; Rose, 1971, 1976).

However, sectarian assassinations have de-escalated to such an extent as to allow a *power-gap* to materialise (Laue, 1989). Is the timing and mediation context *ripe* for a successful intervention to get both parties to the negotiating table soon (Bercovitch, 1984; Kriesberg & Thorson, 1991; Zartman, 1985)? Does the current constitutional impasse, prospects for peace, and the war-weariness in the Province suggest that a *problem-solving approach* could very well succeed (Burton, 1990; Laue, 1989)? Are both parties to the conflict willing and able to *come to the table* (Gross-Stein, 1989)?

In this paper, I critically evaluate previous third-party efforts by the British and Irish governments to find a geopolitical solution by imposing a consociational

power sharing solution on both communities in Northern Ireland. Events have recently de-escalated in Northern Ireland so that a new problem-solving approach must be considered in an effort to reach a lasting and just peace. I propose an original and dynamic Track III community-based problem-solving linkage system between Northern Ireland's grassroots Protestant and Catholic constituents and their political elites (Byrne, 1994). It is an attempt to create a mutually beneficial process of devolved "powers to grass roots authorities might reduce the salience of power sharing between Protestants and Catholics" (Gottlieb, 1993, 57). Building community ties is a long term process aimed at helping both communities to learn about themselves and about each other and move from conflict regulation to the institutionalisation of conflict (Bar-Siman-Tov, 1994; Gross-Stein, 1989).

2. ANALYSIS AND ASSESSMENT OF THE DISPUTE: SUBSTANCE, MATURITY, AND INTER COMMUNITY RELATIONS

The underlying causes of tensions between Protestants and Catholics in Northern Ireland are whether the region is part of Britain or part of Ireland and how this important political issue is linked to national identities. Northern Ireland's constitutional position serves to drive an ideological wedge between both communities (Gottlieb, 1993). Although Protestants and Catholics hold fears and misperceptions of each other, this cannot be overcome while both communities remain divided over the legitimacy of the state (Wright, 1973). The Northern Ireland state was founded with Protestant opposition to a united Ireland. It generated support for the link with Britain, and Protestants supported the Northern Ireland parliament for the maintenance of their economic system (Bew, Gibbon & Patterson, 1979). However, of equal, if not greater, importance was the desire to maintain political and religious freedom (Rose, 1976). Rose (1971) concluded that the conflict in Northern Ireland is more difficult to resolve precisely because it is not about economic issues but about non-bargainable issues of religion and nationality. "There is little scope for politicians to lead people along class lines" (Rose, 1971, 388).

There have been periods in the 1930s

and 1960s, however, when the Protestant and Catholic working classes have co-operated with each other as the border question decreased in significance. Consequently, there is scope and latitude to change the perception that politics in Northern Ireland is a *zero-sum* rather than a *win-win* situation (Pruitt & Rubin, 1986), if the constitutional question is firmly dealt with. The political situation is difficult and therefore needs Protestants and Catholics to work out their problem, without the British and Irish governments, through local grass roots movements.

3. DESIGNING THE MEDIATION PROCESS

Both communities in Northern Ireland have immensely powerful kinship, class, religious, and residential ties that assist in forging a strong sense of solidarity within each respective community. The idea is to formulate a *long-term* intermediate process that will promote frequent contact between members of both communities at all levels (Moxon-Browne, 1983; Whyte, 1990). The British government's political and constitutional initiatives have failed to deal with the underlying structural causes of conflict; any intervention made has been yet another example of band-aid diplomacy treating the symptoms and not the causes of conflict. In the past, the problem seems to be not that the political parties were able to come to the table but then they did they could not agree. Therefore, the conflict has continued because the situation and incentives remain the same. According to Whyte (1981), "the British soldier on, maintaining a compromise which embitters nationalists without reassuring unionists. Like unionists and nationalists, they find themselves constrained to follow a policy which keeps the conflict alive, "because the policies pursued and the psychological and political pressures undermine and movement towards social and political change (p. 434).

The political climate seems consummate for a *dispute systems design* (Laue, 1989) to change the interests and incentives of both communities. It would be an impossible task to eliminate the underlying psychocultural conflicts between Protestants and Catholics overnight because it is too deeply rooted. These social, religious, and cultural factors reflect the political structure. The

goals of a dispute - systems design will be, first, to identify the functions served by the power contests and, second, to design a means of fulfilling those functions at lower cost to the parties (Reed, 1989). The aim is not to settle the conflict but to change the relationship between both groups.

Girvin (1986) wrote that "agreement can only be achieved when the Nationalist and Unionist communities in Northern Ireland accept a particular and mutually agreeable formula for the government of the area" (p.165). Consequently, there is a need to create conditions that will promote integrated education, devolved regional government, and frequent contact situations in the economic, social, and political arenas among members of both communities (Byrne & Carter, 1994). These structural and psychocultural incentives may eventually lead to the dissolution of sectarianism by promoting a program of affirmative action and accommodationist politics and by closely pursuing "intermediate objectives" or "proceeding by small steps" (Whyte, 1990, 237).

The official Unionist Party's (OUP) policy document, *The Way Forward* (1984), proposed just that scenario suggesting "a policy whereby reconciliation and participation of all sections of the community can be attempted from the bottom up and not imposed from the top down" (.3).

This bottom-up policy proposal necessitates building a problem-solving relationship in which both sides will be assisted by interest-based negotiation in gradually moving toward a real internal agreement in Northern Ireland over the constitutional crisis. The process will foster better relations and co-operation between both communities in the economic and political, as well as the psychocultural, spheres. It will also necessitate increasing both parties' motivation, skills, and resources. Problem-solving negotiation will give Protestants and Catholics a sense of control over the outcome and a substantial voice in the process. As Ury, Brett & Goldberg (1988) contend, "problem-solving negotiation involves a great deal of mutual persuasion and accommodation, and seeks a mutually satisfactory outcome" (p.110).

Continued :

Next: PREVIOUS THIRD-PARTY POLICY IN NORTHERN IRELAND?



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the end of the union
I represent?
How will the interests
of my members be
protected?**

- Trade Unionist

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