

LANKA

GUARDIAN

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WAR AND PEACE

**LAKSHMAN JAYAKODY
K. PREMACHANDRAN
G. G. PONNAMBALAM
S. VINOTHALINGAN
D. SITHADTHAN
SHANKAR RAJEE
M. KANAGARAJAN
MAVAI SENATHIRAJAH
and
MANGALA MOONESINGHE**



PEACE: MOHAMMED AND THONDAMAN

— *Mervyn de Silva*

NORWAY AS MIDDLE-EAST MEDIATOR

— *Stephen Rosenfeld*

EAST AND POWER-SHARING

— *A. M. Navaratna and Sumanasiri Liyanage*

AYODHYA AND COMMUNAL VIOLENCE

— *Shelton Kodikara*

GEORGE CLAESSEN: THE SAINTLY ARTIST

— *Ian Gonnetileke*

THE J. R. YEARS — *Arden*



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TRENDS

A move against child abuse

An accurate reading of the extent of child abuse and child prostitution in the country is now being attempted by a countrywide survey by the Department of Probation and Child Care. After that a rehabilitation program will begin, with UNICEF assistance, official sources said.

BRIEFLY...

Master card swindle

Four local banks in Colombo were swindled for over Rs 25 million with forged Master Cards by two Tamil youths who later channelled the money to the LTTE in the North, Crime Detection Bureau (CDB) officials said. The amount represents just three months takings and the operation would have continued but for the chance arrest of the two youths in a routine round-up in the City.

Improving the EP climate

Prime Minister Ranil Wickremasinghe thanked Sri Lanka's security forces for building a suitable environment for elections in the Eastern Province next year. He was speaking to the troops at the Sinhapura army camp in the Batticaloa district, during an inspection tour.

The Prime Minister said that the terrorist problem was being systematically overcome by the strategies adopted by the security forces so much so that other countries with similar problems were now following Sri Lanka's example.

Power shock ahead

Electricity rates are due to go up again. The World Bank has dictated a 30 per cent raise in rates and the Ceylon Electricity Board (CEB) has had to agree. Board officials have admitted despite earlier Treasury denials.

The World Bank has asked the CEB to up the rates by 100 per cent

by the end of 1995 after the 30 per cent increase in December this year.

Cholera epidemic slows

The cholera epidemic in Jaffna is now under control. Visiting journalists reported that cases at the Jaffna hospital had come down to 30 from a peak of 200 some weeks earlier.

Death threats for Bernard

LSSP leader Bernard Soysa does not want protection from the state notwithstanding the death threats he has been receiving. The veteran Sama Samajist has decided to look after his own security because other politicians have been killed despite the presence of police guards, party sources said.

Trouble at DUNF meeting

DUNF General Secretary G.M. Premachandra lunged at a fellow member while leaving an unruly Working Committee Meeting of the party. Mr Premachandra said later that he was provoked. Earlier the meeting by a majority vote approved the suspension of DUNF Western Provincial Council member Ediriweera Premaratne.

Compromise, says Speaker

Parliament Speaker M.H. Mohamed called for compromise in seeking a solution to the North and East problem. Mr Mohamed said that no party was interested in solving this problem. He was speaking at an Abdul Aziz memorial meeting at the BMICH.

The Speaker also said that he was elected to parliament by the majority Sinhala Buddhist voters, from which it was evident that he was not a communalist.

Review of varsity entry

Criteria of university entrance will be reviewed by a committee appointed by the government. President Wijetunga recently said that while merit should be the main criterion for admission to universities some weightage should be given to edu-

cationally disadvantaged districts.

Several university professors are expected to be on the committee. Professor Kingsley de Silva of Peradeniya University is expected to be the chairman.

Universities: more spent, less admitted

Governor of Wayamba (North Western Province) Dr Karunasena Kodiluwakku, a former university vice-chancellor said at the Sri Jayewardenepura colours presentation ceremony that government spending on university education had been escalating while queues for admission had been lengthening. In 1979 the expenditure had been 195 million; now it was Rs 1081 million, and there was a waiting list of 30,000 to enter the universities.

However, there was now a prospect of solving the problem as a result of the reconstitution of the University Grants Commission, the former vice-chancellor said.

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DRUGS ?

Amendment to Drug Regulation No. 34 of 1984 in Govt. Gazette Extraordinary No. 722/3 of Monday the 6th July 1992.

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STOP PRESS

As we go to press the LTTE has mounted a fierce, surprise attack on the army base at Pooneryn and the naval base at Nagavanthurai. The first reports placed army casualties at over 100. The LTTE, government sources claimed had also lost over 400 fighters. Reinforcements, including commandos, were rushed to the area, where some 1000-2000 soldiers were reported missing.

NEWS BACKGROUND

War and peace : Best chance lost

Mervyn de Silva

The multi-party select Committee, appointed on a private member's motion tabled by Mr. Mangala Moonesinghe a Sinhala MP of the Sri Lanka Freedom party, the largest opposition party, has failed to reach "consensus" on "a political package" acceptable to the Tamil parliamentary parties. Is this the end of the road for "jaw-jaw"? Does this leave no other option but "war-war"? It does seem so. But this much is certain, it was the best chance that came our way in the long, desperate quest for peace. Consider the following:

i) The resolution was introduced by a Member of the Sri Lanka Freedom party, the party which introduced the Sinhala Only Bill in 1956, and therefore regarded as the authentic champion of majority Sinhala interests. (It is also the party which gave the foremost place to Buddhism. Nobody can challenge the credentials of the SLFP on the National Question.

ii) Its chairman was recognised by all the parties in parliament as a moderate on this and connected issues, and respected by most MP's as an honest, clean and plain-speaking politician.

iii) All the parties and the parliamentary groups that mattered with the conspicuous exception of pro-LTTE members, approved the initiative and looked forward to a productive outcome.

If it was soon exposed to criticism, the reason was the time-consuming and tortuously legalist nature of the exercise. Time was running out. The 'Tigers' appeared to believe that the longer they fought, the greater the army casualties and larger the territory the LTTE would hold. In other words, a negotiated settlement from a position of strength was the LTTE's best option, seeing that the actual chances of expanding the LTTE's area of undisputed control to the entire Eastern province were

remote. But the LTTE fought on confident that it could deny the (Sinhala) army its preferred objective — control over the East so that LTTE activity is reduced to terrorism and/or small-scale guerrilla activity, more by night than day.

While the army's position has been considerably strengthened from the days it was merely confined to heavily fortified camps, the East remains fiercely disputed territory. Hence the decision to go for the 'tiger's' 'nook' — the Kilali offensive, the biggest since OPERATION LIBERATION before the arrival of the IPKF.

So much for the military aspect of the politico-military situation no "diplomatic" initiative was possible as long as the army and/or the LTTE believed that the balance of forces, on the ground and politically, could be changed in its favour. The same logic also governed the thinking of the "militarists" in the government and Defence establishment. The death of President Premadasa who understood the external implications of these options, and the importance of emphasising jaw-jaw to retain moderate minority support (votes in the all-important poll in December/January presidential contest, opened the door to the militarists.

The "shot" was fired last month. The army took large casualties but inflicted enough damage on the enemy to ensure that the failure to achieve the maximum aims was a setback, not a defeat or major reversal.

These two developments — the failure of the Mangala Moonesinghe Committee to deliver, and the Army's inability to give the government a chance to negotiate — if that path was chosen, from a position of strength have now made an opening for the two "minority" leaders to play "neutral umpires" or independent mediators. Mr. Thondaman is a Tamil but an

Indian plantation Tamil leader who is also a Cabinet Minister. Mr. Mohammed is a UNP'er who has served the party as a Cabinet Minister. But today he holds the office of Speaker, whose job in the House is to hold the scales evenly; in short, the 'neutral umpire'.

In a recent speech at a Muslim Maha Vidyalaya on Prophet Mohammed's birthday, Mr. M. H. Mohammed said: You cannot solve problems by killing people. Any problem can be solved through negotiation. What of the price we are paying in terms of human life, in the ongoing war. What of the cost to the government? The war is the stumbling block to the country's progress... all political parties should rise over above sectarian politics.... Our President is a leader who welcomes negotiation".

While Mr. Mohammed is a Muslim, Mr. Thondaman is a plantation Tamil. In an interview with Roshan Peris, the Tourism minister who is also boss of the CWC, the largest trade union of plantation labour, said:

"I am getting impatient, and so are the Tamil-speaking people, about the problem in the north and east.

"Are you for a referendum?"

"I am all for a proper referendum, not an apology for a referendum..." In the referendum on a north-east merger, the population balance reminds one of BO-SNIA, except that the Muslims are only a third in the E.P. But that third can decide the final verdict — yes or no to a merger. While the religion ISLAM reminds one of Bosnia, language is crucial. Unlike the muslims in the Sinhala areas, the muslims in the east speak Tamil. Nonetheless, the religion, is a stronger force right now than language certainly in situations of violent conflicts where collective identities are crucial.

Proposal for a Solution to the North-East Question

Hon. Mr. Speaker

1. I refer to the letter sent by Mr. Mangala Moonesinghe, Chairman of the Parliamentary Select Committee for resolving the ethnic issue to you and appearing in the Hansard — Column 3245 of 16th December 1992. In this letter it is stated that the members of the Select Committee representing the UNP, the SLFP, the SLMC, the CP and the LSSP as well as Messrs. K. Sirinivasan MP and Basheer Segudawood MP have reached agreement on the establishment of two separate councils for the North and the East and to treat the North and the East as two distinct provinces and on a scheme of devolution similar to that which obtains in India in the administration of the States. The letter also states that the MEP's representative supported the de-merger of the North and East and that the two members representing the six Tamil political parties and the members representing the CWC did not agree with these conclusions.

Since we are opposed to the merger of the North and East, we have been advocating the de-merger of the temporarily merged provinces ever since this temporary merger was effected. I therefore welcome the decision of the six political parties that these two provinces be de-merged. The two provinces were temporarily merged by means of an emergency regulation. I recommend that they be de-merged without delay also through an emergency regulation.

2. Devolution of Power to Provinces

The above-mentioned letter states that the five parties referred to have agreed that a scheme of devolution similar to that which obtains in India in the administration of States be adopted. In this connection I wish to point out that in view of the differences between India and Sri Lanka not least the vast difference in size between the two countries and the situation arising therefrom, the Indian pattern is not necessarily suitable for Sri Lanka. I wish to refer in particular to the devolution of power in regard to law and order and state land which for reasons stated below. I consider should be vested in the Government and not devolved in provinces.

(a) Law and Order

In the 13th Amendment to the Constitu-

tion the subject of "Police and Public Order", including the exercise of police powers to the extent specified in Appendix I is devolved on the province. In the first place, this devolution of powers over law and order to Provincial Councils results in a proliferation of authorities with consequent unnecessary expense. There will be as many as ten Police Commissions, one for each Province and a National Police Commission. Each Police commission will consist of three persons so that thirty persons will be appointed to perform functions that are now largely performed by five persons comprising the Public Service Commission. Secondly the result of this devolution would be to set up in the country nine police forces each under a different authority and a tenth police force called the National Division. Although the I.G.P. is called the head of the Sri Lanka Police Force will not be able to give any order to any officer in any Provincial Police force, since the D.I.G. who is the head of the Provincial Police division is responsible to and under the control of the Chief Minister of the Province. It is clear that under this set-up the maintenance of law and order in the country will become extremely difficult, if not impossible. For example if a crime is committed in one Province and the perpetrator escapes into a different Province the Police in the first Province will not be able to apprehend the perpetrator as they have no jurisdiction in the second province. Even the Police in the second province may not be able to arrest the alleged offender if their jurisdiction extends only to crimes committed within that province. In any event the co-operation of the Chief Minister of the Province will be necessary.

Furthermore the control of illicit immigration and the smuggling in of goods, including arms, ammunition and drugs will be solely the responsibility of the Provincial police force. If this police force fails in its duty for any reason, the Government will be helpless and the very security of the state will be endangered.

The Security of historic places of Buddhist worship such as Nagadeepa, Seruwila and Deegavapi and the nume-

rous archaeological sites in the North and East will depend on the Provincial police force and if these are in danger of being damaged or destroyed and the provincial police force fails for any reason so that we may have a situation similar to that which occurred in Ayodhya while a separate police force for lack of state may be appropriate in India in view of the vastness of the country and the size of the States, to have ten police forces in a small country like Sri Lanka is not only an unnecessary extravagance but as pointed out above, far from improving the maintenance of law and order, it will prove a hindrance to effective crime prevention and even endanger the very security of the country.

For the above reasons I strongly feel that the maintenance of Law and order should be under the control of the Government and not be devolved to the Provinces.

(b) State Land

Land is one of our most valuable resources and unlike in India it is a scarce resource. State land should be developed in accordance with an integrated plan covering the whole country. The devolution of power over state land to Provincial Councils results in such land being split into nine parts making integrated development in the interests of the whole country and all its people impossible. Furthermore, the benefits from state land should be available on an equitable basis to all citizens of Sri Lanka irrespective of the community to which he belongs or his place of residence. This is rendered impossible by the devolution of power over state land to Provincial Councils. For instance in the Western Province where I represent landlessness is acute, there is hardly any undeveloped state land available for alienation. It will be impossible to solve the problem of landlessness in the Western Province if Provincial Councils where state land is available refuse to alienate such land to citizens from outside the Province as they are entitled to do under the present laws.

Devolution of all power over state and land on Provincial Councils on the Indian pattern will result in even merger



land development schemes (such as the Mahaweli scheme) coming under the Provincial Council which will then have the power to restrict settlement in such schemes solely to persons resident in that Province. In that event the benefits from irrigation schemes on which the country and all its taxpayers have spent vast sums of money will accrue to a small section of the people this would be unfair and quite unjustified.

Paragraph 2.1 (a) of Appendix II in the 13th Amendment to the constitution empowers a Provincial Council to initiate irrigation and land development schemes within its Province utilizing water from rivers flowing through more than one Province. This may lead to disputes between Provinces in regard to the sharing of river waters. As we are aware the sharing of river waters has been the cause of serious disputes between states in India (e.g. the Cauvery waters dispute). For the above reason I am firmly of the view that control over all state land should be vested in the Government and should not be devolved on Provincial Councils.

I am also strongly opposed to the demand of Tamil politicians that the demography of a Province should not be altered as a result of settlement in colonisation schemes. In this connection I can do no better than quote the reply sent by the Government to Prime Minister Rajiv Gandhi dealing with this

demand by the TULF and appearing in Hansard of 20.02.86:

"The Settlement of people in land settlement schemes must necessarily alter the demography of the particular area. The Government of Sri Lanka is unable to subscribe to the view that in settling of persons in major settlement schemes one must ensure that the demography of the District for instance is not altered. If this principle is followed the problem of landlessness would never be solved and would result in discrimination between communities and to solidifying of the claim of the Sri Lanka Tamils that the Northern and Eastern Provinces belong to them as their traditional homeland which view the Sri Lanka Government does not accept. From both a political and economic stand-point, the view that the demography of the province or district should not be altered in settling of persons in major settlement schemes in the Northern and Eastern Provinces cannot be accepted by the Sri Lanka Government as a basis for land settlement". (column 86, para 5.3 of Hansard 20.02.86).

I entirely agree with the above. I also consider that the following subjects should not be devolved.

(a) Archaeological sites

Ancient and historical monuments and sites are part of our heritage and should therefore be placed under the

control and protection of the Government. No power over these should be devolved on Provincial Councils.

(b) Ports

For security reasons all ports should be under the control of the Government. Under list II only major ports are placed under Government control.

3. The Unit of Devolution

When devolution was first proposed a few years ago I were of the view that the unit of devolution should be the Regional District as envisaged in the Bandaranaike-Chelvanayagam Pact. However, by the 13th Amendment to the Constitution, the Province was made the unit of devolution. But I still consider that a demarcated Regional District is the best unit of devolution for this country and that the vast expense incurred on maintaining Governors, Chief Ministers and Ministers of Provincial Councils is totally unnecessary. My view is that the question of making a regional unit of devolution should receive serious consideration even at this stage. However, whatever the unit of devolution, the powers devolved on Provincial Councils in respect of the matters referred to above, namely, police and public order, state land, archaeological sites and ports should be withdrawn and vested in the Government.

Lakshman Jayakody
M.P. for Gampaha District
Member of the Select Committee

Joint response by 7 Tamil political parties to the "Draft Interim Report" submitted to the Parliamentary Select Committee (PSC) by its chairman on 11.3.93.

The long-awaited Interim Report, which was submitted to the PSC in a "Draft" form by its Chairman, is both a revelation as well as a non-event. It is revealing in the sense, it confirms the lack of will of the Sinhala polity represented in Parliament, regardless of whether it is the ruling UNP or the major opposition, the SLFP, to come to grips with the legitimate grievances and aspirations of the Tamil People.

It is a non-event in the sense the so-called "Draft" is a mere elaboration of the note handed over to the Speaker of Parliament by the Chairman of the PSC on December 16 1992 containing what was termed the "majority decision" of the PSC. The handing over of the note by the Chairman, which was done without consulting the PSC, can only be interpreted as a response to the non-acceptance by the Tamil Parties on December 14, 1992,

made public through the media, of the "majority decision" reached at the PSC Meeting of December 11, 1992 to de-link the presently merged North-Eastern Province.

We do not consider it obligatory to keep repeating our basic position which has been placed ad infinitum before the PSC, collectively as well as individually, by the respective Tamil Political Parties. However, we consider it necessary to respond at least briefly to the Interim Report which sadly lacks substance and has now been made public, so as to reach out directly to the Sinhala People and the International Community and explain our position and apprehensions.

(1) Firstly, the so called "majority decision" contained in the "draft" Interim Report, which primarily seeks to de-link the already merged North-Eastern Province,

(to "the establishment of two separate units of administration for the Northern and Eastern provinces") is only a reflection of a bias against the continuation of the merger that had already been built-in into one of the main terms of reference of the PSC (to "to arrive at a political solution to the question involving the devolution of power to the Northern and Eastern Provinces").

We, the Tamil Political Parties, nevertheless, decided to partake in the efforts of the PSC at solving the National Question since we believed that a consensus could emerge that would address the legitimate grievances of the Tamil-speaking People and, thereby, satisfy their legitimate aspirations.

But it is now clear to us, based on reports that we have received from various sources, including our own reports

on the ground situation, that the de-linking of the presently merged North-East Province has already been set-in motion as a political decision.

In the above context, the "majority agreement" of the PSC totally disregards the unanimous demand of the Tamil Parties as regards the need for a unified politico-administrative entity for a clearly defined territorial unit. We are of the opinion that such a unit, which has historically been a predominantly Tamil-speaking Region, is essential to safeguard and foster the identity, security and the socio-economic advancement of the Tamil-speaking People.

In addition, the "majority agreement" is a reflection of a process that is already taking place — a process of fragmentation of a unified politico-administrative entity and geographical region that was conceded to and accepted by the Tamil People and its polity as an alternative to the demand for "Eelam".

Further, the ground reality also exposes the futility of the attempt by the Chairman of the PSC to affix the term "draft" to the Interim Report so as to give the misleading impression that the search for the elusive "consensus" is still on. By tabling an Interim Report, "draft" or otherwise, the process has in effect been brought to an end and fore-closes any further consideration of substantive matters.

(2) Secondly, as far as the devolution package is concerned, we note with some relief that the "draft" Interim Report has conceded that on the basis of evidence

that it had received from public servants "the devolution contemplated in the legislation relating to Provincial Councils had not been fully implemented". However, what is inconsistent and misleading is the "majority agreement" to "adopt a scheme of devolution on lines similar to those obtaining in the Indian Constitution".

Here it must be clear to anyone who knows the basis of the Indian Constitution, in relation to the scheme of devolution, that the basic unit of devolution is the linguistic region — except in the case of the Hindi-speaking Region which by nature of its sheer size could not be treated as a single State. It must also be noted that Sections like 2,3,4,75 & 76 in the Sri Lankan Constitution, which militates against meaningful devolution, are not found in the Indian Constitution. Further, in the context of the "majority agreement" at the PSC, where the concept of a single Tamil linguistic Region with a unified politico-administrative entity has been negated, the scheme of devolution recommended can hardly be based along the lines of the Indian Constitution. We also note with concern that the scheme of devolution contemplated by the majority members in the PSC, based on positions taken during the deliberations, is not conducive to crucial subjects such as law and order and land being fully devolved.

(3) In addition to the above, we also feel compelled to place on record what could be a case of deliberate distortion in the "draft" Interim Report. While the Report individually identifies the Parties comprising the so-called "majority agreement" (ie the UNP, SLFP, SLMC, CP, LSSP as

well as the "independent members" K. Srinivasan and Basheer Segudawood), it fails to identify the 7 Tamil Parties which had collectively placed the 4-PT Formula before the PSC, while only referring by name to the CWC and the TULF. We see this as yet another childish attempt at trying to conceal a Tamil consensus on the question of the unit of devolution.

In view of the above acts of commission and omission, not to mention bad faith, we the 7 Tamil Political Parties have decided to reiterate our opposition to the so-called "majority agreement" contained in the "draft" Interim Report submitted by the Chairman of the PSC. In any event, the "majority agreement" by no means suggests a Tamil-Sinhala consensus, but yet another shabby attempt at unilaterally imposing a Sinhala sectarian opinion on the Tamil People. The Tamil Parties represented in the PSC have therefore, also taken the decision to dissociate themselves from the contemplated future proceedings of the PSC.

We, instead, appeal to the secular democratic forces working amongst the Sinhala People as well as to the International Community to mediate a solution to the National Question that is just, rational and equitable.

Sgd.

K. Premachandran EPRLF
G. G. Ponnambalam (JR) ACTC
S. Vinothalingan TLLO
D. Sithadthan DPLF
Shankar Rajee EDF/EROS
M. Kanagarajan ENDLF
Mavai S. Senathirajah TULF

TULF Response

Objective

The objective of this presentation is to explain:-

(a) to the people of Sri Lanka and the International Community why the T.U.L.F. or the Tamil peoples cannot accept the so called "CONSENSUS" resolution presented by the Parliamentary Select Committee;

(b) that there is no political will among the two principal Sinhala Political Parties — U.N.P. and S.L.F.P — to solve the Tamil National question; and

(c) the rationale of our fundamental demand -

(i) an unbifurcated North-East Province

(ii) a Federal System of Government.

Historical Background:

No sooner than Sri Lanka (Ceylon) received Independence, the Tamil people began to experience what they had always feared would happen under a predominantly Sinhala Buddhist Government. The Plantation Tamil peoples were disfranchised in 1948-49; they lost Parliamentary representation in areas where they had been voters prior to Independence. The writing on the wall was clear and Mr. S.J.V. Chelvanayakam dissociated himself with this immoral politi-

cal fraud and announced the formation of the *Illankai Tamil Arasu Kadchi* (Federal Party). It was clear to him, and the Tamil people who supported him, that only in a Federal set-up could a minority national group, such as that of the Tamils, expect a fair deal; and democratic environment to live in. It was evident that after the fate that befell the Plantation Tamils the axe would fall next on the other Minority national groups, especially the Tamils from the North and East.

The next scene in this continuing tragedy is post independent — Sri Lanka unfolded itself with the enactment of the more withering "SINHALA ONLY" Act. which

rendered the Tamil people virtually illiterate and reduced them to a position of unequals placing the Sinhalese people in a distinctively superior position; this notwithstanding the resolution passed in the State Council on 25.05.44 that Sinhalese and Tamil shall become the Official Language of Ceylon with Messrs. D.S. Senanayake, S.W.R.D. Bandaranaike, J.R. Jayawardena among others voting for it.

Evidently the Sri Lanka Government had begun to depend on a purely Sinhalese Electorate and dismissed the rest of the people in the Island as unnecessary beings living on sufferance.

A pointer to this attitude, had been made manifest in the State Council prior to Independence when a Pan-Sinhala Board of Ministers was insensitively constituted to administer a really pluralistic multi-ethnic population.

The passage thereafter of the "Sinhala Only Act" in 1956 also introduced with it a new phenomenon, the use of violence to coerce and subordinate a minority which merely articulated a desire to be considered as equal citizens. This phenomenon of using majoritarian violence to render minorities submissive later on became recurrent; and not merely the Tamils from the North and East but even the Plantation Tamils and the Muslims too became gripped to the mill of such progressively worsening Sinhalese violence. For instance, the Tamils were victims of predatory violence in 1958, 1961, 1977, 1979, 1981 and 1983. The Plantation Tamils were unfortunately victims of every orgy of Sinhalese racial violence, but more so particularly in 1979 when they were driven to seek sanctuary in the Vanni and Trincomalee Districts. The Muslim people also suffered long after the pre-Independence 1915 riots from recent Sinhalese racist assaults in Gampola (1975), in Pulliam (1976), Galle and Beruwala (1992).

Since 1977, sadly enough, ruthless violence was organised and let loose on the Tamils by the Sinhala State through its own instrument that should actually protect the civilians — the Security Forces.

Not only non-violent protests by Tamils against discriminatory legislation and administration were suppressed by such Sinhala terrorism but also even without any apparent cause there have been wanton Sinhala onslaughts. Notwithstanding the loss of life, property and the sufferings wrought on the humiliated Tamils, the Tamil Political Leadership hopefully and tenaciously struggled on to reach a peaceful solution to these problems of inequality and discrimination with dignity and justice, by entering into discussions with ruling Sri Lanka Governments. Alas; all these negotiations however ended in nought.

The first was the Bandaranaike-Chelvanayakam Pact of 1957 which held out some promise of allaying a few of the fears of the Tamil people in regard to their political status. But this Pact was torn up following the intolerance and threat posed by some of the Sinhalese extremists comprising a few members of the Buddhist Clergy and opposition political leaders. The next betrayal of trust occurred when the Dudley-Chelvanayakam Pact of 1965 met with the same abortive fate owing to the intolerance and opposition mounted by extremist elements within and without the ranks of the Government.

The situation in the seventies: Increasing discrimination against the minorities

In the nineteen seventies it became quite clear to the Tamil people, and their leadership, that they cannot place their faith anymore in the Sinhalese State. The seventies ushered in a period which heaped upon the Tamils more and more discrimination and further repeated regular sufferings

(a) discrimination against Tamil students and in contrast a favoured treatment for Sinhala students in making admissions to the Universities;

(b) drafting and adopting a Constitution neither with the legitimate participation of the Representatives of the Tamils nor with any sensitivity to the aspirations of the Tamil people;

(c) removal of Articles 29 of the 1947 Constitution and abolition of the Senate both of which had afforded some semblance of deterrence to the enactment of discriminatory legislation injuring racial and religious minorities;

(d) enshrinement of Buddhism as the foremost religion of a multi-religious hitherto secular country;

(e) embodying Sinhala as the only Official Language in the Constitution itself;

(f) politicisation and greater Sinhalaisation of the Public Service to the disadvantage of the minorities in particular the Tamils; and

(g) declaration of the State as Unitary thereby pre-empting the possibility of power sharing with the minorities in a multi-ethnic society.

As a result of all these invidiously discriminatory and partisan actions, the Tamil people lost confidence in the Sinhala State; the Tamil Youth, in particular withdrew their trust in parliamentary processes and sought other ways and means of gaining redress to their grievances which already had been demonstrated by discontented Sinhala Youth in the JVP uprising in 1971.

In 1974, the discontent and distrust of the Tamil Youth got incurably exacerbated because of the unjust, suppressive and brutal handling by the government authorities of the peaceful International Tamil Cultural and Research Conference held in Jaffna in 1974. The removal of Article 29 and abolition of the Senate do not constitute mere Constitutional amendments but are unilateral acts of retraction from a solemn understanding or compact that formed the bedrock on which the British commended for acceptance the Constitution of 1947 to the minorities. The Tamil leadership being prudently apprehensive of the fragile and vulnerable position of the minorities under a permanent Sinhala majority rule following the transfer of power had lobbied for "balanced representation". As feared, since 1972 the distinctively eminent place acco-

rded to Buddhism coupled with the constitutional entrenchment of Sinhala as the Official Language destroyed the secular character of a multi religious and multi lingual polity; and instead elevated the Sinhala Buddhists to a superordinate status resulting in making the minorities unequal to them, permanently relegated to an inferior level with no prospects of sharing power as equal citizens in a national polity.

Politicising of the Public Service in the context of Sinhala being the Language of Government and Administration resulted in the almost total marginalisation of the Tamil Public Servants who were not proficient in Sinhalese, a language unfamiliar to them, and drastically reduced the chances of entry of the Tamil speaking people into the Public Sector.

The declaration of Sri Lanka as an "Unitary State" was a deliberate and malicious ploy to foreclose any ways and means of responding constructively to the aspirations of the Tamil people who saw in a Federal set-up alone, the possibility of peaceful co-existence as equals in a united country. It is not to our surprise that in this stipulation lay the seeds of the later notorious Sixth Amendment of 1983 which viciously excluded from Office the elected representatives of the Tamil people who refused to subscribe to the concept of an Unitary State.

Response of the Tamil leadership to the inequities piled on the Tamil minority in the seventies.

The cumulative effects of the degradation that the Tamil people had to suffer since Independence in the fields of public and national life and driven the Tamil Leadership to take two cardinal steps:-

- (a) the Leader of the Tamil people, Mr. S.J.V. Chelvanayakam, resigned his seat in Parliament and challenged the Government to have him contested at a by-election on the issue of the acceptance or rejection by the Tamil people of the 1972 Constitution; and
- (b) having won the by-election by a co-

nvincing majority and thereby having received a mandate to reject the Constitution of 1972, he declared that there was no alternative now but for the Tamil people to strive to regain their lost sovereignty.

Mr. S.J.V. Chelvanayakam's declaration was duly endorsed by the T.U.L.F. at its Vaddukkoddai Convention of 1976.

The end of the term of the S.L.F.P.'s regime in 1977 left the Tamil people in a hopeless state without any solution in sight whatsoever to any of their severe problems. The discontented Tamil youth in particular saw no hope of gaining any remedy of their grievances through the parliamentary process and began to place ever increasing faith in extra-legislative measures; the Tamil people in general were dissatisfied and remained sullen and despondent faced with the aggrandisement of the Sri Lanka-Buddhist community in every sphere of public and national life.

The post 1977 position: hopes belied and the crisis worsens

Having experienced an era of alienation, suppression and silencing of them through an escalating use of state terrorism, the Tamil people, yet saw some flickering light of hope in the promises that were held out in the U.N.P.'s Election Manifests of 1977. This Manifests diagnosed the plight of the Tamils and acknowledged that several grievances compelled the Tamil people to demand a Tamil State so as to live as citizens of the island in peace and dignity. Consequently the U.N.P. promised to convene a round-table conference to seek solutions to the pressing problems of the Tamil people.

Nevertheless, the post election 1978 Constitution only stifled any hope, and on the contrary subordinated the Tamil people to the Sinhala State still further, while elevating the Sinhala Buddhists as the dominant group; and the round-table conference was conveniently forgotten. The Constitutional status of unitariness was even more strongly reinforced by making it wellnigh impossible to change that status without recourse to a referendum

in a country where the Sinhala Buddhists remain an overwhelming preponderant permanent majority, and the inevitable foregone one sided result of such a referendum will offer no help whatever to meet the Tamil minority's hope and legitimate aspiration.

The Status of Buddhism was constitutionally given a more favoured position by making it incumbent on the State to foster and further the faith. As an earnest of this four Bo-leaves were introduced into the Sri Lankan Flag, the original design of which itself had already hurt the sentiments of the minorities. Representation accorded to the Tamil people in Parliament was further diminished by allotting an equal number of territorial seats to all provinces, regardless of their extent while the disfranchisement of the Plantation Tamils already had decreased representation of the Tamil people. What had been provided in an earlier prescription for distributing seats as a safeguard for the minorities was now contrarily perverted to enhance Sinhala representation resulting in 74% of the Sinhala people being able to enjoy 82% of the representation in the Legislature.

The grafting of an highly centralised Executive Presidency on a Parliamentary Democracy, as was done, has not only contributed to the devaluation of Status of Parliament but also rendered it well-nigh impossible for the Tamil people to realise their aspiration to share political power through the means of devolution and federalism.

As outlined above, diverse forms of discrimination and outlawing from the polity were perpetrated through the enactment of a new and the use and misuse of that constitution.

In addition, administrative actions continued to be taken so as to discriminate further against the Tamils and alienate them, while the might of the security forces was deployed to ensure the fulfilment of these unjust objectives by suppressing the peaceful protest of the Tamil people of the North and East.

(To be Continued)

Chairman Sees a federal solution on the Indian Model

The interim report of the Parliamentary Select Committee, mandated to find a consensus solution to the national question will be presented to Parliament after October 15. In an interview with Rita Sebastian, Chairman of the Committee, Mangala Moonesinghe, for the first time since he chaired the discussions answers questions ranging from why he moved the motion for a Select Committee, to the overall achievements of two years of deliberations. He sees federalism on the Indian model as a possible constitutional solution to the conflict.

Q: What made you move the motion in Parliament for a Select Committee to find a consensus political solution to the national question?

A: I felt the country was in the mood for a peaceful resolution of the national conflict, having judged the tempo in Parliament even among extremist groups. For the first time there was an opportunity to get the elected representatives, of all shades of opinion, to collectively pursue the possibility for a peace through discussion. Had I moved this motion 5 years ago it would not have been accepted unanimously by all parties. That alone is an achievement. Not since independence has the opposition and government sat down to find a solution. Earlier attempts, first in 1957 when the Sri Lanka Freedom Party (SLFP) reached agreement with the Tamil parties it was opposed vehemently by the United National Party (UNP) in opposition. In 1966 when Prime Minister Dudley Senanayake with S.J.V. Chelvanayakam came to an agreement the SLFP in power sabotaged it. So you the Sinhala parties have been playing politics with the national question.

Q: How did the public respond to your appeal for their participation in the deliberation?

A: 300 or more memoranda came in. We classified them under political parties, other organisations and under those who came before the Committee and gave evidence.

Q: Did the Liberation Tigers of Tamil Eelam (LTTE) as reported submit a proposal?

A: No all other Tamil parties responded but the LTTE maintained a noble silence. So it was clear that the LTTE was not prepared to participate in any negotiations. It is unfortunate that the LTTE did not make use of this body comprising both government and opposition, for any agreement with such a body would have been an agreement with both government and opposition. So it was now very clear that with the LTTE not participating there would be no easy resolution of the conflict.

Q: How then can you achieve peace when the main party to the conflict

hasn't participated in the peace negotiations?

A: The Committee had to now look out for other options to achieve peace, which would take longer, and which also meant devising new strategies.

Q: How successful was that exercise?

A: That mainly was to free one part of the area of conflict namely the east and try to return that area to peace and normalcy.

Q: How were you going to do that?

A: Jaffna MP, Mr. Srinivasan proposed 2 separate units, one for the north with its 98% Tamils, and one for the multi-ethnic east where there is equal representation of all three communities, within a federal structure. At that stage 40 of the 45 members of the Select Committee agreed to 2 separate Provincial Councils and a constitution similar to that of the Indian model. The Committee also by a majority, agreed to diminish the powers of the concurrent list or eliminate it totally and devolve them to the Provincial Councils. This was one area where the centre and the provinces had dual powers. Invariably the centre assigned to itself all the powers depriving the Provincial Councils and thereby nullifying the whole purpose of devolution.

Q: What were the other areas of agreement?

A: Having heard the army give evidence, the committee was of the view, that wherever possible, both in the north and east, local elections must be held.

Q: What purpose would local elections serve?

A: Both in the north and east there have been no elections for the past 8 years. People are mostly in refugee camps. Only a Governor administers these areas. So it would be healthy for people to participate in the elections so that they once again get used to administering their own affairs, and also throw up some new leadership. For instance a Tamil Pradesheeya Sabha, which is an entity of governance could elect its own representatives to govern its own area. So by bringing in a civilian democracy like what happened in the south with the Janatha Vimukthi Peramuna (JVP).

Q: When did the Tamil parties together with Ceylon Workers Congress (CWC) President S. Thondaman move out of the Select Committee?

A: When it was agreed to have two Provincial Councils for the north and east.

Q: What about the Sri Lanka Muslim Congress (SLMC)?

A: They agreed at first to the delinking of the two provinces, but later changed their mind and moved out of the Committee. But there are a number of Muslims

and Tamils in the Select Committee. The idea for 2 separate Councils came about when some of the Sinhalese and Muslims gave evidence before the Committee. Their contention was that the controversial merger had taken place without asking the people. So they wanted a referendum to decide the issue.

It is unfortunate that these parties should have taken a negative attitude and moved out while the whole purpose of the exercise was to see whether other options could be looked into like a re-demarcation of boundaries where you can still achieve a merged north east. Or you could have a separate constitutional structure where you have 2 separate Councils and Apex body elected by the 2 Councils with administrative powers over the north-east. It would thus satisfy both demands, a merger and de-merger. None of these parties were willing to explore the possibilities.

Q: How would your Committee seek to achieve peace given these constraints?

A: Since the LTTE has not come forward peace will have to take a more protracted and circuitous route. There is peace in the south and economic activity is on the uptake providing jobs and income to the population. The strategy of the Select Committee therefore is to provide the infrastructure for development in the east. There is on hold 580 million US dollars already pledged for development of the north east by the international community.

There is a possibility of 2 highways, one to Trincomalee and one to Batticaloa. This would immediately generate plenty of jobs for people in the province as well as attract Tamils from the north to the east in search of jobs. Already as a result of the Mangoch development strategies in the east new agricultural exports are adding to the incomes of the rural people. The Australian government has already started building an international airport in Hingusakgoda to service the new exports and once tourism develops the east will naturally benefit. Trincomalee can also be made into an export processing zone and an industrial enclave which will attract foreign investment and provide the foundation for an economic take-off. So if peace cannot be hammered out at the table, peace will be brought to a greater geographic area which will generate new employment and increased incomes leaving terrorism without the people.

Q: Will the proposals of the Committee be debated in Parliament? and, will some of them be implemented?

A: It is possible that Parliament might appoint a smaller group of MPs to sit with a technical team to implement a constitutional change with a concept of federalism on lines similar to the Indian constitution.

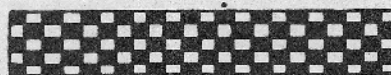
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Norway's Role

Stephen S. Rosenfeld

WASHINGTON

Norwegian diplomacy made a crucial contribution in setting up secret Israeli-Palestinian talks and, beyond that, in steering those talks toward agreement. In all the celebration of Middle East peacemaking, however, the assumption seems to be that the facilitating and mediating role of small, independent Norway is over. Is it? The question bears centrally on how the peace process had best now proceed.

It had become almost an article of faith that only a vigorous American role could induce suspicious Israelis and Palestinians to make, to the United States, the necessary concessions that they could not make to each other. The well-publicized onset of Secretary of State Warren Christopher's direct personal involvement earlier in the summer had been widely and positively taken as confirmation of U.S. seriousness as well as American essentially.

The unique superpower status of the United States makes it the dominant actor, by acts forgone if not by acts committed, even when its visible role is subdued. But at the cutting edge of day-to-day policy initiative, there is room for play. This we could see, looking backward, when Norway's part in the yearlong back-channel Middle East negotiations was revealed.

At first the common impression was that the Norwegians had by some quirk of circumstance found their way to a gambit that by chance and good fortune happened to pay off. But then it became clear that the Norwegians had given us all a lesson in practical statesmanship.

Their access and their acceptance came not from chance or intrusiveness but from the protracted deliberate cultivation of contacts and the building of credibility with Israel's Labor Party (by Norway's Labor government) as well as with Palestinians (through Norway's work in humanitarian relief and peacekeeping).

One can guess that the evident disinterest of this Nordic country in a particular Middle East outcome helped make Oslo palatable as a go-between. This is on top of the deft professionalism of Foreign Minister Johan Jorgen Holst and his aides.

They brought into the same room, and the same texts, the two most distrustful parties in the world.

I suspect there was a further consideration. In dealing with Norway, the parties could try and fail in relative obscurity and without all the drama, weight and publicity that attend American participation in regional diplomacy. If the exercise failed in Norway, it would not be the end of the world.

The progress may also reflect the change that comes over a negotiation between two small-fry when a big shot joins in. The small-fry can hardly avoid shelling some of their focus from negotiating with each other to seeking the big shot's favor.

Some of that familiar and reflexive turning to Washington is bound to be not only unavoidable but useful as events move on. We Americans have our strategic and economic interests. We have, still, the horses, including money and a military and a diplomatic practiced in evenhandedness. We have a president who, especially after the Rabin-Arafat extravaganza and with all his emphasis on domestic affairs, is now plainly tempted by high-wire Middle East engagement.

But what intrigues me is whether Israelis and Palestinians may not feel psychologically liberated by their success in hammering out, practically by themselves, the path-breaking accords on mutual recognition and first-stage Palestinian self-rule.

The parties regularly claim to speak, after all, in the name of carving out their own national destinies. Given the tact and habit of their dependency, they may remain profoundly ambivalent about practicing the independence they profess. But as they seek to consolidate their breakthrough, it may no longer be so certain that the two will need the inevitably loud voice and large weight of the United States every step of the way.

If this is so, then Washington will want to prepare to stay a bit removed from some of the parties' proceedings. Norway or some other appropriate world citizen might still offer a hand. This might trouble

some Americans, and not just for reasons of pride. The United States has reason to be involved in the making of any large and risky Middle East settlement it will be called on to underwrite. Already Mr. Clinton has been jumped by critics citing the secret Norway talks as evidence of his irrelevance or ineptness. The right response is that Middle East peace comes first.

The Washington Post

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Norway's peace brokers forged Mid-East breakthrough

A Norwegian team of four, headed by Minister of Foreign Affairs Johan Jorgen Holst, played a vital role in bringing about the historic peace agreement between Israel and the PLO which was signed in Washington on 13 September.

The basis for parts of the agreement — which could be the first step along the path to lasting peace in the Middle East — was in fact laid in the minister's private home. The Norwegian contribution has by no means gone unnoticed in the US capital. "The world is indebted to Norway," President Bill Clinton said at a press conference.

Direct Israeli-PLO negotiations started in Madrid in October 1991, constituting what Johan Jorgen Holst called "the front door to peace". What the world did not know was that Norway had opened a back door, playing an "honest broker" role in negotiations which formed an alternative to the deadlocked talks in Madrid, and later in Washington. President Clinton's administration was aware of the outlines of what was happening in Norway, but by its own wish, was not informed of the details.

Johan Jorgen Holst described Norway's role in the peace process at a press conference in Oslo, revealing that no less than 14 Israeli-PLO meetings lasting 23 days had taken place in Norway under conditions of deepest secrecy, 11 of them

during the past four months. The delegates' task was to hammer out a draft proposal for an agreement which could be accepted by both sides. "Our mission was to mediate when the two sides felt the need of it," said Holst. Both Israeli foreign minister Shimon Peres and PLO delegation leader Abu Ala later characterized the Norwegian contribution as indispensable.

According to Holst, the negotiations were conducted in three phases, a preparatory phase from January 1992 to January 1993, an "academic" phase from January to March of this year and direct negotiations from April to August.

FAFO led the way

Norway's direct involvement as a secret mediator came about through FAFO, the Norwegian Trade Union Centre for Social Science and Research. Since 1988, FAFO had been working on a study of living conditions for Palestinians in the occupied territories, commissioned by Norway's former Minister of Foreign Affairs Thorvald Stoltenberg. This secured them contacts among both Israelis and the PLO and fostered sufficient confidence to open up an alternative diplomatic channel in Oslo.

FAFO played a major role, acting as an intermediary in up to 20 telephone calls a day between the sides. In the best traditions of shuttle diplomacy Holst also followed Shimon Peres to Stockholm and

Helsinki when the Israeli foreign minister paid official visits to the Nordic capitals last month. He met with Peres in the evenings and continued his secretive efforts.

On 20 August, Israeli and PLO representatives initialled a tentative peace agreement in Oslo, in the presence of the Israeli foreign minister, Shimon Peres.

Family atmosphere

The Oslo team of four consisted of two married couples, Holst and his wife Marianne Heiberg, who led the FAFO study group, and FAFO head Terje Rod-Larsen and his wife Mona Juul, who Works in Holst's secretariat. Holst speaks highly of the contribution of the other three and is also firmly convinced that the family atmosphere helped break down the barriers of suspicion and reserve and gradually got the adversaries onto good, even intimate, terms.

When the going got hard, talks were broken off to allow the participants to take a stroll in the nearby woods or to enjoy a good meal together, in order to restore the convivial atmosphere.

The role of Norway's peace brokers has been praised throughout the world and at home Prime Minister Gro Harlem Brundtland called it "the biggest triumph in the history of Norwegian foreign policy. All four mediators were President Clinton's guests when the agreement was signed in Washington.

— Norway Now

CORRESPONDENCE

1948-49 Disenfranchisement

A.M. Navaratna Bandara and Sumanasiri Liyanage state in their paper, "Sri Lankan Conflict: Consociational Solution" (LG, Oct. 15) that the main objection to the Citizenship Act No. 18 of 1948 and the Parliamentary Election Amendment Act No. 48 of 1949 "came not from the Tamil representatives but from the parliamentarians of the Left parties". This is only a partial truth, initially highlighted by Kumari Jayewardene. A clarification is warranted so that the views of the Tamil MPs who opposed the 1948-49 Disenfranchisement Acts are properly interpreted.

In my view, the phrase "main objection" should be qualified in terms of the number of MPs who were elected to the 1947 parliament. As all know, the number of MPs representing the Sinhalese constituencies were higher than that of the number of MPs representing the Tamil constituencies. 1947 election returned 15 MPs from LSSP and BLP. Three MPs represented the CP. Of these 18 MPs representing the Left parties, around 10 owed their election to the support of the Indian Tamil voters. So, one can easily comprehend why the MPs of the Left parties opposed the 1948-49 Disenfranchisement Acts. With all due respect to their principled stand on the rights of ethnic minorities in 1947, one could infer that the opposition to the 1948-49 Disenfranchisement Acts provided by the Left MPs was just a knee-jerk

reaction to a "life-death" situation threatening their representation in parliament. Later events (especially the post-1960 behavior of the LSSP and CP on the issues of ethnic minorities) proved that the 1948-49 response of the Left parties was just that.

Among the two major parties which represented the Tamils in the 1947 parliament, Tamil Congress has 7 MPs. Of these seven, two (S.J.V. Chelvanayakam and C. Vanniasingham) opposed the 1948-49 Disenfranchisement Acts and split from the TC to form the Federal Party. All the 7 MPs (which included S. Thondaman) representing the Ceylon Indian Congress opposed the 1948-49 Acts. Arithmetically speaking, 9 MPs representing the parties of Tamil interests opposed the 1948-49 Acts, while 5 MPs supported these Acts. Also, C. Suntharalingam, one of the two Tamil Cabinet ministers in the D.S. Senanayake regime resigned from the Cabinet in 1948 to express his opposition to the two Disenfranchisement Acts.

Sachi Sri Kantha

Osaka BioScience Institute,
Japan.

Ancestral Homes

Mr. A.Y.S. Gnanam, in a letter to the Island (27th October) reveals how (when he was president) Mr. J.R. Jayawardena had vested his ancestral home in Grandpass (then owned by Mrs. R.T.

Abeysekera) in the government only to be foiled by President Premadasa's decision to divest the property. One wonders how the country's interests would have been served by such an acquisition at the taxpayers' expense.

We recall that the house at Turret Road where Mr Jayawardena grew up was sold to the Chinese government for its embassy and, later, during Mr. Jayawardena's regime was acquired by the government with taxpayers' money, at ten times the price which the Chinese had paid for it, for the purpose of making it a J.R. Jayawardena Museum. A grateful public setting up a museum posthumously for a departed leader is one thing. For an elected politician transiently in office to use taxpayers' money to set up a museum to perpetuate his name is quite another matter!

More recently we read that Mr. Jayawardena had gifted his house in Ward Place "to the nation" — but this too was for the storing and exhibition of J.R.J. artefacts.

When Sir John left his Kandawela estate to the nation he did not stipulate that it should be used to perpetuate his name. It was used by a grateful nation to set up a Defence Academy.

It would seem that to Mr. Jayawardena the perpetuation of his name is a "national purpose".

Piyal Gamage

Colombo 4.



The Presidential Election

Arden

By mid-1982 J.R. Jayewardene's mind was full of the general election that was due in a year. He had many ideas. On 8 July cabinet spokesman A. de Alwis, Minister of State, announced a whole lot of changes that were to be made in the election laws. Coming after Kalawana and Panadura, the ruling party's plan to muddle with the election laws on the eve of the general election was cause for alarm. The proposals included:

1. Shortening the period between the announcement of parliamentary elections and the date for nominations from 14 days to 7;
2. Shortening the period between the announcement of presidential elections and the date for nominations from 16 days to 7;
3. Shortening the period between nominations for parliamentary elections and voting from 9-9 weeks to 2 weeks; and
4. Shortening the period for nominations for presidential elections and voting from 1-2 months to 2 weeks.

(All these changes would confer material advantages on the ruling party which could prepare its candidates before announcing the dates for nominations and voting).

5. Making the allocation of radio and television time to parties discretionary by administrative decision instead of mandatory;
6. Changing the defamation laws making it obligatory for newspapers

a) to provide financial security for damages claimed in defamation actions against them; and

b) to cease publication until security was provided. (A mere unfounded action coupled with a demand for heavy damages could silence a newspaper at election time.)

7. Changing the constitution to allow a 21 day period after elections during which elected members could change parties "for the purpose of assuring a stable government";
8. Allowing the president to dissolve a parliament elected by popular vote, at his sole discretion, at any time;
9. Authorising the serving president to seek re-election before his statutory term of 6 years, after the expiry of 4 years;
10. Abolishing priority in party lists for P.R. elections so that after the polls the parties could nominate their members from anywhere in their lists; and
11. Changing the law on civic disability;

i) to make a candidate in whose election a person deprived of his/her civic rights participates, liable not merely to have his election set aside, but also to be deprived of his own civic rights for 7 years as having committed a corrupt practice;

ii) to make it illegal for a member of parliament against whom such a petition is filed to sit in parliament, from the moment the petition is filed; and

iii) to make votes for the party of such a candidate invalid in the online district (i.e. not to be counted) on an injunction being applied for in the court of appeal. (i.e. every candidate of the party concerned in the district would be disqualified if an allegation was made that a person under civic disability had intervened on behalf of one candidate).

The proposals raised a howl of protest. The C.R.M. pointed out that "for the government to use its disproportionate majority to bring about far-reaching changes to election laws shortly before a general

election without the consent of the other parties would be a travesty of democracy".

After the cabinet meeting of 21 July 1982, the presidential secretariat issued a communique stating that the cabinet had approved a bill to amend the constitution to enable the president, at any time after the expiry of 4 years of his term of office, by proclamation, to declare his intention to seek election for a further term. The president told his party M.P.'s that there had been no decision on the other amendments proposed.

A possible reason for the president's hesitation was the report that Mrs. Bandaranaike had said that she would throw a spanner in his works by publicly canvassing for U.N.P. candidates!

The Daily News reported that authoritative sources had said that several proposed amendments had been sent to the attorney-general for his opinion, some of which were considered to require a referendum. (22 July 1982)

Since the proposed third amendment providing for two seats for Kalawana had now been dropped, the amendment now proposed would be the third. A bill entitled "The Third Amendment to the Constitution" was gazetted on 16 July 1982.

On 22 July the U.N.P. government completed five years in office. On this same day a public meeting had been arranged at the All Ceylon Buddhist Congress Hall in Colombo. At this meeting Professor Sarachchandra, a well-known public figure and a former Ambassador to France, began a lecture entitled "The Decline of Lankan Culture in Recent Years". The speaker started off with a reference to the government's open economy policy when a gang of thugs in the audience rushed to the platform and beat up Professor Sarachchandra and several others on the rostrum, including some Buddhist monks.

The opposition newspaper *Aththa* next day carried a list of the government-owned vehicles which had been used to transport the thugs to and from the meeting.

A person called Piyasena Jayaweera, described as an "assistant" to the Minister of Industries Mr. Cyril Mathew made a statement to the press that he accepted responsibility for trying to stop Professor Sarachchandra from "attacking government policy". (The Nation 30 July 1982).

Neither the president nor the prime minister made any statement about the incident. Commented the Nation: "It will be recalled that President Jayewardene ordered the army last month to forcibly take over a temple in Getambe belonging to a Buddhist monk who allegedly criticised the president at a public meeting. These troops are still in occupation of the temple while the government is taking action to cancel the lease agreement covering the temple land".

On 9 August the C.R.M. petitioned the supreme court stating that the proposed third amendment was inconsistent with the sovereignty clause in the constitution (Article 3) and therefore required both a two-thirds vote and a referendum (Article 83). It submitted, *inter alia*:

"In the case of the 1978 constitution, there are two independent instruments of state power deriving their authority directly from the people. These are the president of the republic on the one hand and parliament on the other. Parliament has neither privity nor status in the delegation of executive power from the people to the president. It is therefore the inalienable right of the people to decide and determine the nature and the content of the office of their delegate viz. that of the president, through whom they exercise their executive power".

The supreme court took the view that the amendment maintained the sovereignty of the people because election by the people was made a precondition of holding the office of president and, therefore, ruled that Article 83 was not applicable i.e. no referendum was required.

The third amendment became law on 27 August 1982 and by a proclamation issued on the same day the president

declared his intention of seeking re-election for a second term in office. Commented Professor Wiswa Warnapala and Dr. Dias Hewagama:

"The passage of the third amendment and the Proclamation which followed demonstrated the constitutional and political manipulations of the party in power to suit the personal ambitions of the incumbent President and above all it was guided and motivated by the desire to take advantage of the political situation in the country, the main feature of which was the utter disarray of the Opposition forces. The Opposition in the context of its unpreparedness for an early presidential election, due largely to the disarray in its own ranks, faced the challenge of finding a suitable candidate whose national stature could match that of the incumbent President.... The most important factor which had brought about this confusion in the ranks of the Opposition was the split in the ranks of the S.L.F.P., and this split which came in the wake of the imposition of civic disabilities on Mrs. Bandaranaike in October 1980, had brought into existence a major crisis unprecedented in the annals of the S.L.F.P".

(Recent Politics in Sri Lanka: 1983)

When following his tremendous election victory in 1977 J.R. Jayewardene without loss of time got going with his plans to eliminate Mrs. Bandaranaike from the political scene, he could scarcely have hoped for such a total discombo/bulation in the enemy camp when he came to seek re-election.

Due to in-fighting in the party, the man who got the S.L.F.P. nomination as presidential candidate was the lack-lustre Hector Kobbekaduwa, a former minister, who had neither a national stature nor Mrs. Bandaranaike's blessing. Some of her shadow ministers, forgetting that the S.L.F.P. was the private property of the Bandaranaike family, chose the worst possible moment to try to give it a wider democratic base and even, if possible, leave Mrs. Bandaranaike out of the party altogether. It was a venture doomed to failure and was entirely misconceived; worse, it ruined the party's presidential chances. Kobbekaduwa had the support of the C.P., the M.E.P. and some splinter groups; he was the front-running opposition candidate against Jayewardene and

put up a surprisingly tough fight considering all his disadvantages. It is not outrageous to suppose that had he Mrs. Bandaranaike's goodwill and tacit support (tacit because she was legally disqualified from openly supporting a candidate) Kobbekaduwa might even have won. Contributing to Kobbekaduwa's electioneering difficulties was another hopeful aspirant to office Colvin R. de Silva of the L.S.S.P. who received almost no votes at all (less than one percent of the total polled) but was able grievously to injure Kobbekaduwa's chances. As Warnapala and Hewagama relate it:

"Dr. Colvin R. de Silva ... brought forward the famous 'law point' of the election campaign, and besides providing the U.N.P. with a powerful campaign weapon and creating further confusion in the ranks of the S.L.F.P. it weakened and damaged Hector Kobbekaduwa's campaign. Dr. Colvin R. de Silva to confuse the mind of the electorate in respect of the candidature of Hector Kobbekaduwa, stated that the candidate of the S.L.F.P. had been nominated by a party the leader of which was 'a person who had been deprived of her civic rights'. His argument was that Kobbekaduwa if elected could be unseated on the ground that he was the nominee of a political party whose functioning president had been deprived of her civic rights. This view was published in the course of the campaign.... The newspapers controlled by the government, seeking to take full advantage of this controversy, made it a battle between the L.S.S.P. and the S.L.F.P.... The Secretary of the L.S.S.P. Bernard Soysa stated that 'the unseating of Kobbekaduwa could result in J.R. Jayewardene being declared elected President' and this interpretation, according to him, was made on the basis of the electoral laws... This law point of Dr. Colvin R. de Silva more than any other issue in the campaign damaged the electoral prospects of the S.L.F.P".

(Recent Politics in Sri Lanka).

J.R. Jayewardene won with 52.9% of the votes cast but only 42.37% of the votes in the register. Kobbekaduwa received over 39% of the votes cast which, considering his mediocre image and all the obstacles he had to face was an impressive performance.

India : Ayodhya and after

Shelton Kodikara

A part from the ban on the RSS (Rashtriya Swyamsevak Sangh) VHP (Vishwa Hindu Parishad), and Bajrang Dal, now lifted except in the case of the Bajrang Dal, the most important short-term impact of Ayodhya was the Centre's imposition of presidential rule in the four BJP-ruled states of Uttar Pradesh, Madhya Pradesh, Rajasthan, and Himachal Pradesh. The UP Chief Minister, Kalyan Singh, had himself been a witness to the Babri Masjid demolition and, unlike some other BJP leaders, did not have regrets over the incident. On the contrary, he acclaimed it as a matter of pride for Hindus. However, the extent to which the BJP leadership can be held solely responsible for its failure to redeem its assurances that the *kar seva* on 6 December 1992 would be performed without prejudice to the existing Babri-masjid structure, is a matter of debate. The BJP is not alone in assigning part of the blame for the aberrant behaviour of Hindu activists at Ayodhya on the Narasimha Rao government's own ambivalence and vacillation on the issue of constructing a Ram mandir on the spot where the Babri Masjid existed. Some have argued that the presidential proclamation taking over the state of Uttar Pradesh should have been enacted before the destruction of the mosque on a calculation of probabilities, and not *post facto* as actually done. Constitutional proprieties may not have permitted such a course, for the relevant Art. 356 provided only for a contingency after "a situation had arisen", and not when "a situation was likely to arise". Prime Minister Narasimha Rao himself declared in the Lok Sabha that curbs would have to be placed on "non-secular" parties which might introduce religious issues into electoral politics, and that Art. 356 would have to be amended to allow the Central take-over of a state government if a situation had arisen in which the constitutional machinery could not be expected to function according to expectations. He said:

There will have to be a national debate on the place of non-secular parties in India. For if a party takes Lord Ram as an issue and the contending parties in an electoral battle do not do so, it becomes an unequal fight.

Dr. Kodikara is Sh. Lankar's foremost scholar on India and Indo-Sri Lankan affairs.

The country cannot afford an unfair electoral verdict. Let Ram remain where he is. (*Hindustan Times* 22 Nov. 92)

Prime Minister Rao's attempt to get through Parliament the proposed legislation separating religion from politics proved to be abortive in late August (1993), but he has reiterated to his party that he would "spare no efforts" to get the legislation passed eventually. "Religion and politics are already separate, but efforts are being made to mix them", he said, and he affirmed the necessity of preventing political parties from "getting mileage through misuse of religion". (*Daily News*, 4 September 1993).

Constitutional amendment, however, may or may not prevent the recurrence of Ayodhya-type vandalism. *Hindutva* protagonists are already targeting mosques in other places, such as Varanasi and Mathura, which are also, like Ayodhya, alleged to be built on sites where Hindu temples existed before. The moot point is that a senior minister in Rao's own cabinet, Arjun Singh, should have called upon the Congress party to apologize to the nation for what was allowed to happen in Ayodhya. Arjun Singh's is now rather a lone voice in the government, but his advocacy of a stronger secularist line against the *Hindutva* challenge than that espoused by the Prime Minister appears to have a following in the Congress party. Prime Minister Rao's present stance about legislating the separation of religion and politics may, in fact, be partly a tactic to drag the carpet from under Arjun Singh's feet.

Electoral Prospects

It is yet too premature to assess with any degree of certainty how Ayodhya and the communal violence and bomb blasts that were connected to it might affect the electoral prospects of the political parties. Significant as an indicator of political trends in India might be the possibility that although the BJP's image as a responsible political party might have been tarnished both nationally and internationally by Ayodhya its electoral prospects seemed to be improving. An *India Today* MARG opinion poll conducted in mid-January (1993) forecast that if an election were held at that time, the BJP would have gained about fifty seats (from its present 119). Congre-

ss-I would have lost twelve seats (from its present 245) and the Janata dal would have also lost about twenty seats (from its 1991 election figure of 55) in a Lok Sabha of 537 members. Intra-party divisions are surfacing in all three of these parties, though least visibly in the BJP (where also electoral tactics and strategy could potentially be divisive), and local leaderships and regional caste and religious compulsions may be determining in a very volatile political situation. The MARG poll appears to have been supported to some extent by the May by-elections for sixteen State Assembly seats and parliamentary elections for two seats. The BJP gained two Assembly seats in Gujarat at these elections, retaining two others, showing a higher poll percentage in this state than in the 1991 elections, and polling higher also in the Karnataka constituency of Yelahanka, which was retained by Congress with the slim majority of 500 votes.

Congress-I on only four of the sixteen constituencies contested, though its victory in the parliamentary constituency of Jalandhar in Punjab, where it beat the Akali Dal candidate by a big margin, was impressive. Congress also conceded two Assembly seats to the Telugu Desam in Andhra Pradesh, and one to the Samajwadi Janata Party in Haryana, leading Opposition commentators to applaud what they deemed to be an anti-Congress wave.

The Patna parliamentary seat was retained by the Janata Dal with an impressive majority, also lending support to the thesis that regional factors (in this instance the JD ascendancy in Bihar and the strong anti-Brahmin stand of Janata Dal Chief Minister Laloo Prasad Yadav) may have been dominant at these elections. The BJP candidate in Jalandhar, for instance, lost his deposit, and the BJP has yet shown no signs of making any headway in the southern states or in West Bengal long an undisputed political domain of the CPM. Yet, the emerging trend is that the BJP will improve its showing in the Hindi belt, and this can only be at the expense of the Congress party. That the Ayodhya events have eroded the Congress support among the Muslims of the North is certain.

But this volatility is the prevailing characteristic of electoral politics at the Centre

in India. Three things determine which party will win elections in India — one, the party machine, two, the charismatic personality, and three, the vote-winning slogan. Both Congress and the BJP have the party machine. On the level of charismatic personality, it seems that the BJP has settled for L. K. Advani, while who will lead the Congress-I at the next general elections is by no means certain at present. As for the vote-winning slogan, the BJP certainly has a big advantage in playing the Hindu card, though, as mentioned above, whether it will be allowed to play it now remains to be seen. All indications point to the possibility that India's next Parliament, too, will be hung, and that the next government in New Delhi might possibly be a coalition.

International Repercussions of Ayodhya

The Ayodhya events had an immediate impact in souring still further India's relations with Pakistan and Bangladesh, which were already strained due to other causes, by injecting the religious dimension, which had always been a latent factor in these two Islamic states. In Pakistan, it embarrassed liberals and democrats who had been anti-authoritarian, who had held up India's secular ideals, and for whom the two-nation theory now seemed to be vindicated. In Bangladesh, too, it dented further the Mujib vision of a secular polity and seemed to strengthen Ziaur Rahman's image as architect of Bangladeshi nationalism. Begum Khalida Zia asserted that "the situation arising out of the demolition of the historic Babri mosque is fraught with the possibility of an adverse impact on Indo-Bangladeshi relations", and the Bangladeshi President himself, in addressing an opening session of Parliament, went on record saying that "the government strongly condemned the demolition of the historic Babri mosque by fundamentalist Hindus" and demanded its reconstruction at the previous site. (*Hindustan Times*, 10 January 1993, *Sunday Magazine*)

A more concrete reaction was Dhaka's postponement of the seventh SAARC summit meeting, already once put off from December 1992 to January 1993 because of the situation in Ayodhya, because Muslim activists in the city vowed not to allow Prime Minister Rao to attend the summit unless he laid the foundation stone of the destroyed mosque in Ayodhya before leaving for the summit. The summit meeting, however, was held later in April 1993.

In Pakistan, already in August 1992, the National Assembly had unanimously ado-

pted a resolution, against which India entered a strong protest, expressing concern and anguish over "attempts to desecrate and demolish the historic Babri Masjid by Hindu extremist elements" (*The Hindu*, 30 August, 1992) After the destruction of the mosque on 6 December, the Indian Consul-General's residence in Karachi was wrecked by unruly mobs. The Pakistani government, further, asked India to cut down its Karachi consulate by

more than two-thirds, from 64 to 20, a request which India itself reciprocated by asking Pakistan to reduce its own High Commission staff in New Delhi by 25. (*Ibid.* 10 January 1993)

These responses to Ayodhya on the part of Pakistan and Bangladesh were regarded by India as interference in its internal affairs.

The Scholar's Tale

Part VII

*Our Hero was'nt exactly Cynical
May be only cold and clinical
In his daring differential diagnosis
Regarding the Prime Cause and the Pisease*

*Money being the malignant factor
And Greed the ghastly Vector
The processes were hardly Academic
Aids for a full blown epidemic*

*Cooked appointments and promotions guaranteed
Smooth sailing without Law's penalties
Private hiring of Public Have-Nots
Ensured the Bulge on the Private Have-Pots*

*From Public Service to Private Army
Was'nt considered democratically barmy
The Mono Virate begot Cabinet and Bench
And fodder for the street and trench.*

*The C-in-C did'nt always press the button
Prepoised programmes pointed the baton
And Free Market Troopers swung into action
Putting Dreaming Dons in hospital for traction*

*Throat-cutting was not strictly metaphorical
Workers and Students tasted the horrible
Pre-emptive deterrent to being alive and able
To be audible above the Free Market babl
Of voices praising profit and professional Picking
From Citizens, sitting ducks, for public plucking.
For those wise enough to bemoan the plucking by clucking
Were Wall Posters disguising our Pol-Pot as Lenin.*

*Reading the end of his self-appointed term
Julius' pick as running-mate was thus Ex-Comintern
A Pardon for Treason was not all that he earned
Jay-Wot-T publicity was'nt one percent spurned*

*So came Democracy's D-day of the Presidential Election
And Julius was delivered by Ceasarian Section.*

(Continued)

U. Karunatilake

Power-sharing in the East

A. M. Navaratna and Sumanasiri Liyanage

To find a solution to the crucial issue of the amalgamation of the Eastern Province with the Northern Province, we can find a compromise formula by way of introducing a consociational system into the provincial structure. The "Srinivasan Proposals" which envisage a federal system of government with more powers to the provinces may not be the only compromise solution to this particular issue. Even his proposals could be improved by introducing consociational features into them. The decision taken by the majority parties in the Select Committee and also included in the Indo-Lanka Accord to hold a referendum in the Eastern Province is not a proper approach to the problem. Since there is no political settlement to the existing secessionist conflict, at least a general agreement to normalise the situation in the Northern and Eastern provinces allowing the Tamil leaders from the North to participate in this exercise it can only create further mistrust in the minds of the Tamil leaders.

As a compromise formula, we propose a power-sharing government for the Eastern Province, enabling the three communities in the region to share executive power in the provincial administration. Under this scheme the three main offices in the Provincial Council, namely, those of the Governor, the Chief Minister and the Chairman of the Council may be held by representatives of the three ethnic communities in rotation. The ministerial posts in the Provincial Government may also be shared by the three ethnic groups on the basis of proportionality or equality. To select their representatives to hold these offices, the members of the Provincial Council may form three electoral colleges on the basis of their ethnicity irrespective of their political party affiliations.

This power-sharing arrangement may be further strengthened by forming three regional councils for the three major communities in the Eastern Province, and then make provision that the Provincial Council is formed by joining them in the upper tier of the Provincial administration.

This same pattern of power-sharing frame work can be extended to the other provinces by the Constitution. For example the Constitution may direct the Chief

Ministers in the provincial government to allocate a given number of ministerial portfolios to the representatives to the minority ethnic groups, if one of those minorities constitute more than 20 percent of the provincial population. In this connection, the political leaders must try to reach an understanding with the minority parties.

C. The Central Government

The current debate on the suitability of the Presidential system (or the hybrid Presidential and Cabinet systems to be more precise) and the re-establishment of the Cabinet Parliamentary system will be dealt with here at the same time considering the best way to implement consociational features in the central government. It is fairly clear that the hybrid Presidential and Cabinet system can be used to establish a power-sharing executive at the centre, by allocating the main posts of the central administration, namely those of the President, the Vice President, the Prime Minister and Deputy Premiership to the Tamils and the Muslims. Also the President can be directed to appoint the required number of Ministers and deputy ministers to represent the national minorities, inviting the minority to participate in the government. The selection of the President and the Vice-President poses a problem if these were to be elected through popular election. The parties will need the maintenance of a communally registered electorate to elect them, but it may lead to practical difficulties and negative consequences. If Parliament is given the power to choose them, dividing the Members of Parliament into ethnic-based electoral colleges, the President and the Vice-President become constitutional figureheads. In such a situation the Prime minister becomes the real executive while the Cabinet of Ministers transforms itself to the actual base for power-sharing.

In this situation, Vice-President may not be required, but there can be constitutional provisions to rotate the post of nominal executive among the major communities, and to appoint the Deputy Prime Minister from the Tamil community and the Speaker of the Parliament from the Muslim community. This shows that the most suitable form of governmental system for a power-sharing executive is not the Presidential cum Cabinet system but the Ca-

binet form of government. Within the Cabinet system the political executive is elected by the Parliament from its members, so the ultimate control and the responsibility for a good governance lies within the purview of the legislature.

In the light of the recent experience of the Presidential executive in this country, especially taking the weakly functioning civil society structure and the nature of the Sri Lankan political culture into account we suggest a Cabinet form of government capable of providing a democratic environment in a third world setting and to create consociational tranquillity at the centre, as suggested above by allocating the Deputy Premiership to the Tamil minority, the Speaker to the Muslim community and a number of ministerial portfolios to the minority ethnic groups. This doesn't mean that the Prime Minister can appoint members from his/her own political party to the Cabinet to represent the minority ethnic groups. It may perhaps be the only option left to the Prime Minister if the minority parties refuse to participate in the government. Or, the constitution may direct the Prime Minister to offer those portfolios to the ethnic parties representing minority areas. Yet another suggestion is to give the Chief Ministers of the Western, North-Western, Southern, Eastern and Northern Provinces place in the Cabinet, or direct the Prime Minister to invite them into the Cabinet when it considers matters relevant to the Provincial government or ethnically controversial issues.

D. The System of Representation

The above discussion implies that consociationalism is not compatible with the first-past-the post system used during 1947-77 period to elect the members of the legislature, and also the absolute majority system like the "alternative vote" which has been used for the Presidential election since 1982, or any other adjustments of the majoritarian method. We have learnt many lessons from the majoritarian system of representation which gives the party in power more than their due in the legislature.

The most unhealthy development was the arbitrary change of constitution that took place in 1972 and 1978, which strengthened the party in power. For the Tamil

minority, this led to the exclusion of their community from benefiting from most of the government welfare programmes and the patronage enjoyed by the majority community, ultimately culminating in the "Sinhalaisation of the Sri Lanka state".

Proportional Representation (PR) is the most acceptable form of representation for the adoption of a consociational political system. It is now fairly clear that the PR system allows the minority parties to wield influence over the affairs of the government, and the party in power needs to get the support of the opposition parties or at least the individual members of the opposition parties to decide on a matter of national importance, i.e. the amending of the constitution. The most significant feature of this system is that it prevents any party getting a two third majority in the legislature. It will require co-operation, compromise and consensus among the leaders of the majority and minority political parties.

Most of the weaknesses identified during the 1989-1993 period by implementing the present system of representation can be removed by introducing necessary changes to the PR system. The creation of small constituencies which elect not more than six or seven members may avoid most of these difficulties. This will enable both the elector and the member of the Parliament to establish a close relationship but not at the expense of the minority. The people can enjoy their right to preferential voting without being confused because they have to select only six or seven candidates from the list.

Since the system has been organised not on the basis of the "rigid party list system" which does not allow the electorate to re-arrange the party list by preferential vote, there is nothing unprincipled in giving the members of Parliament the right to cross-over. The Constitution must make special provision to allow these members to enter their names in a national list as independent members or members of another party. Such a scheme together with the PR system would facilitate coalition arrangements which would influence the electorate to accept the fact of co-co-operation between the political parties as well as the individual members in Parliament.

E. The Creation of a Constitutional Council

This not only introduces the mutual veto method into the Sri Lanka situation but also provides certain safeguards for the smooth functioning of the consociational system. We have to expect deadlocks and disagreements which may create constitutional and political crises.

Our proposal is to create a Constitutional Council, the members of which possess certain professional qualifications but required to represent minority interests in the working of the council. The membership of the council should be equally shared by the three communities, and the members of the central legislature must form three electoral colleges according to their ethnic affiliations (irrespective of their party membership) to elect the members of the council. The legislative proposals and executive programmes may be considered by the Constitutional Council before they go to the relevant bodies. The council may act on the basis of community interest as well as that of national interest. If it is of opinion that a legislative or executive proposal is harmful to harmonious ethnic relations or controversial from the point of view of one community, the council or one ethnic group can veto such proposals. In this way it can prevent controversies from flaring up in the wider society and depoliticise certain issues, allowing the national legislature and the executive to reformulate their original proposal.

4. Conclusion

We are aware that some of the proposals and options outlined in Section 3 may involve new problems and administrative difficulties. Those problems and issues have to be examined in a separate paper. Though, power-sharing arrangements, in themselves, may not resolve all the problems of the Sri Lankan ethnic conflict, they will probably reduce ethnic tension. Ethnicity has been manipulated by political leaders of all the ethnic groups for their benefit and survival. However, at some stage, conflicts based on ethnicity may challenge the very survival of those leaders. Although the possibility of partition cannot be completely ruled out, it has serious disadvantages and may transform the current ethnic conflict into a permanent war situation between the two states, enabling outside forces to destabilize the entire South Asian region. Within this broad perspective, the only possible option is the creation of a genuine power-sharing arrangement. If so, 'even in the most severely divided society, ties of blood do not lead ineluctably to rivers of blood' (Horowitz, 1985: 684).

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GEORGE CLAESSEN

Saint of painting and drawing

George Claessen is only one of two survivors of the 43 Group. He has lived abroad since 1947 and this celebrates his first ever one-man retrospective (1938-1991) in Sri Lanka.

George Claessen was born on 5 May 1909 and spent the first thirty eight years of his life in Ceylon. His forebears were of European extraction, long resident in the island, and his immediate family had strong leanings towards the visual arts. After leaving school his early working life was spent in various parts of the country where he developed, besides a life-long love affair with the land of his birth, his great appreciation of nature and its living forms, as well as his acute powers of observation. While in Anuradhapura as a young man he spent most of his leisure rooting about among the ruins, scattered around. He put some of his thoughts about them in a series of nostalgic articles which the *Times of Ceylon* published in 1937. He began to paint only in his 29th year on joining the Port Commission in Colombo as a draughtsman. His primary and skills were founded on the basic strengths of drawing, but he soon exhibited his versatility as a painter in many media. A few of his early works were accepted for hanging in the annual exhibitions of the Ceylon Society of Arts, and "Self-portrait" (1941) is one of them.

Inevitably he became one of the nine artist founder members of the 43 Group which celebrated the Golden Jubilee of its inaugural meeting in Lionel Wendt's house on 29 August this year. He was its Honorary Treasurer, and it is a congenial and happy coincidence that his first ever one-man show in his native land is taking place in the same month, fifty years ago, when the Group had its own first exhibition. He has remained loyal to its aims over the years (despite exile since 1947) and

It needs to be said that his enthusiasm and support have inspired the organisers of this show. Now in his 85th year he and Richard Gabriel (born in 1924) remain the only two survivors of 1943, George Koyl the venerable and prolific painter-sage having died on 31 July this year. The almost obsessive dedication to the pursuit of an artist's life became a ruling passion in the mid-forties, and he worked like a man possessed in the years prior to his migration to Australia in November 1947, honing his deftness as a draughtsman and his delicate and sure touch as a painter.

At the end of 1946 he had distinction of having a small selection of his best drawings published in book form, aided and abetted by two close friends, the late Arthur Van Langenberg and the present writer. The former contributed the felicitous Foreword, and its opening paragraph deserves to be quoted for its true understanding of the simplicity, grace and power of the artist: "The appreciation of a drawing, after the first sensation is past, creates a longing for something more lasting qualities which the artist is called upon to satisfy. The drawings of George Claessen possess these qualities". Sold at four rupees the proceeds from this quixotic enterprise enabled the cost of production to be met in those halcyon days, when an entire meal at Lion House was twenty-five cents, and the balance used to subsidise Claessen's singular urge to migrate to Australia in search of less infertile artistic pastures. He settled in Melbourne, and, even though he made a mark by having his first one-man show in March 1948, he found the going tough, and, abandoning a temptation to proceed to New Zealand, he returned to Ceylon in the early part of 1949. Restless and spurred by the need to travel he left for Bombay soon after, and found his way to London by August 1949, where he has remained since then. In a letter to me the same month he said: "By a series of the most unexpected events I am now in London

where I wanted so much to be — there seems to be no armour against destiny. I am only just beginning to settle a bit, and I must start painting in earnest soon. It's my great chance to develop and I must not fail for want of trying at any rate". And so he has done diligently, indefatigably, with a fervour undiminished, and to use his own words "always seeking to discover". And in a letter of February 1980: "You know only too well that we are always beginning and forever travelling because there is never any destination".

In these years he has explored all forms of depictive expression and graphic craftsmanship — oils, water colours, pastels, gouaches, drawings in pencil, ink, crayon and chalk, woodcut prints, etchings, and dry point. His entire work, especially as a draughtsman, is dominated by a subtle intimacy and a suggestive use of line to capture form and explore movement. His painting is distinctively marked by an unusual sensibility and his pictures reveal an unaffected purity and a refined innocence, suffused by a tranquil and introspective rumination. He first began to experiment with pure abstraction in Australia, and he found this form of expression developing strongly in London into styles of a lambent effulgence. His work is also permeated by an aura of uncompromising and deep religious conviction. He has written two books of poetry as well, intriguing as the voice of a searching mystic, who reacts primarily in the language of a different Muse. *Poems of a Painter* was published by the Mitre Press in 1967, and *Poems about Nothing* by Arthur Stockwell in 1981. His insatiable appetite for self-expression since 1938 has led to a diverse and extensive oeuvre, but since the bulk of his pictures are in England, this exhibition is able to display only a small selection of his work in all media up to 1991. But it would be true to say that they represent, individually and collectively, the precision and sensitivity of his observation, the dignity of his conception of humanity, the vigour and delicacy of his feeling for nature.

ral forms, and his tender and sympathetic approach to men, women, and lesser living creatures.

What I have written here is an affectionate tribute to an artist I have known for half a century, and, more so, the garland of a friend who has kept in touch through many vicissitudes of our respective lives. It is in no wise to be construed as an attempt to unravel his techniques or to offer analyses or interpretations of his art. I have tried to present the man as artist, devoted ever to the true manifestations of art in his life. I have not cluttered up this brief essay with details of the exhibitions he has participated in — these are listed for convenience separately, as also are a selection of extracts from reviews which shed a proper professional light on his endeavours. And, more pertinently, Claessen's own aphorisms on art which provide insights into his theory and practice of art. I am grateful to the organisers for giving me the opportunity of contributing this Introduction, and, I can only hope that in doing so I have fulfilled in some trifling measure my debt to George Claessen, who once remarked in a letter of 29 October 1985: "Anyway our friendship is a permanent thing — come what may". He could only have meant on both sides of the Styx — but, till we're ferried across that Stygian stretch some timeless day, his of thirty six pictures will remain a transcendental presence in our transient residence on earth.

Ian Goonetilleke

MARGINALIA FROM A PAINTER'S NOTE BOOK

The mind of a true artist is only concerned with abstraction. He is born blind. Artists follow the movement of their own and the world's destiny. Their best work is a manifestation of an outer force which seeks expression through the assembled logic and sensitivity of their minds.

One must be ready to carry a painting to a final conclusion in every detail and solve every problem to the last point conviction. Only a design built up of fanatically sincere line, form, colour and texture can successfully hold a painter's spiritual vision.

First you teach yourself to draw correctly. You have an upsurge of courage — you conquer form. Some work you produce may be rather good of its kind. Then gradually your courage breaks down. Your emotions go out of reach of your method of expression. There is only one way left for you and you take the road back to unlearn all you have learnt. You have to go back to your childhood and become gauche again. *Harvest* (Colombo). Vol. 2, No. 2, November 1947, p.42.

As in life, there is an alphabet to absorb and assimilate in Art. Artists owing to faculties they are endowed with may possess an advantage, but they too have to assimilate in the formative stages of their beginning. Then development comes by probing their own integrity, finding a personal logic and uncovering sensibilities in themselves. ("A Personal Note". Stanhope Institute Gallery Exhibition Catalogue, London, October 1975).

A SELECTION OF TRIBUTES

"Claessen sees broadly with an innate profundity which characterises all his work; and above all is possessed of the ability to transmit effectively the reactions of an extremely sensitive mind to the objects and scenes of everyday life. His humility before the model is an outstanding characteristic of his work.. he approaches his subject with the fresh, amazed (and consequently curious) vision of the child though there is nothing childish about the way in which the registers his peculiar personal emotions and... the work here reproduced is of such texture that one feels justified in observing that if the remainder of his work is up to the standard here displayed, he is surely at the moment our outstanding draftsman". Justin Pieris Daraniyagala (from a review of *George Claessen Drawings* (1946). *Ceylon Daily News*, 17 December 1946).

"George Claessen's pictures may not be overwhelming in their impact, but like all great Art they carry a slow message in their arid simplicity. Claessen's pictures usually small in size depend much on his skill as a draughtsman. He is at all times a careful and painstaking worker,

although his compositions never betray any systematic planning. Rather do his forms appear to float in large but well balanced spaces... Much attention has been paid to the human form, treated with tenderness and understanding". Aubrey Collette (From a review of *George Claessen Drawings* (1946). *Times of Ceylon Sunday Illustrated*. 15 December 1946.

"George Claessen's paintings are quintessentially calm, deliberate, contemplative. If ever there were paintings where light shines through contact with the inner light of a man at peace with himself, these are they. They are not professional but confessional. It has been said of these pictures that "there is nothing there". This is probably so; but it is so, in the sense that the mystic reality of No — thing is precisely their subject. They are not figurative; but neither are they abstract (in the ways we usually understand this term). They are precise renditions, with the utmost reality, of that state of Being which is beyond Appearance... Perhaps a painting is no more able to elicit such a response than any other worldly happening: but it cannot be less than a mark of the utmost simplicity, of utter humility, of the deepest conviction, for a painter to reach so uncompromisingly toward the unreachable". G M Butcher. (From the Introduction to Catalogue of the New Vision Centre Gallery Exhibition, London, June 1962).

"George Claessen sets out to prove that Abstract Painting as in the work of Kandinsky, Malevich and Poliakoff is still very much alive today. An Immediate Presence emerges from these canvases. While truly abstract they have about them an undefinable spirit; "Truth, Beauty, God if you like". This unseen but very real presence pervades all his pictures... The colour is pure, the composition is in classic mould, the brushwork is expressive of the truly great draftsman he is... He is a truly universal artist; a man of vision, of musical harmonies, of a temperament so rare and tender; rarely tragic; full of hope and a "fool who in persisting in his folly has become a wise man". He is our Saint of painting and drawing". Ivan Peries in September 1986.

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